

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3454/15**

An Bord Pleanála Reference Number: PL 29N.245935

**APPEAL** by Peter Loughlin and Stella Treacy of Clair De Lune, 42 Beneavin Road, Dublin against the decision made on the 30<sup>th</sup> day of November, 2015 by Dublin City Council to grant subject to conditions a permission to Beneavin Contractors Limited care of G.I. Martin Architects of 50 Tullyard Road, Belfast, Northern Ireland in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** The proposal consists of several related elements, namely:- alterations to permission granted under planning register reference number 2060/12 by the provision of new basement car parking and cycle stands beneath the approved four storey nursing care accommodation wing to the south of the site adjacent to Beneavin College playing fields, and would include minor alterations to the eastern end of this four storey block at ground floor level to provide reception with lift and stairs to the basement below and the floors above. At the upper floors above reception, additional activity room accommodation would be provided. A further lift would be provided to create access to the existing reception within Beneavin Lodge. Access to the basement would be by way of a ramp parallel to the playing field boundary from the newly created access road off Beneavin Road, approved under planning register reference number 3602/14. The basement parking would allow the removal of surface parking provision which would be converted to landscaped amenity space. The proposal also covers the demolition of the single storey element of the existing entrance foyer and adjacent day room to create an open landscaped secure courtyard which is a

feature of existing care provision across the campus. Additionally the proposal would seek to extend the December, 2014 approved scheme (planning register reference number 3602/14) which provided for residential nursing care accommodation for those suffering from dementia, by the addition of new end of life palliative care suites with new ground floor reception and GP office, sluice and activity rooms at upper floors over, and a basement with plant rooms, storage, lift and stairs providing access to and from the basement parking noted previously. The proposal would also include for the retention of a new pedestrian entrance off Beneavin Road to Beneavin Lodge reception and cover alterations to storm and foul drainage and high quality hard and soft landscaping at surface level. Parking would be commensurate with current Dublin City Council guidelines, and disability access would be provided for throughout the scheme at Beneavin Lodge and Beneavin House, Beneavin Road, Glasnevin, 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**

Having regard to the planning history of the site, the scale and extent of the development proposed, the Z15 land zoning objective as set out in the current Development Plan for the area and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development in the area.

## CONDITIONS

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 9<sup>th</sup> day of November 2015, 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. The development shall comply with the terms and conditions of the permissions granted under planning register reference numbers 2060/12 and 3602/14 except as modified by this permission.

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

3. The external finishes of the proposed development, including roof tiles, shall be the same as those of the existing building in respect of colour and texture.

**Reason:** In the interest of the visual and residential amenities of the area.

4. The windows at first and second level on the eastern elevation of the proposed development, including stairwells, shall be glazed with obscure glass.

**Reason:** To prevent overlooking of adjoining residential property.

5. Water supply and 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 and to ensure a proper standard of development.

6. The following requirements of the Roads and Traffic Planning Division shall be complied with:-
  - (a) the proposal shall comply with all relevant conditions relating to roads attached to planning register reference numbers 2060/12 and 3602/14,
  - (b) all costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer, and
  - (c) the developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** To ensure an adequate standard of development.

7. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of amenity, ecology and sustainable development.

8. 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 noise management measures and off-site disposal of construction/demolition waste.

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

9. All necessary measures shall be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** To protect the amenities of the area.

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 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 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.

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

**Dated this            day of            2016.**