



Donal Duffy, Downey Planning  
1 Westland Square  
Pearse Street  
Dublin 2

**PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED**

Decision Order No. PF/1045/17	Decision Date 19 July, 2017
Register Ref. F17A/0295	Registered 25 May, 2017

**Applicant** Colm Mohan & Sinead Mohan

**App. Type** Permission

**Development** Permission for a four storey (part 2 storey/part 3 storey and part 4 storey), 90 bedroom residential care home/nursing home with associated ancillary/common facilities and office/administration areas along with 23 no. surface level car parking spaces, set down area and 16 no. bicycle parking spaces (8 no. surface spaces and 8 no. secure covered spaces), a new vehicular access at Baths Road to the north and 2 no. pedestrian entrances to Baths Road ; 1 no. ESB substation/kiosk; bin storage area; provision of ancillary amenity space and landscaping, including landscaping at the existing chimney of the former Sea Mills Hosiery Factory (Protected Structure RPS Ref. 0019); boundary treatment; and all associated site and engineering works to facilitate the development.

**Location** Lands at the former Sea Mills Hosiery Factory, Baths Road, Balbriggan, Co Dublin

Dear Sir/Madam,

With reference to your planning application received on 25 May, 2017 in connection with the above, I wish to inform you that before the application can be considered under the

above mentioned Acts, six copies of the following additional information must be submitted:

1. The Transportation Planning Section requires the following additional information in relation to vehicular access, sightlines and car parking:
  - (i) The applicant is requested to provide further assessment of the potential traffic impacts of the development at the railway bridge pinch point on Baths Road and in particular the provision of access for emergency service vehicles such as fire tenders, and refuse trucks, in addition to vehicle and pedestrian conflict. At present it is unclear if the site can be accessed by a typical fire tender and/or refuse vehicle. The applicant is requested to address this matter in writing cognisant of the 3.7 metre height restriction and the c.3 metre width restriction at the underpass.
  - (ii) A revised sightline drawing in accordance with Design Manual for Urban Roads and Streets is requested to demonstrate an unrestricted envelope of visibility of 45 metres in both directions taken at a 2.4 metre set back from the road edge at the proposed vehicular entrance to the site.
  - (iii) The applicant is requested to provide full details of proposed staffing levels and shift patterns associated with the development.
2. The application site is located proximate to the Dublin – Belfast railway line. Further to the submission received from Iarnród Éireann the applicant is requested to engage the services of an appropriately qualified and experienced professional to carry out a quantified noise assessment of the impact of the Dublin - Belfast railway line on the application site and to ensure that noise levels are *within acceptable limits*. The report should provide full details of all mitigation measures proposed to be employed as part of the development.
3. The Conservation Officer and Architects Department have expressed concerns relating to the unrelieved nature of a number of the elevations. This matter could be addressed by the range and colour of brick and by inserting vertical breaks in the brickwork to relieve the horizontal emphasis of the elevations. The applicant is requested to contact the Conservation Officer [Helena.Bergin@fingal.ie](mailto:Helena.Bergin@fingal.ie) prior to

submitting revised plans and elevational drawings to address the above concerns relating to external appearance and material finishes.

4. The applicant's structural report on Protected Structure No.19 'Chimney of Former Sea Mills Hosiery Factory' states that the chimney is suffering from minor defects including structural cracking of the brickwork in certain areas. It is stated these defects could be easily remedied. Despite this, it is noted the applicant is not proposing to carry out any works to the structure. This is not acceptable and the applicant is requested to submit specifications and a methodology for the necessary repair works to the chimney which should be prepared by a suitably qualified engineer/specialist and carried out as part of the proposed development. Details are also requested as to the manner in which the chimney will be protected during the construction phase of the proposed development.
5. The Parks and Green Infrastructure Division require the following Additional Information
  - (i) *Taxus baccata* (Yew) is not a widely renowned choice of species for coastal hedge planting and it is not clear if it would survive in the location proposed. The applicant should provide further details to support the current choice of species or propose an alternative species more widely accepted as being suitable for coastal planting.
  - (ii) The current proposed boundary detail of a 1.2 metre railing along the eastern boundary with the public park is not sufficient. A boundary wall and railing (as per the north, south and western boundaries) should be located along this boundary. Proposed planting should be located on the applicant's site side of the boundary wall and railing. The colour finish of railings for the site boundaries should be black to allow the railings to appear to visually recede in the landscape. Revised drawings addressing the aforementioned are requested.
  - (iii) Granite stone facing is proposed for the section of retaining wall along the eastern site boundary. For visual consistency, Limestone facing is preferred to match proposed limestone use on the wall and railing detail and existing stone use in the local area.

NOTE 1:

The applicant should note that any submission made resulting from the above will be examined and MAY be deemed to be SIGNIFICANT ADDITIONAL INFORMATION. In this event, the applicant will be subsequently notified and requested to re-advertise the changes and will also be advised as to the required format for such advertisements, in accordance with Article 35 of the Planning and Development Regulations, 2001 as amended.

Please mark your reply "ADDITIONAL INFORMATION" and quote the Planning Reg. Ref. No. given above.

Yours faithfully

..... *J Manley* ..... 19 July, 2017.  
for Senior Executive Officer

N.B. In accordance with Article 33(3) of the Planning and Development Regulations 2006, where the above requirement is not complied with, the Planning Application shall be declared to be withdrawn after a period of 6 months.

NOTE: Please note that applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

NOTE: Please note all observations/submissions have been taken into consideration when making this decision.



Bernard Donovan  
59 Castlemoyne  
Balgriffin  
Co. Dublin

NOTIFICATION OF DECLARATION UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACTS 2000, AS AMENDED

Decision Order No: PF/1042/17	Decision Date: 19 July, 2017
Section 5 Ref: FS5/036/17	Registered: 26 June, 2017

**Applicant** Bernard Donovan

**Development** Single storey extension to rear of 2 storey mid-terrace dwelling with attic room & rooflights to rear roof face.

**Location** 59 Castlemoyne, Balgriffin, Co. Dublin

**Application Type:** Dec Under Section 5

**Additional Information Requested / Received /**

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above, make a decision of DECLARATION and hereby notifies you that the above proposal IS Exempted Development. Declaration is hereby attached.

Signed on behalf of the Fingal County Council

  
\_\_\_\_\_ 19 July, 2017  
for Senior Executive Officer

## NOTES

### (A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

### (B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. Appeals should be sent to:  
**The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.**
2. An appeal lodged by an applicant or his agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. A party to an appeal making a request to An Bord Pleanála for an oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5<sup>th</sup> September 2011 are as follows:

#### Case Type

##### Planning Acts

##### (a) Appeals against decisions of Planning Authorities

Case Type	Fee
Appeal	
(i) 1 <sup>st</sup> party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 <sup>st</sup> party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 <sup>st</sup> party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 <sup>st</sup> party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

**NOTE:** the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

**NB.** This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at (01) 8588 100.

## DECLARATION UNDER SECTION 5 OF THE

Reg. Ref.: FS5/036/17

**Comhairle Contae Fhine Gall**  
Fingal County Council

**An Roinn um Pleanáil agus  
Infrastruchtúr Straitéiseach**  
Planning and Strategic  
Infrastructure Department



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**Applicant:** Bernard Donovan

**In Respect Of:** Single storey extension to rear of 2 storey mid-terrace dwelling with attic room & rooflights to rear roof face.

**Location:** 59 Castlemoyne, Balgriffin, Co. Dublin

**Application Type:** Dec Under Section 5

It is hereby declared that the above proposal IS Exempted Development under Section 5 of the Planning and Development Act 2000.

Signed on behalf of the Fingal County Council

  
for Senior Executive Officer 19 July, 2017