



An
Coimisiún
Pleanála

Direction
CD-020074-25
ABP-322074-25

The submissions on this file and the Inspector's report were considered at a meeting held on 26/06/2025.

The Commission decided by a majority of 2:1 to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:

Mary Gurrie
Mary Gurrie

Date: 02/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-28, including policy objectives to facilitate the provision of new sustainable neighbourhood infrastructure and to encourage the integration of appropriate healthcare facilities within new and existing communities, and having regard to the size, nature, character, and location of the site, which is in proximity to Stillorgan Village and public transport links, the poor condition of the existing house,

and the justification for demolition set out in the planning application and the appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with Policy Objective PHP9: Health Care Facilities which supports the provision of community-based primary care facilities, would not seriously injure the residential amenity of properties in the vicinity or give rise to a traffic hazard and would not have an adverse effect on the A zoning objectives. Having regard to Policy Objective CA6 and Section 12.3.9 of the development plan the Commission noted that the proposed development was not an application for a replacement dwelling and considered that it was not practicable to convert the existing dwelling into a modern health care facility and that the proposed development was thus not contrary to Policy Objective CA6. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 received by An Coimisiún Pleanála on the 13th day of March, 2025, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

3. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network and shall adhere to the standards and conditions set out in that agreement.

Reason: To provide adequate water and wastewater facilities.

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including noise and dust management measures, rodent/pest control measures, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

6. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

7. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a detailed site-specific Operational Waste Management Plan to ensure the management of all operational waste within the curtilage of the site in accordance with relevant waste legislation, including byelaws. The plan shall include details in relation to waste storage and collection, measures within the development to support segregation of waste and proposed measures in relation to access, monitoring and security of proposed bin stores. Provision for the separate collection of clinical waste shall also be included.

Reason: In the interest of public health and in order to safeguard the amenities of property in the vicinity.

8. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details, including SUDS measures, for the attenuation and disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

9. A new street tree shall be provided to replace that removed to facilitate the widening of the entrance. Details in this regard shall be submitted to, and agreed with, the planning authority prior to commencement of development.

Reason: In the interest of biodiversity and visual amenity.

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

Reason: To safeguard the amenity of property in the vicinity.

11. 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 Coimisiún 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.