



An  
Bord  
Pleanála

## Inspector's Report ABP-316297-23

<b>Development</b>	Construction of 32 no. residential units and 3 no. retail units all contained within 2 no. individual buildings and all associated works.
<b>Location</b>	Belcamp Hall (protected structure), Malahide Road, Belcamp, Dublin 17
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F22A/0426
<b>Applicant(s)</b>	Gerard Gannon Properties.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Brenda Doyle.
<b>Observer(s)</b>	DAA.
<b>Date of Site Inspection</b>	20 <sup>th</sup> June 2024.
<b>Inspector</b>	Lucy Roche

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## **1.0 Site Location and Description**

- 1.1. The appeal site comprises 0.975ha (as stated) of land within the curtilage of Belcamp Hall, a protected structure. Belcamp Hall, sometimes referred to as Belcamp House, is a prominent great house designed by James Hoban, the architect of the White House in the US, located on the northern fringes of Dublin, roughly between the M1/M50 junction and Baldoyle. It is west of the Malahide Road (R107) and north of the N32, which links the motorway junction to the Malahide Road. The house and demesne are on relatively flat land, with a gentle decline to the south towards the Mayne River, which formed the southern boundary of the demesne. The house dates from 1785 and was converted to a boarding school for boys in 1893 and extensively altered for this purpose, with a substantive chapel building on the north wing and a large school and dormitory built to the south. The main house is a seven-bay 3-storey over basement red brick house with, it is noted in the NIAH survey, a very fine oval entrance hall. The structure is currently in a poor state of disrepair. The former demesne lands have been largely developed for housing in recent years, with construction on-going.
- 1.2. The site itself comprises an irregular shaped plot of land to the west of Belcamp Hall and situated between the walled garden to the north and woodland and the Mayne River to the south. The site area includes part of the Walled Garden (southwest corner) intended for use as public open space. The red line site boundary also extends to include a part of 'College Avenue', the main access road serving Belcamp (approved under), for access and services purposes.
- 1.3. The main development site occupies a former farmyard (outer courtyard) associated with Belcamp and is surrounded for the most part by mature woodland or historic stone and brick walls. The lands are finished in a hardcore but are vacant and overgrown with weeds. The land is mostly secured with fencing.

## **2.0 Proposed Development**

- 2.1. The proposal comprises a mixed-use development of 32 no. residential units and 3 no. retail units within 2 no. individual buildings as follows:

- A part single, part two storey mixed use building containing 3 no. retail units, each with a gross floor area of c53sqm in the single storey part of the building and two 2- bed live/work units in the two-storey part of the building. The workspaces at ground floor level each have a stated area of 78sqm. The residential units at first floor level have the benefit of a separate entrance on the front (east) elevation but are internally linked to the ground floor workspace. Open space is provided in the form of balconies on the west elevation.
- A four-storey apartment building containing 30 no. units (11 no. 1 bed & 19 no. 2 beds) with associated balconies/terraces.

The proposed scheme also includes for car parking and bicycle parking; landscaping and boundary treatments, public lighting and all associated site and engineering works necessary to facilitate the development.

2.2. The proposed scheme was amended at further information stage with changes to parking and communal open space.

2.3. Table 2.1 below provides a summary of the key aspects of the proposed development:

<b>Table 2.1: Site Statistics and Development Details:</b>		
<b>Site Area</b>	0.975ha	
<b>No. Of Residential Units</b>	32	
<b>Gross Floor Area</b>	Residential	3,036.3sqm
	non-residential	316.1sqm (159sqm retail and 157sqm work units)
	Total	3352sqm
<b>Housing Mix</b>	Refer to table 2.2 below	
<b>Density</b>	33units /ha (gross)	
<b>Finishes</b>	Mix of brick, standing seam metal cladding, aluminium glazing elements and power coated metal balcony railings.	
<b>Parking</b>	Car Parking	37 spaces increased from 29 spaces at RFI stage

	Cycle Parking	71 spaces (55no internally within the apartment block and 16no surface spaces at 6 locations.
<b>Open Space</b>	Public	1,225sqm within the walled garden
	Communal	210sqm revised from 296sqm at RFI stage.
<b>Access</b>	Access proposed via an extension to the newly constructed 'College Avenue' road which connects to the R107 Malahide Road.	
<b>Surface Water Drainage</b>	Surface water to drain by gravity to existing lower lake south of the old school complex. The lake serves as attenuation and treatment for A1 catchment. Storm water discharge to Mayne River at greenfield rates.	
<b>Water supply</b>	Connection to public mains	
<b>Foul Drainage</b>	Discharge to the 375mm diameter wastewater sewer at College Avenue – currently under construction.	
<b>Flooding zone</b>	Zone C	

2.4. Table 2.2 below provides detail of the proposed housing mix.

<b>Table 2.2 Housing Mix</b>		
<b>Unit Type</b>	<b>No. of units</b>	<b>%</b>
2 bed live/work units	2	6
1 bed apartment	11	34.5
2 bed apartments	19	59.5

2.5. The application is accompanied by:

- Planning statement
- An Architectural Heritage Report
- Sunlight, Daylight and Overshadowing Reports

- AA Screening report
- Photomontages / Verified views.
- Engineering Assessment report
- Flood Risk Assessment
- Preliminary Construction and Demolition Waste Management Plan
- Traffic and Transport Assessment.
- A stage 1 Road Safety Audit (submitted at RFI stage)

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. Following an initial request for further information, Fingal County Council (FCC) decided to grant permission for the proposed development subject to 26 conditions. The following conditions are of note:

Condition 8: Requires that each residential unit shall be provided with noise insulation to an appropriate standard having regard to the location of the site within Noise Zone C associated with Dublin Airport. REASON: In the interest of residential amenity.

Condition 9: (a) Prior to the occupation of any unit in the development hereby permitted, the restoration works which were permitted under Phase 1 (Reg. Ref. F15A/0609/ An Bord Pleanála Ref PL06F.248052) and all subsequent related permissions shall be completed to a standard acceptable to the Planning Authority. No unit shall be occupied until the written agreement of the Planning Authority has been obtained in respect of this.

(b) No residential unit, including the live/work units, shall be occupied until such time as the Walled Garden open space has been completed and is available for use by residents.

REASON: In the interest of the restoration of a Protected Structure, to provide a satisfactory standard of residential amenity and to accord with Objective Balgriffin/Belcamp 5 of the Fingal County Development Plan 2017-2023.

Condition 10: Requires that a suitably qualified conservation professional shall be retained/engaged to specify, supervise and certify the repair of the historic walls within the boundary of the proposed development.

REASON: In the interest of the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- The initial report of the Planning Officer (Oct. 2022) has regard to the locational context and planning history of the site; to local and national policy and guidance pertaining to the proposed development and to the third-party submissions and interdepartmental reports received.
- The main issues considered in the report area, compliance with zoning, roads and LAP Objectives, density, integration, and impact on the visual and residential amenity of the area, water services, transportation, parks, housing, EIAR and Appropriate Assessment.
- Having considered the proposed scheme the Case planner is satisfied that the development proposed addresses the concerns raised as part of the assessment F15A/0609 (ABP: PL06F.248052) regarding Block 4A and 4B in terms of competing scale with the Protected Structure and impact on existing mature trees.
- The report concludes with a request for further information covering issues raised by the Transportation Department.
- The second and final report of the Case Planner (March 2023) has regard to the further information received on the 24<sup>th</sup> of February 2023 and to the report of the Transportation Planning Section.

- The Case Planner is satisfied that the issues raised in the further information request have been adequately addressed.
- The report concludes with a recommendation to grant subject to condition.

### 3.2.2. Other Technical Reports

Transportation:	In their initial report to the planning authority (Oct.22) the Transportation Planning Section requested further information on items relating to car parking, bicycle parking, road layout, swept path analysis, EV charging facilities, taking in charge and Road Safety Audit. Following receipt of further information, the Transportation Section (report dated 14 <sup>th</sup> of March 2023) cited no objection to the proposal (as amended), subject to condition.
Water Services:	No objection subject to conditions re: surface water discharge.
Parks:	Public open space provision is acceptable subject to condition. The tree survey documents, and landscaping proposals are acceptable subject to condition.
Conservation:	No objection subject to condition relating to the progression of restoration works to Belcamp Hall and Chapel, the provision of a pitched natural slate roof to L-shaped block, the railing design for the boundary between the new built private spaces to the east and the forecourt area / open space to Belcamp Hall should be sensitive to the historic landscape and the appointment of a suitably qualified profession to oversee works to historic walls.

### 3.3. Prescribed Bodies

Uisce Eireann:	No objection subject to standard condition
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### 3.4. Third Party Observations

- Objective Balgriffin/Belcamp 5 allows for limited development on Belcamp LAP lands to facilitate the rehabilitation and preservation on Belcamp House



prior to adoption of LAP. The quantum of permitted development has reached saturation point. Further construction should not commence until restoration works are carried out.

- This application is premature pending the outcome of F22A/0136/ ABP 314169-22 and SHD/014/21 / ABP Ref: 313494-22.
- Lack of schools in the vicinity
- Road network at capacity
- The proposed development will interrupt views from the walled garden to the woodlands along the Mayne River. Views from Belcamp Hall towards the walled garden and woodlands should be maintained.
- Outbuildings were demolished without notification or approval.
- The height and mass of the blocks to not positively respond to the built and natural heritage of the walled gardens or Belcamp Hall.
- Inadequate separation distances between proposed structures and walled gardens
- The proposed open space within the curtilage of the protected structure should be kept solely for the proposed use of the protected structure and not by other parts of the development. It should be provided on top of public open space requirements given its important status.
- Concerns relating to the provision of public open space and double counting the areas available.
- Insufficient car parking proposed. Design and location of parking is poor.
- Part V housing has not been agreed.

A submission was received from the DAA. The issues raised are similar to those outlined in the DAA's observation to this appeal and are summarised in section 6.4 below.

## **4.0 Planning History**

### **4.1. Belcamp Hall Lands**

## Phase 1

### F15A/0609 (ABP: PL06F.248052)

Permission granted (2017) for the development of houses, apartments and shops and the change of use of Belcamp Hall, a Protected Structure (RPS No. 463), and its associated later extensions from educational uses to residential use, the chapel, and the room in the northeast part of Belcamp Hall ground floor to a community use, the three-storey building on the northeast to residential, cafe and childcare use. The works involve the refurbishment of Belcamp Hall and its later extension to provide 34 apartments and comprise the general repair and conservation of the existing buildings, and other works as is necessary to adapt the buildings to their new uses.

The permission approved a total of 176 dwellings and 947sqm of commercial and community accommodation, with a condition to re-apply for a future 96 dwellings. Blocks 4A and 4B which pertain to the current appeal site were omitted by condition.

*Note:* Permission extended (2022) for a period of five years, expiring 28<sup>th</sup> June 2027

F18A/0058 Permission granted (2018) for alterations to F15A/0609 comprising replacement of 9 no. three storey bedroom houses with 8 no. two storey three-bedroom houses.

F19A/0220 Permission granted (2018) for alterations to F15A/0609 including 6no additional units.

F19A/0221 Permission granted (2018) for alterations to F15A/0609 comprising revisions to layout and house types of 49 no. two storey houses etc.

F20A/0379: Permission refused (2021) for 85 dwellings etc for two reasons: (1) The design of the East-West Link Road is deficient and (2) absence of dedicated time frame for restoration of Belcamp Hall (protected structure).

### F21/0488 (ABP-312848-22)

Permission granted on appeal for 77 residential units.

F22A/0136 ABP 314169-22

Permission granted on appeal (2023) for the construction of a 4-storey mixed use building comprising 40 no. residential units and a childcare facility; a single storey cafe structure within the walled garden (protected structure) Conservation/repair works to the walls of the walled garden and an additional section of new road infrastructure pertaining to the East West Link Road.

### **Phase 1(b)**

F21A/0401 (ABP312060-21)

Permission granted on appeal for 78 residential units.

### **Remainder of Belcamp Lands:**

ABP Ref: 313494-22

SHD application seeking a 10-year permission for the construction of 2,527 no. residential units (473 no. houses, 2054 no. apartments), creche and associated site works. Currently under consideration by the Board

### **Section 5 Declarations**

FS5/032/21 The following works are exempted development (a) reinstatement of structural floor elements; and (b) re-instatement of structural roof elements.

FS5/032/21 The following works are exempted development (a) recovery and analysis of building debris, (removal of building fabric remains, (c) reinstatement of Belcamp House south elevation and (d) reinstatement of chapel roof.

## **5.0 Policy Context**

### **5.1. Development Plan**

The application was assessed by Fingal County Council in accordance with the policies and objectives of the Fingal County Development Plan 2017-2023. The

Fingal County Development Plan 2023-2029 was made on the 22<sup>nd</sup> of February 2023 and came into effect on the 5<sup>th</sup> of April 2023. I have assessed the proposal under the provisions of the operative Development Plan, namely the Fingal County Development Plan 2023-2029

**5.1.1. Fingal County Development Plan 2017-2023 (FDP 2017):**

The following objectives for the Fingal County Development Plan 2017-2023 are noted for reference:

*Objective BALGRIFFIN/BELCAMP 5:* Consider a limited quantum of development on the Belcamp LAP lands to facilitate the rehabilitation and preservation of Belcamp House prior to the adoption of Belcamp LAP. A design brief including the quantum and location of any such development, which shall not prejudice any future road requirements, shall be agreed with the Planning Authority prior to a planning application being lodged. Not more than 50% of any residential units permitted shall be sold or occupied pending the full re-instatement of Belcamp House to the satisfaction of the Planning Authority

*Objective BALGRIFFIN/BELCAMP 6:* Prepare a Local Area Plan for lands at Belcamp (see Map Sheet 9, LAP 9.B) to provide for a sustainable mixed use urban district including residential, community and recreational facilities subject to the delivery of the necessary infrastructure and rehabilitation and restoration of Belcamp House.

**5.1.2. Fingal County Development Plan 2023-2029 (FDP 2023)**

**5.1.3. Zoning:**

The appeal site is zoned 'RA' Residential under the FDP 2023-2029 with an objective to provide for new residential communities subject to the provision of the necessary social and physical infrastructure. The vision for this area is to ensure the provision of high quality new residential environments with good layout and design, with adequate public transport and cycle links and within walking distance of

community facilities. Provide an appropriate mix of house sizes, types, and tenures in order to meet household needs and to promote balanced communities.

5.1.4. **Settlement Hierarchy:** Metropolitan Area - Dublin City and Suburbs  
Consolidation Area

5.1.5. **Policies and Objectives of note:**

Belcamp:

Objective CSO34: Consider a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House. A design brief including the quantum and location of any such development, which shall not prejudice any future road requirements, shall be agreed with the Planning Authority prior to a planning application being lodged. Not more than 50% of any residential units permitted shall be sold or occupied pending the full re-instatement of Belcamp House to the satisfaction of the Planning Authority.

Open space:

Public and Private Open Space, including quantitative and qualitative standards are examined in detail respectively in *Chapter 4 Community Infrastructure and Open Space* and in the Development Management Standards set out in Chapter 14.

The public open space hierarchy and accessibility standards are detailed in Table 14.11 of the plan.

Objective DMSO51: Minimum Public Open Space Provision:

Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMSO52: Public Open Space Provision:

Public open space shall be provided in accordance with Table 14.12

Childcare: Objective CIOSO28 requires the provision of appropriate childcare facilities as part of new residential and mixed-use developments

Noise (Airport): The site is within Dublin Airport Noise Zone C

Objective DAO11: Requirement for Noise Insulation:

Strictly control inappropriate development and require noise insulation where appropriate in accordance with Table 8.1 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of the runways are not unreasonable to minimise the adverse impact of noise on existing housing within the inner and outer noise zone.

#### 5.1.6. **Protected Structure:**

The appeal site is located on lands associated with Belcamp Hall, a protected structure:

RPS ID:0463	Belcamp Hall Former Belcamp College school complex (incl. 18th century original house, Washington Monument, walled garden, bridge & early 20th century chapel)
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Objective HCAO27: Protected Structures within Larger Developments

Where permission is being sought for a development in which works to the Protected Structure are one element of a larger

proposal, the Council will seek for the repair and refurbishment of the Protected Structure to be contained and completed within the first phase.

## **5.2. National Policy:**

The following section 28 Ministerial Guidelines are of relevance to the consideration of the proposed development:

- National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.
- Sustainable Residential Development and Compact Settlement Guidelines for Planning authorities (January 2024)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (July 2023).

## **5.3. Natural Heritage Designations**

The appeal site is not located in or in the immediate vicinity of any sites with a natural heritage designation. The site is located to the west of a number of Natura 2000 sites centred on Dublin Bay. These include Baldoyle Bay SAC (000199) and SPA (site code:0416), North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and Tolka Valley Estuary SPA (004024). These sites are designated for a number of coastal/estuarine habitats and a range of bird species.

## **5.4. EIA Screening**

See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a third-party appeal lodged by Brenda Doyle, local resident, against the decision of Fingal County Council to grant permission for the development of lands at Belcamp, Malahide. The issues raised in the appeal can be summarised as follows:

- Parking: - the quantum of car parking proposed is unacceptable and significantly (30%) below that required in the development plan (FCP 2017). Cycle parking for residents is just two above the standard required by the apartment guidelines. The shortfall of both car and bicycle spaces points to an overdevelopment of the site.
- Community Open space: - the additional parking provided at RFI stage, lead to a reduction in much needed community open space (from 296sqm to 210sqm). The space provided offers little amenity value.
- Part V Housing: - to date, all Part V housing for all planning applications lodged on Belcamp lands is to be provided within Phase 1B and within one section of the overall development site. It is requested that the Board include a condition to ensure that Part V units be included within the current proposed development.
- Condition 9a – This condition stipulates that prior to the occupation of any unit in, the previously permitted restoration works to Belcamp Hall be completed. The appellant considers that this wording could be misinterpreted and requests that the wording be amended to ‘no residential unit including live/work units.
- Condition 9(b): - This condition stipulates that no residential unit, including the live/work units, shall be occupied until such time as the Walled Garden open space has been completed and is available for use by residents. The appellant considers that the wording could be misinterpreted and requests that it be more clearly defined to include ‘all works relating to the walled garden / café.



- Quantum of Development: - The quantum of development has been reached when one considers the number of applications that have been approved by Fingal County Council to date. Development was permitted, in the absence of an LAP, primarily to ensure the restoration of Belcamp Hall / Chapel. The restoration has not yet materialised. The appellant is concerned that if this application is approved and built, Fingal County Council will be held to ransom to release these units irrespective of the status of restoration works. The lack of progress to date should be investigated.

## 6.2. Applicant Response

The applicant's response to the issues raised in the appeal is set out in correspondence received on the 16<sup>th</sup> of May 2023. The submission which also covers issues raised in third party submission to the planning authority can be summarised as follows:

- Parking: - The proposal provides the appropriate parking in line with the current FCDP 2023-2029. The site is peripheral zone 1 and is located within 800m from the Clongriffin to City centre Core Bus Corridor Scheme. The proposed level of car parking is in line with the policy targets set out in the National Sustainable Mobility Policy 2022 and was agreed in principle with Fingal County Council Roads and Transportation Department following the Council's RFI. Cycle parking is provided in accordance with the Apartment Guidelines.
- Part V Housing: - It is respectfully submitted that the Part V arrangements are being formally agreed in detail with Fingal County Council as part of the overall Phase 1 Belcamp Development, in accordance with the requirements of the Planning and Development Act 2000 (as amended). A Part V validation letter was issued by FCC and accompanies the application. Part V arrangements will be subject to additional formal consultation and agreement with the Housing section of FCC upon a grant of permission.
- Open space: - The walled garden formed part of the parent permission as public open space. The proposed development site known as Block 4, was in fact included as part of that parent permission but omitted by condition on

design grounds. It is therefore considered reasonable to allocate part of this open space provision to this current application. This does not represent double counting of amenity space.

- Communal Open space: - The proposed development requires 202sqm of communal open space, the scheme as amended proposed 210sqm.
- Application is Premature: - The FCDP 2023-2029 does not require the preparation of an LAP for Belcamp. The restoration of protected structures should be assessed in the context of the overall delivery and completion of the Belcamp Lands, including the SHD application. Work has continued at Belcamp Hall and significant restoration works have taken place in recent months which confirms the applicant's commitment to delivering the restoration of the protected structures in tandem with the new development on site.
- Quantum of Development: - The application and previously granted permissions represent a percentage of the quantum of development required to restore Belcamp Hall. It is respectfully submitted to the Board that the restoration of the protected structures should be assessed in the context of the overall delivery and completion of the Belcamp lands including the SHD application in totality. This would have the potential to deliver approximately 3000 residential units and thus the permitted units and those currently subject to appeal (408 no. units) represent 13.6% of the total development that is envisaged for the overall Belcamp lands. In this light it is submitted that the proposed development is not premature and is in accordance with objective CSO 34 Belcamp of the FCDP 2023- 2029.
- Architectural Heritage: - The nature of the proposed development seeks to enhance and preserve the historic character of the Belcamp grounds. The design team spearheaded by Grade 1 conservation architectural specialists have been working closely with planning and conservation team of the local authority and the applicant to establish an ongoing strategy to restore and consolidate Belcamp house and its associated protected structures and grounds. The proposed development accords with the overall strategy for the Belcamp lands. The ongoing works and progress made on site confirms the

applicant's commitment to delivering the restoration of the protected structure in tandem with the new development on site.

- *School Provision and Traffic Congestion*: - The development of this site was originally proposed as part of the parent permission FCC Ref: F15A/0609 / ABP Ref: PL06F.248052 but omitted design grounds. School provision and traffic congestion were dealt with under the parent permission.

### 6.3. Planning Authority Response

Fingal County Council's response to the grounds of appeal is set out in correspondence dated the 16<sup>th</sup> of May 2023. The following provides a summary of the points raised.

- The application was assessed against the policies and objectives of the Fingal Development Plan 2017 to 2023 and existing government policy and guidelines.
- The development was assessed having regard to the impact on adjoining neighbours and the character of the area. Concerns set out in the 3<sup>rd</sup> party objections were acknowledged and considered.
- The proposed development was considered consistent with the proper planning and sustainable development of the area.
- The planning authority respectfully requests that the board upholds the decision to grant permission. In the event that the planning authority's decision is upheld the planning authority requests that Conditions 25 (security) and 26 (S.48 levy) are included in the board's determination

### 6.4. Observations

One observation was received from the Dublin Airport Authority (DAA). The issues raised can be summarised as follows:

- The proposed development is located within Noise Zone C. Objective DA07 of the FCDP 2017-2023 relates.

- Objective DA07 seeks to strictly control provision of new residential development and other noise sensitive uses within Zones A, B and C and where appropriate D.
- The DAA requests that, in the event of a grant of permission, a condition is attached requiring the noise sensitive uses to be provided with noise insulation to an appropriate standard to ensure appropriate noise levels of habitable rooms in accordance with FCDP Objective.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. This is a third-party appeal lodged against the decision of Fingal County Council to grant permission for a mixed-use development at Belcamp, Dublin 17. The planning authority assessed the scheme against the provisions of the Fingal County Development Plan 2017 - 2023, which was the relevant statutory plan in place when the application was decided. The current development plan was adopted in April 2023 and is now the operative plan for the area. My assessment is therefore based on the policies and objectives of the Fingal County Development Plan 2023-2029.
- 7.1.2. Permission is sought for the construction of a mixed-use development on c0.975ha of land at Belcamp. It is of relevance to note that the lands in question were originally included as part of the overall Phase 1 development at Belcamp, proposed under ABP: PL06F.248052 (FCC Ref: F15A/0609), the parent permission. However, Blocks 4A and 4B, which pertain to the appeal site, were omitted by way of condition due to the competing scale with protected structure and the level of works proposed within the corpse of the trees.
- 7.1.3. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Zoning and General Policy Compliance

- Design Approach
- Parking
- Part V
- Noise.
- Appropriate Assessment.

## 7.2. Zoning and General Policy Compliance

### Zoning

- 7.2.1. The appeal site is zoned 'RA' Residential Area in the current Fingal Development Plan. The objective for this area is to *provide for new residential communities subject to the provision of the necessary social and physical infrastructure*. Residential and Retail (Local <150sqm) are listed as uses that are permitted in principle within this zone. In respect of the 3no. retail units and two live/work units proposed as part of the scheme, it is the opinion of the Local Authority Case Planner as expressed in their report of October 2022, that these uses would be beneficial in maintaining active uses within the western section of Belcamp, that they would complement the now permitted café within the walled garden (ABP-314169-22) and would aid in the creation of a sense of place. I would agree with the opinion of the Case Planner in this regard. In my opinion the proposed development would accord with the RA zoning objective.

### Belcamp Hall

- 7.2.2. The appeal site is located within the curtilage of Belcamp Hall. Belcamp Hall, and its associated structures, is listed as a Protected Structure in the FDP 2023-2029 (RPS no. 0463). The restoration of Belcamp Hall and associated buildings was approved as part of the Phase 1 development at Belcamp, permitted under ABP PL06F.248052. It would appear from the information on file that ongoing consultation has been undertaken between the planning authority and the applicant's conservation team, that Section 5 Declarations have been submitted, and that physical works have commenced on the protected structure, relating mainly to roof repairs.
- 7.2.3. The applicant is not proposing any works to Belcamp Hall as part of this current application. However, the application site does include a portion of the walled garden

measuring 1,225sqm, as public open space to serve Block 4. The Board will note that works to the walled garden including conservation / repair of the walls, are permitted under ABP PL06F.248052.

- 7.2.4. Reference is made in the third-party grounds of appeal to the objectives of the previous FDP 2017-2023, namely *Objective Balgriffin / Belcamp 6*, which sought for the preparation of a Local Area Plan for lands at Belcamp, and *Objective Balgriffin / Belcamp 5* which allowed for a limited quantum of development on the Belcamp LAP lands, prior to the adoption of Belcamp LAP (to facilitate the rehabilitation and preservation of Belcamp Hall). It is the opinion of the third-party appellant that the proposed development would be premature pending the adoption of an LAP and the restoration of Belcamp House. The Board will note however that the objective to provide an LAP for lands at Belcamp has been omitted from the current FDP (2023-2029). I am therefore satisfied that the issue of prematurity in this regard is no longer relevant to the assessment of this appeal.
- 7.2.5. Like Objective Balgriffin / Belcamp 5, Objective CSO34 of the current FDP allows for a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House. The third-party appellant contends that the appropriate quantum of development has already permitted and raises concerns regarding the lack of progress on the restoration works.
- 7.2.6. In relation to the quantum of development already permitted, I note that development of these lands was originally proposed as part of the development permitted under ABP PL06F.248052 but was omitted by condition on design grounds. I also note that the overall quantum of development originally proposed under ABP PL06F.248052, which included for a total of 334 no. residential units, was deemed acceptable to safeguard Belcamp Hall and its associated structures. If permitted, I calculate that the proposed development would allow for a total of 330 no residential units on the original Phase 1 lands at Belcamp. The quantum of development proposed is I consider acceptable within the context of facilitating the restoration and preservation of Belcamp.

7.2.7. Notwithstanding, the appellants' concerns regarding the lack of progress on the restoration of protected structures are I consider reasonable, as the timely restoration and rehabilitation of the protected structure and its associated structures is integral to successful development of these lands. However, I would agree with the approach taken by the planning authority, that this can be successfully achieved through condition, specifically that the proposed residential units cannot be occupied prior to a satisfactory resolution of all previous conditions relating to the restoration of Belcamp House.

#### Density

7.2.8. The FDP 2023 supports higher densities in appropriate locations in accordance with national policy and guidelines and states that in determining densities, regard should be given to Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 and its companion document Urban Design Manual – A Best Practice Guide. The Board will note that the 2009 Guidelines have been superseded by the Sustainable Residential Development and Compact Settlements Guidelines, 2024 (Compact Settlement Guidelines). It is a policy and objective of these Guidelines that residential densities in the range 40dph to 80dph (net) shall generally be applied at suburban and urban extension locations in Dublin. The density of development proposed is stated as 33 units per hectare. This figure is based on the number of residential units proposed (32) and an overall site area of 0.975 hectares. Regard is had to Appendix B of the 2024 Guidelines, which states that when calculating residential densities within mixed use schemes, planning authorities shall exclude the % of non-residential uses in proportion to the 'net' site area. Excluding lands associated with the extension of College Avenue (the main access road serving Belcamp) I estimate the 'net' site area as being in the region of 0.6ha and by further excluding the non-residential uses I calculate a residential density of c59dph (estimate). This would fall within the acceptable density range at suburban and urban extension locations in Dublin and given the location of the site within the grounds of Belcamp Hall, is I consider an acceptable density of development for these lands.

#### Design Quality

- 7.2.9. A Schedule of Accommodation was submitted with the application. This document indicates that the proposed residential units are designed to meet the standards of Sustainable Urban Housing: Design Standards for New Apartments. Following consideration of the Schedule of Accommodation and plans submitted I am satisfied that each of the proposed residential units meet or exceed the minimum standards in terms of floor areas, and that adequate storage space is available to serve the needs of the future residents. Circa 72% of all proposed units are dual or triple aspect, and the standards in respect of ceiling height and units per stair/lift core, as set out in the apartment guidelines, have been met.
- 7.2.10. Private open space for the proposed apartments and live/works units is provided in the form of ground floor terraces and balconies, all of which exceed the required standard. Communal open space for the proposed apartment units is provided in the form of a shared garden to the east of the apartment block. The quantum of communal open space was reduced from 296sqm to 210sqm at RFI stage; however, the area proposed exceeds the minimum required standard of 202sqm.
- 7.2.11. Standards for public open space are set out in in Chapter 4, Community Infrastructure and Open Space and Chapter 14, Development Management Standards of the FDP 2023-2029. These standards require a minimum provision of public open space at a rate of 2.5ha per 1000 population (25sqm / person). For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. The proposed development comprises 32no. units with an occupancy rate equivalent to 48no. bed spaces and a total public open space requirement of 1200sqm / 0.12ha (48x25sqm).
- 7.2.12. The application site includes a portion of the walled garden area measuring 1,225sqm as public open space to serve Block 4. The restoration and rehabilitation of the walled garden for use as public open space etc was permitted under ABP PL06F.248052. Works to the walled garden, including the construction of a café unit within its confines, were permitted under ABP Ref: 314169-22 (FCC Ref: F22A/0136), Condition 6 attached to requires all works to the walled garden,



including landscaping and boundary walls, be completed prior to the occupation of the permitted residential units etc. The Board will note that the plans approved under ABP Ref: 314169-22 (FCC Ref: F22A/0136) clearly detailed the area of open space within the walled garden allocated to Block 4, therefore the proposal does not represent double counting of amenity space. In addition to the 1,225sqm of public open space proposed within the walled garden, the proposed scheme provides 1,086sqm of public open space in the form of a new courtyard area to the north of the mixed-use block, the total public open space provision therefore measures 0.23ha which is equivalent to c23% of the site area. The quantum and quality of public open space proposed within this scheme is I consider acceptable. Condition 9(b) of the Local Authority's decision stipulates that no residential units (including live/work unit) be occupied until such time as the walled garden open space has been completed and is available for use by residents. I consider this condition reasonable in the context of the proposed development and recommend a similar condition in the event of a grant of permission. On this issue, I do not consider it necessary, as suggested by the third-party appellant, to require that all works relating to the walled garden / café (as permitted under ABP Ref: 314169-22), be completed prior to occupation, as I consider that this would be unduly onerous.

### Childcare

- 7.2.13. Objective CIO28 of the FDP 2023-2029 requires the provision of appropriate childcare facilities as an essential part of new residential and mixed-use developments. In this regard I note that the development permitted under ABP Ref: 314169-22 (FCC Ref: F22A/0136) also includes for the provision of creche facility designed to serve Phases 1 and 1B Belmont, including the proposed apartments in Block 4.

### Conclusion

In conclusion, I consider that the principle of the development is acceptable, given the location of the subject site on zoned and serviced lands at Belcamp. The density of the development proposed accords with National Guidelines, is supported by the FDP and is acceptable having regard to the context of the site and surrounding area. The scale of development proposed is unlikely to overwhelm public infrastructure

and services in the area. I am satisfied that the proposed development would provide for an adequate level of privacy and amenity for future occupants and that subject to condition, the development of this site as proposed would facilitate the timely rehabilitation and preservation of Belcamp House.

### **7.3. Design Approach**

- 7.3.1. Permission is sought for the construction of a mixed-use development on c 0.975ha (as stated) of lands at Belcamp. The main body of the site, comprising an area of approximately 0.6ha is located to the west of Belcamp Hall (protected structure) and incorporates a section of the historic walled gardens to the north. The lands are to be accessed via an extension of 'Collage Avenue' the service road permitted under ABP: PL06F.248052 (FCC Ref: F15A/0609) this road extends to the north and east of Belcamp Hall and Church.
- 7.3.2. It would appear from the information on file that these lands were previously used as an outer courtyard, flanked by outbuildings which served the agricultural function of the lands and the walled garden. The outbuildings have since been removed and the area is currently a large cleared yet unmaintained site. The lands are bounded by historic woodlands to the west and south and to the east by a band of mature trees, which screen the lands in views from Belcamp Hall.
- 7.3.3. The current proposal, referred to as 'Block 4', comprises 30no. apartments, 2no live/work units and 3no retail units in two buildings; a rectangular four storey apartment block (with recessed third floor) and a part single part two storey 'L'-shaped mixed-use block. Both buildings are positioned within the site so that their east elevations are in line with the eastern wall of the Walled Garden. A separation distance of c88m is available between the eastern elevations of the proposed structures and the western elevation of Belcamp Hall.
- 7.3.4. The L-shaped block is located to the immediate south of the historic 18th century Walled Garden, with a minimum separation distance of 7.5m. It's proposed two-storey section is east-west facing, with the entrance elevation facing east towards Belcamp House and Chapel. The proposed single storey wing, containing the three workspaces is north-south facing. The building addresses a new landscaped

courtyard which is proposed between it and the walled garden. External finishes consist of a brick wall finish, fibre cement slated pitched roof, and aluminium glazing elements. Condition 11 of the Local Authority's decision requires a natural slate finish in lieu of the proposed fibre cement, which I consider to be a reasonable request given the siting of the proposed development and its proximity to the walled garden.

- 7.3.5. The four-storey apartment block is visually divided into two sections, a western four-storey section, and an eastern three-storey section with a recessed penthouse, facing Belcamp House and Chapel. Its main southern elevation faces the historic woodlands. External finishes comprise a mix of brick, standing seam metal cladding to the recessed penthouse, aluminium glazing elements, and powder coated metal balcony railings.
- 7.3.6. As detailed in the Verified Photomontages submitted with the application, the upper floor levels of the proposed structures, would be visible from inside the walled garden; however, I do not consider that altering the view from the walled garden would have a significant undue impact upon its character given its nature as an enclosed space, its original function as a working garden and its intended use as public open space.
- 7.3.7. I have no objection to the design of the proposed structures which I consider to be in keeping with the development permitted under ABP: PL06F.248052 (as amended). Overall, I am satisfied that the proposed development in terms of its scale, design, and layout, in particular the position of the lower 'L' shared block closer to the walled garden, the recessed third floor within the apartment block and the separation distance between the proposed development and Belcamp Hall, together with the retention of existing mature trees, represents a suitable design response to for this site and its setting within the grounds of a protected structure.

#### **7.4. Parking**

- 7.4.1. The proposed scheme as originally presented to the planning authority included for the provision of 29no car parking spaces, significantly below that required in the FDP 2017 (58spaces). The quantum of parking was increased to 37no spaces at RFI stage. The Transportation Department of Fingal County Council in their assessment of car parking provision (report dated March 2023) had regard to the development standards of both the FDP 2017-2023 and the Draft FDP 2023-2029 and to the location of the site on the very outer periphery of zone 1. They concluded that the quantum of parking proposed (37no. spaces) was acceptable in this instance.
- 7.4.2. The FDP 2023-2029 is now the operative plan for the area. Under this plan the appeal site, due to its location c800m from the 'The Clongriffin to City Centre Core Bus Corridor Scheme' proposed as part of the NTA Busconnects scheme, would fall within the outer periphery of Parking Zone 1, where a maximum of 24no car parking spaces would be permitted to serve the proposed mixed-use development. Therefore, while the quantum of parking proposed within this scheme is below the standard set out in the FDC 2017, which was in effect at the time the of the planning authority's decision, it would now exceed the parking standards set out in the FDP 2023.
- 7.4.3. On this issue I refer the Board to the Compact Settlement Guidelines, and I note that in accordance with the provisions of Section 34 of the Act, the planning authority, when making a decision in relation to an application that includes a residential element, is required to have regard to the policies and objectives of these Guidelines and to apply the specific planning policy requirements (SPPRs). SPPR 3 of the guidelines relates to parking provision and allows for a maximum parking rate of 2 no. spaces per dwelling in intermediate locations. Intermediate locations include lands within 500-1,000 metres of existing or planned high frequency urban bus service, SPPR3 would therefore allow for a maximum of 64 spaces to serve the proposed residential units.
- 7.4.4. Having regard to SPPR3, and the location of the proposed development in an intermediate location at the periphery of Parking Zone 1 and the concerns raised by the third-party app, I consider the quantum of parking proposed (37no spaces) to be acceptable in this instance.

## **7.5. Part V**

- 7.5.1. In accordance with the details submitted in support of this application (Design Statement page 15) the applicants, Gannon Properties, have been in consultation with Fingal County Council regarding the provision of Part V housing for both Phase 1 and Phase 1B development at Belcamp and a proposal to provide the combined Part V requirements for Phases 1 and 1B within Phase 1B (approved under ABP312060-21) has been agreed in principle with the Housing Department. The required provision of Part V has increased in the interim and the applicant is in ongoing consultation with the Housing and community Department to agree the location and breakdown of the additional provision of Part V.
- 7.5.2. The third-party appellant has raised concerns regarding the grouping of Part V units within one section of the overall development instead of being dispersed and requests that the Board include a condition to at least ensure that Part V requirements for this application be included within the current proposed development. While I note the concerns raised by the third party, I am satisfied having regard to the information on file, that the applicant has entered into discussions with FCC regarding Part V compliance. Condition 18 of the planning authority's grant of permission requires the applicant to enter into an agreement with the planning authority regarding the provision of social/affordable housing, prior to the commencement of development, and I recommend that a similar condition be included in the event the Board decide on a grant of permission. In my opinion, the specific terms of this agreement, is a matter for FCC and the applicant.

## **7.6. Noise**

- 7.6.1. The appeal site is located within Noise Zone C associated within Dublin Airport and as such would require a noise assessment and appropriate noise insulation in accordance with Objective DAO11 and Table 8.1 of the FCDP 2023-2029. I recommend that a condition to this effect be included in a grant of permission. The Board will note that this issue was raised by the DAA in their observations to the planning application and to this appeal.

## 7.7. AA Screening

- 7.7.1. I have considered the proposed scheme in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located at Belcamp, Dublin 17. A description of the site and proposed development is set out in Section 2 above.
- 7.7.2. A Screening Report for Appropriate Assessment prepared by Openfield Ecological Services was submitted in conjunction with the planning application. The report includes a description of the project on pages 6-8. The report notes that the appeal site is not located within or directly adjacent to any SAC or SPA. The report provides details of designated sites within a 15km radius of the appeal site.

### European Sites at Risk

- 7.7.3. The screening report identifies that there is a direct surface hydrological pathway from the site to Baldoyle Bay via the Mayne River and indirect pathways through the foul sewer to Dublin Bay via the Ringsend WWTP. Consequently, there are pathways (hydrological links) to the following designated Natura 2000 sites:
- The Baldoyle Bay SAC (site Code:0199) and SPA (site code:0416), c2.9km and 3.3km to the east respectively
  - North Bull Island SPA (site Code: 4006), c3.7km to the southeast
  - North Dublin Bay SAC (site Code: 0206) c3.7km to the southeast
  - South Dublin Bay and River Tolka Estuary SPA (site code:0424), c5.5km to the south
  - South Dublin Bay SAC (site Code:0210), c7.8km to the south
  - North-West Irish Sea SPA (site Code:4236), c4.5km to the east

### Likely significant effects on the European site(s) 'alone'

- 7.7.4. As per the details provided in the report, the proposed development will not result in any direct impacts on any European Site. There will no loss or disturbance of habitats connected with these sites and as there are no known feeding sites for

wetland birds in the Belcamp area, the development is unlikely to result in any ex-situ impacts.

- 7.7.5. The development will contribute to flows to Ringsend WWTP which has been operating over capacity and in noncompliance with the Urban Wastewater Directive. Irish Water was granted planning permission to upgrade the Ringsend plant in April 2019. Ongoing upgrade works will see improved treatment standards and a 50% increase in network capacity. While the additional loading from this development should be marginal notwithstanding, the AA Screening Report states that no negative impacts to natura 2000 sites can arise from the additional loading from this development as there is no evidence that negative effects are occurring to SAC's or SPA's from water quality.
- 7.7.6. Surface water treatment on-site, including the introduction of SuDS measures, will avoid negative impacts arising from water quality during the operational phase (occupation). I am satisfied that the measures to be implemented are standard for development projects of this nature and that they are not included to avoid or reduce an effect on any Natura 2000 site. They are therefore not to be considered as mitigation measures in an AA context.
- 7.7.7. There is a risk of sediment entering the Moyne River during the construction phase. I note that the main area of construction (the site of the proposed residential units, road infrastructure works) is set back 60m+ from the Moyne River. No works are to be undertaken to the river itself and the rivers riparian zone is located outside of the development boundary. The AA Screening Report notes that while sediment can be detrimental to the ecological quality in rivers, the same is not the case for estuaries and tidally influenced habitats, which rely on vast quantities of sediment for their functioning. On the basis of the foregoing and having regard to the separate distances and levels of dilution, I consider that it would be reasonable to assume that, in the event of a pollution incident significant enough to impact upon surface water quality locally, the impact of same on offshore European sites would be imperceptible. The potential for significant effects on the qualifying interests of Natura 2000 sites, as a result of surface water deterioration, can therefore be excluded and that this matter does not require further in-depth scientific examination.

- 7.7.8. Dust emissions are expected during the construction phase; however, impacts arising from same are likely to be localised and temporary in nature. While dust deposition can impact upon ecosystems through blocking the stomata of leaves retarding plant growth, research indicates that this impact is localised in nature and typically occurs where there is significant dust emissions. Given the distance to the Natura 2000 sites the risk from dust emissions is not considered significant. Amenity disturbance the development is not likely to affect amenity use as the new Natura 2000 sites due to the nature and location of the development.

*In-Combination Effects:*

- 7.7.9. In relation to in-combination effects with other plans or projects I note that this project is taking place within the context of greater levels of construction and densification in Belcamp/Belgriffin and in the wider Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend WWTP. The development of Belcamp and the surrounding area is catered for in the Fingal County Development Plan 2023-2029 which has been subject to AA by the Planning Authority, who concluded that with the implementation of mitigation measures, the Plan is not foreseen to give rise to any adverse effect on the integrity of European sites. The management of surface water for the proposed development has been designed to comply with the policies and guidelines outlined in the Greater Dublin Strategic Drainage Study (GDSDS) and with the requirements of planning authority. The proposed development is designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS). The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising. Furthermore, I note that the first phase of upgrade works to the Ringsend WWTP extension (ABP ref. PL.29N.YA0010) serving an additional population equivalent of 400,000 persons was completed in December 2021 and the facility is currently operating under the EPA licencing regime that was subject to AA Screening. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects that can act in combination with the development



that could give rise to significant effects to European sites within the zone of influence.

#### AA Screening Document - Conclusion

7.7.10. The AA Screening document concludes that “the possibility of any significant impacts on any European site whether arising from the project itself or in combination with other plans and projects can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available”.

#### Conclusion

7.7.11. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

7.7.12. This conclusion is based on:

- Objective information presented in the Screening Report
- The nature, scale and location of the development proposed
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **8.0 Recommendation**

I recommend that permission be granted subject to condition as outlined below.

## 9.0 Reasons and Considerations

Having regard to:

- a) The zoning of the site,
- b) The planning history of the site
- c) The location of the site and the provisions of the Fingal Development Plan 2023-2029
- d) The location of the site within the curtilage of Belcamp Hall, a protected structure and Objective CSO34 of the Fingal Development Plan 2023-2029, which allows for a limited quantum of development on the Belcamp lands to facilitate the rehabilitation and preservation of Belcamp House.
- e) The nature, density, design, and scale of the proposed mix use development.

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord substantially with the provisions of the Fingal Development Plan 2023-2029 and would not seriously injure the visual amenities of the area or detract from the character of the protected structure, would provide a suitable degree of residential amenity for future occupants and would facilitate rehabilitation and preservation of Belcamp Hall. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24<sup>th</sup> day of February 2023, except as may otherwise be required in order to comply with the following conditions.  
Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. Prior to the occupation of any residential unit including live/works units hereby permitted,
  - (a) All restoration works permitted under Phase 1 (PL06F.248052) and any subsequent permission to deliver the conservation and refurbishment of the protected structures on the landholding shall be completed to the satisfaction of the Planning Authority. No units shall be occupied until the written agreement of the Planning authority has been obtained in respect of this.
  - (b) The area of open space proposed within the walled garden has been completed to the satisfaction of the Planning Authority and the area is open and available for use by residents.

**Reason:** To ensure the preservation of a protected structure and to provide a satisfactory standard of residential amenity and in the interest of the proper planning and development of the area.

3. The proposed live/work units shall not be subdivided unless by way of a future grant of planning permission.

**Reason:** In the interests of clarity and proper planning and development.

4.
  - (a) The use of the retail units herein permitted shall be restricted to uses specified in Article 5 of the Planning and Development Regulations 2001, (as amended) or Class 2 – Office/Professional Services (excluding use as a betting office) as set out in Schedule 2, Part 4 of the Planning and Development Regulations 2001 (as amended).
  - (b) Any change of use, subdivision, or amalgamation of the units, whether or not such change, subdivision or amalgamation would otherwise constitute exempted development, under the Planning and Development Regulations

2001 (as amended) shall not be undertaken without the prior approval of the Planning Authority.

- (c) The hours of operation of the retail units and commercial element of the live/work units shall be within the hours of 8am to 9pm Monday to Saturday and 9am to 8pm on Sundays and Bank Holidays.
- (d) No music or amplified sound shall be broadcast externally from any of the retail or live work units.

**Reason:** In order to clarify and regulate the use of the development hereby permitted in the interests of proper planning and development.

5. The proposed shopfronts shall conform to the following requirements:

- (a) Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering.
- (b) Internally illuminated or plastic signs shall not be used.
- (c) No roller shutters, awnings, canopies or projecting signs or other additions shall be erected on the premises without a prior grant of planning permission.

**Reason:** In the interest of visual amenity and to protect the character of the area.

6. Each apartment unit shall be provided with noise insulation to an appropriate standard, having regard to the location of the site within Noise Zone C associated with Dublin Airport.

**Reason:** In the interest of protecting residential amenity.

7. Details of the materials, colours, and textures of all the external finishes to the proposed structures, shall be as indicated on the drawings submitted to the planning authority on the 16<sup>th</sup> day of August 2022 unless otherwise agreed in writing with, the planning authority prior to commencement of development. The pitch slate roof to the 'L' shaped block shall be natural slate finish.

**Reason:** In the interest of visual amenity.

8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health

9. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

**Reason:** In the interest of public health.

10. Prior to the occupation of the apartments a naming and apartment numbering scheme shall be submitted to the Council for written agreement prior to the commencement of any works on site.

**Reason:** In the interest of the proper planning and sustainable development of the area.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works and design standards outlined in DMURS.

**Reason:** In the interest of amenity and of traffic and pedestrian safety

12. A maximum of 37no car parking spaces shall be provided. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure a satisfactory parking layout in the interests of pedestrian and traffic safety and of visual amenity.

13. A minimum of 10% of the residential apartment parking spaces should have EV charging points from completion of the proposed development with all ducting and services provided as part of the proposed development to facilitate non-disruptive retro fitting of EV charging points for all the remaining residential parking spaces, including e-bike charging facilities. The locations and solutions for EV charging for on-street parking should be agreed prior to construction.

**Reason:** In the interest of the proper planning and sustainable development for the area.

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

**Reason:** In the interests of amenity and public safety

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the

development, including hours of working, traffic management, noise management measures and off-site disposal of construction/demolition waste.

The Walled Garden open space shall be an exclusion zone for construction related activities. No site compound, site office, car parking etc. shall be located within the Walled Garden nor shall the Walled Garden be used for the storage of any materials, machinery or other goods.

**Reason:** In the interests of public safety, residential amenity and the protection of architectural heritage

17. The developer shall implement the recommendations set out in the Arboricultural Report (including Method Statement and Tree Protection Plan) and associated drawings submitted with the application. Prior to the commencement of development an Arborist shall be retained by the developer for the duration of the construction and shall commence a program for implementation of the recommendations contained in the submitted report. Such works shall be commenced as soon as possible and shall be completed within one year of the completion of development works.

The Arborist shall carry out a post construction tree survey/assessment on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all works are completed and in line with the submitted original tree report and landscape drawings. The certificate shall be submitted to the planning authority for written agreement prior to taking in charge.

**Reason:** To protect trees and hedgerows during construction

18.

- a) A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This scheme shall include details of all proposed hard and soft finishes, planting and boundary treatments and shall include detailed drawings of the **railing** for the

boundary between the new built private spaces to the east and the forecourt area / open space to Belcamp.

- b)** All hard and soft landscape works, and planting shall be completed, and all communal and public open space areas shall be open for use prior to occupation of the new residential units.
- c)** All planting shall be adequately protected from damage until established. any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the Planning Authority

**Reason:** In the interests of residential and visual amenity

- 19. (a)** The areas of the development for Taking in Charge shall be agreed in writing with the planning authority, prior to the commencement of development on site.
- (b)** All areas not taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (c)** Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of the development in the interest of residential amenity.

- 20.** Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and



been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

21. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge

22. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of

the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Lucy Roche  
Planning Inspector

27<sup>th</sup> June 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	316297-23			
<b>Proposed Development Summary</b>	Mixed use development comprising 32 no. residential units and 3 no. retail units all contained within 2 no. individual buildings and all associated works on lands within the curtilage of Belcamp Hall a protected structure			
<b>Development Address</b>	Lands at Belcamp Hall, Malahide Road, Belcamp, D.17			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>	
		<b>No</b>		
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	<b>X</b>		Proceed to Q.3	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		10 (b)(i): Construction of more than 500 dwelling units		Proceed to Q.4

		10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix 2 - Form 2**  
**EIA Preliminary Examination**

<b>An Bord Pleanála Case Reference</b>	<b>316297-23</b>	
<b>Proposed Development Summary</b>	Mixed use development comprising 32 no. residential units and 3 no. retail units all contained within 2 no. individual buildings and all associated works on lands within the curtilage of Belcamp Hall a protected structure	
<b>Development Address</b>	Lands at Belcamp Hall, Malahide Road, Belcamp, D.17	
<b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b>  <b>Is the nature of the proposed development exceptional in the context of the existing environment?</b>  <b>Will the development result in the production of any significant waste, emissions or pollutants?</b>	<p>The site is zoned, 'RA' Residential in the current Fingal County Development Plan (FCDP 2023-2029); the development of this site as proposed would accord with the zoning objectives.</p> <p>The introduction of a retail/residential development on a zoned and serviced site within the built-up of Fingal will not have an adverse impact, in environmental terms, on surrounding land uses.</p> <p>The site is served by public mains water and sewerage.</p> <p>Localised construction impacts will be temporary.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from existing development in the area.</p>	<b>no</b>
<b>Size of the Development</b>  <b>Is the size of the proposed development exceptional in the context of the existing environment?</b>  <b>Are there significant cumulative considerations having regard to other existing</b>	<p>This is a relatively small-scale development which is not exceptional in the context of the existing built-up urban environment.</p> <p>Having regard to the nature scale of the proposed development, the location of the site on zoned and serviced lands within the built-up area of Fingal and outside of any designated site, the pattern of development in the area and the nature of the receiving environment, there is no real likelihood of significant effects / cumulative considerations on the environment arising from the proposed development.</p>	<b>No</b>

and/or permitted projects?		
<b>Location of the Development</b>  <b>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</b>  <b>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</b>	<p>The application is accompanied by a number of specialist studies including a Flood Risk Assessment, Traffic and Transport Assessment and Screening Report for Appropriate Assessment. These address the issues arising in terms of the sensitivities in the area.</p> <p>The site is not within a European site. any issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive.</p> <p>The proposed scheme comprises works within the curtilage of Belcamp Hall, a protected structure. An Architectural Impact assessment report. I am satisfied that the nature and extent of the development proposed would not have any significant adverse direct, indirect or cumulative effects on cultural heritage that in itself would warrant the submission of a subthreshold EIA and that any issues arising can be adequately dealt with under the planning assessment.</p>	<b>No</b>
<b>Conclusion</b>		
<b>There is no real likelihood of significant effects on the environment.</b>  <b>EIA not required.</b>	<b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b>  <b>Schedule 7A Information required to enable a Screening Determination to be carried out</b>	<b>There is a real likelihood of significant effects on the environment.</b>  <b>EIAR required.</b>
✓		

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_