

# GRÁINNE MALLON & ASSOCIATES

## Town Planning Consultant Architectural Practice

6 Merrion Square, Dublin 2, Ireland  
Ph: 01-676 8277/01-662 0393 Fax: 01-676 8709

### OPINION ON COMPLIANCE WITH PLANNING PERMISSION FOR APARTMENTS

1. I am a Registered Member of The Royal Institute of the Architects of Ireland, this being a qualification listed in Directive 384/85/EEC of the European Community (The Architects Directive), retained by Empire Homes Ltd. (hereinafter called the "Employer") of **36 Charlestown Park, Finglas, Dublin 11**, to furnish an opinion on compliance of **No 54, Trimelston, Hamlet Lane, Balbriggan, Co. Dublin** [hereinafter called the "**Relevant Development**"] with Planning Permission within the meaning of the Planning Acts.

This opinion is based on the visual inspection only of the **Relevant Development** carried out for the purpose of comparison of such with the **Relevant Documents**. It is issued solely for the purpose of providing evidence for title purposes of the compliance of the **Relevant Development** with Planning Permission within the meaning of the Planning Acts. Except insofar as it relates to such compliance, it is not a report on the condition or structure of the Relevant Development.

2. I have provided architectural services in connection with the Development. Preparation and lodgment of drawings and documents on foot of which planning permission for the Development was granted.
3. **INSPECTION**; On 14<sup>th</sup> April 2005, I inspected the **Relevant Documents** at the offices of Fingal Co. Council ["the relevant Planning Authority"] for the purposes of comparison of **the Relevant Development** with **the Relevant Documents**. I confirm that the Planning Orders in Schedule hereto (hereinafter called "**the Planning Orders**") are those registered in respect of and relating to the **Relevant Development**.
4. On 14<sup>th</sup> April 2005, I carried out a **Visual Inspection** of the **Relevant Development** for the purposes of comparison of the **Relevant Development** with the **Relevant Documents**.

5. I am of the opinion that based on the services provided at 2 above and on a comparison of the Relevant Development with the Relevant Documents, the Relevant Development is in Substantial Compliance with the Planning Orders.
6. I am also of the opinion that the conditions of the Planning Orders to the overall Development of which the Relevant Development forms part, have been substantially complied with insofar as is reasonably possible at this stage of the Development.

## DEFINITIONS

**"Planning Acts"** means the Local Government [Planning and Development] Acts 1963 to 1992 and any statutory modification or re-enactment thereof current at the Date of Issue of this Opinion, and all Regulations, Statutory Instruments and Orders made under or pursuant to the said Acts and for the time being in force.

**"Substantial Compliance with the Planning Orders"** means that:

- [a] in my opinion the **Relevant Development** is constructed in accordance with the Planning Orders saving and excepting such minor deviations which in my opinion do not constitute a contravention of the proper planning and development of the area as expressed through the said Planning Orders and the Development Plan, and
- [b] in my opinion such minor deviations do not warrant the issue of enforcement proceedings by the relevant Planning Authority as provided for in the Planning Acts.

**"Relevant Documents"** means inter alia those drawings and documents, available on the date at 3 above, for public inspection on the planning file, which were submitted to, and on foot of which, the relevant Planning Authority issued the Planning Orders.

**"Visual Inspection"** means an inspection of the Relevant Development as existed on the Inspection Date. No opening up was carried out. The inspection was superficial only and therefore took no account of works covered up or inaccessible.

**This opinion does not in any way warrant, represent or take into account any of the following matters:**

1. The accuracy of dimensions in general save where incorporated by virtue of the conditions of the Planning Orders.
2. The conditions, compliance with which cannot be established.
3. Matters in respect of private rights or obligations.
4. Matters of financial contribution and bonds.
5. Development of the property which may occur after the Inspection Date
6. Any other development attached to, associated with or otherwise connected to the Relevant Development, save insofar as such other development may affect the Substantial Compliance with the Planning Orders or exemption from Planning Control within the meaning of the Planning Acts of the Relevant Development.

Date of Issue 19<sup>th</sup> April 2005

Signed

  
**Registered Member of the Royal Institute of the Architects of Ireland.**



**Schedule attached to the Opinion on Compliance with Planning Permission for:**

**Registry Reference:** F00A/1464

**Development:** 1,519 dwellings consisting of 2 one bedroom houses, 448 two bedroom houses, 541 no. three bedroom houses, 151 no. four bedroom houses and 7 no. five bedroom houses in a mix of one storey, two storey plus dormer and three storey buildings in a range of detached, semi-detached and terraced units; 33 no. one bedroom apartments, 283 no. two bedroom apartments all in three storey blocks and also a single storey crèche (c.510 sq.m.). The development also includes the provision of a mixed use Local Service Centre in three storey buildings comprising a convenience shop (c.321 sq.m.),

newsagent (c.94 sq.m.), 5 additional retail units (total c.511 sq.m.), pharmacy (c.122 sq.m.), dentist (c.72 sq.m.), doctors surgery (c.225 sq.m.), health centre (c.154 sq.m.), library (c.209 sq.m.), public house (c.490 sq.m.), restaurant (c.240 Sq.m.) and a single storey crèche (c.510), together with 54 dwellings consisting of 28 no. one bedroom apartments, 24 no. two bedroom apartments and 2 no. three bedroom apartments; site development works, including the provision of an upgrade to the foul sewer system between the proposed development and the Quay Street Foul Water Treatment Plant via the Chapel Gate housing scheme, Bath Road and along the eastern side of the Dublin-Belfast railway line; landscape works, including the provision of an area of Class 1 public open space at Bremore and a further area of Class 1 public open space located to the north-west of the residential scheme; vehicular access to serve a portion of the development is to be via Hamlet Lane, which is to be improved, linking to the Drogheda Road (N1); vehicular access is also proposed via a new road connecting to the existing Inner Relief Road; it is proposed that a portion of the development will ultimately be accessed via a new road network off the planned C-Ring dual carriageway to be developed by others; provision of part of a bus corridor to cater for future local bus link to be provided by others; demolition of an existing habitable house on Hamlet Lane; all on lands of approx. 52.6 ha. In extent of the townlands of Flemington Road to the north, the Drogheda Road (N1) to the east, to the west and south of the Hamlet Lane and west of the existing Chapel Gate housing area, in Balbriggan, Co. Dublin. An Environmental Impact Statement accompanies this Application on the 22 December 2000 at the Townlands of Flemington and Bremore, West and South off Hamlet Lane, Balbriggan, Co. Dublin

**Decision Order Number:** 2410

**Final Grant Order Number:** P/1331/02

**Date of Final Grant of Permission:** 26<sup>th</sup> April 2002