

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Fingal County

Planning Register Reference Number: F15A/0467

An Bord Pleanála Reference Number: PL 06F.246732

APPEAL by Barry Lynch of 10 Church Road, Swords, County Dublin and by Carechoice Swords GP Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 18th day of May, 2016 by Fingal County Council to grant subject to conditions a permission to the said Carechoice Swords GP Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of four number detached uninhabited dwellings (Tyrrells Field, number 1 Church Road, number 3 Church Road and Ardrium House), the construction of a new Nursing Home ranging three to five number stories over basement with a total internal floor area of 8319 square metres inclusive of Retail/GP Facility of internal floor area of 253 square metres at basement level (excluding basement parking) and comprising 145 number bedrooms (161 number bed spaces) with communal living spaces, dining areas, shared communal facilities, examination room and general administrative areas; three number external landscaped garden decks at ground floor level and a roof garden at fourth floor level, South and North facing balconies on first, second, third and fourth floor levels and a roof terrace at fifth floor level, the basement will contain staff changing rooms, laundry room, ESB sub-station, switch room, mechanical plant room, bin store, cycle parking (30 number spaces) and car parking (72 number spaces). The site has a total area of 0.53 hectares. The development includes a pedestrian footbridge over the Ward River, a public river amenity walk accessed from Bridge Street integrating with a public amenity walk access from Church Road. The development also consists of new vehicular entrance onto Bridge Street and new boundary treatments onto Bridge Street and Church Road, surface car parking (five number spaces) and Ambulance set down area adjacent to building entrance, bin store, drainage, landscaping and

all ancillary site works on lands on the corner of Bridge Street and Church Road, Swords, 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

Having regard to the location of the site within the town centre of Swords, the planning history pertaining and the zoning of the site in the Fingal County Development Plan 2011-2017 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity, would not have unacceptable impacts on ecology, water quality or the landscape and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted the Appropriate Assessment screening carried out by the Planning Inspector, adopted her report and concurred with her conclusions that, on the basis of the information on file, the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the Malahide Estuary Special Area of Conservation (Site Code 000205), the Malahide Estuary Special Protection Area (Site Code 004025), the Rogerstown Estuary Special Area of Conservation (Site Code 000208), the Rogerstown Estuary Special Protection Area (Site Code 004015), the Baldoyle Bay Special Area of Conservation (Site Code 000199), the Baldoyle Bay Special Protection Area (Site Code 004016), the North Dublin Bay Special Area of Conservation (Site Code 000206), the Rockabill to Dalkey Special Area of Conservation (Site Code 003000), the Ireland's Eye Special Area of Conservation (Site Code 002193), the Ireland's Eye Special Protection Area (Site Code 004117), the Howth

Head Special Area of Conservation (Site Code 000202), the Howth Head Coast Special Protection Area (004113), the Lambay Island Special Area of Conservation (Site Code 000204), the Lambay Island Special Protection Area (Site Code 004069), the South Dublin Bay Special Area of Conservation (Site Code 000210), the North Bull Island Special Protection Area (Site Code 004006) and the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024) in view of the site's Conservation Objectives. The Board was, therefore, satisfied that the subject development, either individually or in combination with other plans and projects, would not be likely to have a significant effect on these European sites in view of the sites' Conservation Objectives.

CONDITIONS

1. The 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 submitted on the 22nd day of April 2016, 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. Lands identified in yellow on drawing number 3371-P-001 Rev B submitted on the 22nd day of April, 2016 shall be ceded free of charge to the local authority on completion of the development. All works in relation to removal and replanting of trees, provision of riverside pathway/cycleway track and associated railings as well as the stabilisation works to the riverside bank including all re-pointing works shall be completed in full by the developer prior to the ceding of the lands to the local authority.

Reason: In the interest of public amenity.

3. The proposed Retail Unit shall be restricted to that use identified in Class 1, Part 4 of the Planning and Development Regulations, 2001. No other use shall take place without the prior grant of planning permission by the planning authority or An Bord Pleanála on appeal.

Reason: To protect the amenities of the area and in the interest of the proper planning and sustainable development of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water and provision for existing foul sewer connections within the site, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. 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.

10. 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, railway safety and offsite disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.

Reason: In the interest of public safety and residential amenity.

11. A plan containing details of the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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 ensure the satisfactory completion and maintenance of the development until taken in charge.

14. 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.

15. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the provision of a pedestrian footbridge over the Ward River in accordance with Local Objective 292 as set out in the Fingal County Development Plan 2011-2017. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2016.