



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F19A/0421**

**Appeal** by Saint Helen's Senior and Junior National School care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin and by Dal Riada Action Group care of O'Neill Town Planning of Oakdene, Howth Road, County Dublin against the decision made on the 4<sup>th</sup> day of November, 2019 by Fingal County Council to grant subject to conditions a permission to Primemount Fc Limited care of Property Resource Planning Management and Development of Merchant's Hall, 25-26 Merchant's Quay, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a nursing care home specialising in Alzheimer's care, rehabilitation, convalescence and palliative care. The building will be three storeys in height and approximately 9,742 square metres gross floor area (GFA). The development will include: an upgraded vehicular access off Limetree Avenue, 38 number car parking spaces (including four number disabled spaces), 20 number covered bicycle parking stands, landscaped open space of approximately 3,874 square metres, the installation of a footpath and green verge along Limetree Avenue to the front of the site to continue east of the site across open space to the existing access to Paddy

Hill's green space and Portmarnock AFC and all associated works, all over an application site area of 11,018 square metres at Limetree Avenue, Portmarnock, County Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

The proposed development, which comprises nursing care home specialising in care for Alzheimer's, rehabilitation, convalescence and palliative purposes, is located on community infrastructure zoned lands for which the land use objective is to 'provide for and protect civic, religious, community, education, health care and social infrastructure' in the Fingal County Development Plan 2017–2023 and is deemed to be acceptable.

Having regard to the design, scale and layout of the proposed development and the pattern of development in the area and, subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the amenity of adjoining property or the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would provide adequate car parking for staff, residents and visitors in line with the development plan requirements. The proposed development would, therefore, be in accordance with the provisions of the Fingal County Development Plan 2017-2023 and would be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. This permission is for 151 single occupancy rooms only. No ancillary rooms shall be converted to bedrooms without a prior grant of planning permission.

**Reason:** In the interest of clarity.

3. (a) During the construction phase, no construction traffic shall arrive at or leave the subject site at times that conflict with the drop-off and collection times associated with Saint Helen's National School. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of how it is proposed to accommodate these requirements.
- (b) Prior to commencement of operation of the nursing facility, the developer shall submit for the written agreement of the planning authority details of how the full-time staff operational shifts will be organised so to avoid conflict with the drop-off and collection times associated with Saint Helens National School.
- (c) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details of how it is proposed to accommodate deliveries and collections associated with the operational day-to-day running of the nursing care home facility so that these occur outside of the drop-off and collection times associated with Saint Helen's National School.

**Reason:** In the interests of clarity and public safety.

4. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details associated with the provision of two number car parking spaces for age-friendly car parking, with these to be located in close proximity to the disabled spaces proposed in the southern portion of the site.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Water supply and drainage arrangements, including the 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.

7. (a) Prior to commencement of development, proposals for a name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any proposed lighting to be provided for the illumination of this signage shall also be provided in tandem for the written agreement of the planning authority.
- (b) No additional signage, advertising structures/advertisements, projecting elements, including flagpoles and any associated lighting shall be erected on the building or within the site unless authorised by a further grant of planning permission.
- (c) No music or other amplified sound shall be broadcast or emitted externally from the premises.
- (d) Prior to commencement of development, all external lighting shall be provided in accordance with a lighting scheme which shall include lighting along access road, pedestrian routes, entrance onto Limetree Avenue through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to operation of the nursing care home.

**Reason:** In the interest of orderly development, in the interest of urban legibility and in the interest of residential amenity.

8. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

9. All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

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

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. 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:

- (a) Location of the site and materials compound(s) including areas identified for the storage of construction refuse.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.



- (m) All necessary measures to be taken by the developer to prevent the spillage or deposit of any materials including clay rubble or other debris on adjoining roads during the course of development. In the event of any such spillage or deposit, immediate steps shall be taken to remove the material from the road surface at the developer's own expense.

The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work and shall either make good any damage to the satisfaction of the planning authority or pay the planning authority the cost of making good any such damage upon issue of such a requirement by the planning authority.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

12. The developer shall comply with the following requirements:
- (a) The proposed development and the soft landscaped areas shall be used to maximise one or more of the following: bio-retention areas, swales, infiltration measures, basins/ponds as opposed to a Stormtech™ system. Prior to commencement of construction, the developer shall submit to, and agree in writing with, the planning authority a surface water drainage design, maximising over-ground water conveying and storage methods.
  - (b) Prior to commencement of construction, the developer shall submit to, and agree in writing with, the planning authority details of the proposed swale, permeable paving, and the green roof system, and indicate where the effects of these features have been allowed for in the drainage design.
  - (c) The developer shall provide permeable surfacing for the access/service road to the rear, a Grasscrete™ or similar system may be ideal, except where change is agreed in writing with the planning authority.
  - (d) No surface water/rainwater shall discharge into the foul water system under any circumstances.
  - (e) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0, FCC, April, 2006.

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

13. The developer shall implement the findings and recommendations of the tree report and Arboricultural Method Statement, including:
- (a) tree protection measures prior to commencement of construction works under the supervision of the arboricultural consultant, and
  - (b) all works in or close to root protection areas shall be under the supervision of the arboricultural consultant.

Prior to commencement of development, details of how this will be achieved and implemented shall be subject to the written agreement of the planning authority.

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

14. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing:
    - (i) The species, variety, number, size and locations of all proposed trees and shrubs (which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder).
    - (ii) Details of screen planting species (which shall not include cupressocyparis x leylandii but shall consider the use of evergreen species).

- (iii) Details of roadside/street planting (which shall not include prunus species).
- (iv) Details of the sensory garden scheme.
- (iv) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation, including details of phasing.
- (d) Details of all tree protection measures to be utilised during construction phases.

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.

15. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall also provide for operational activities including staff shifts, deliveries and the like to be organised outside of drop-off and collection times of Saint Helen's National School. The mobility strategy shall be prepared and implemented by the developer for the running of this nursing care home. Details to be agreed with the planning authority shall include the provision for shower and changing facilities associated with the policies set out in the strategy for staff as well as all internal road network serving the proposed development (including turning bays, parking areas, footpaths, kerbs and associated lighting) shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

16. The developer shall comply with the following requirements of the planning authority's Environmental Health Officer, in consultation with the Principal Health Officer of the Health Service Executive, Northern Area:
  - (a) Designated food preparation sinks and any ice machines shall be serviced with a potable supply of water.
  - (b) Sufficient artificial lighting shall be provided throughout the premises.

- (c) Sufficient ventilation to be provided for all sanitary accommodation areas.
- (d) All lobbies leading from sanitary accommodation areas to food areas to be ventilated to the outer air.
- (e) All kitchen, dining and food preparation areas to be provided with adequate ventilation.
- (f) Suitable storage must be provided for all waste and waste bins.
- (g) Suitable facilities must be provided for the segregation and safe storage of food waste.
- (h) A suitable grease trap to be provided for drainage from the food premises. Enzyme-based systems are not suitable.
- (i) All food premises are required to comply with the structural standards and requirements specified in national standards, Hygiene and Catering I.S.340.

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

17. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

18. 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 the 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.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**