



Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0065

Appeal by Goretta and Liam McKechnie of 3 Woodbrook Downs, Woodbrook, Shankill, County Dublin and by others against the decision made on the 17th day of July, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Woodbrook Campus Limited care of JNP Architects of 30 Northwood Court, Northwood, Santry, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of a Specialist Hospital for 56 number in-patients, out-patient care and teaching unit, including works to Protected Structures at 'The Aske', Dublin Road, Bray, County Dublin. The works comprise: (a) change of use of 'The Aske' House, stables and outbuildings, a part single and part two-storey Protected Structure, from existing residential use to educational use associated with the Specialist Hospital and incorporating internal alterations and refurbishment works to provide 10 number single bed en-suite bedrooms, seminar rooms, library/reading rooms, administration offices, dining area, kitchen, staff changing and ancillary accommodation; (b) change of use of existing single storey Gate Lodge, a Protected Structure, from residential use to 'transitional accommodation unit' associated with the Specialist Hospital incorporating alterations and refurbishment works, with existing structure requiring part demolition of rear single storey extension and new single storey extension to rear for kitchen and shower room; (c) new single storey Specialist Hospital in-patient and out-patient

treatment and therapy building incorporating main reception/admissions and waiting area, treatment rooms (for both group treatment and individual therapy), hydrotherapy pool, gym, consulting rooms, offices, kitchen and dining rooms, laundry and ancillary stores and accommodation; (d) Specialist Hospital adult in-patients accommodation for 48 number single patient bedrooms within six number two-storey inter-linked blocks, each unit comprising two number four bedroom living clusters and incorporating nursing office, living areas, treatment rooms, family bedrooms and ancillary accommodation; (e) two storey Specialist Hospital in-patients accommodation for care of persons under nineteen years of age, with eight number single patient bedrooms in four bedroom clusters, incorporating nursing office and living areas, treatment rooms, family bedrooms and ancillary accommodation; (f) single storey garden pavilion incorporating garden maintenance equipment shed and pump house; (g) demolition of existing single storey garage; (h) modification/widening of existing site entrance, a Protected Structure, onto Dublin Road; (i) remedial works to existing Crinken Woodbrook stream; (j) 84 number car parking spaces and three number covered cycle parking units and (k) landscaping works to include management of existing trees and all ancillary site works and site services at 'The Aske', Dublin Road, Bray, County Dublin (site address also known as 'The Aske', Old Bray Road, Shankill, County Dublin. (As amended by the revised public notices received by the planning authority on the 21st day of April, 2017 and the 20th day of June, 2017).

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 zoning provisions of the Development Plan and the Local Area Plan, to the nature and use proposed, to the site's setting and close proximity to transport corridors, to the provision of the Heritage Guidelines, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the area, would not seriously injure the character of the area or the amenities of property in the vicinity, would not have unacceptable impacts on ecology, flooding or the landscape, would be acceptable in terms of traffic safety and convenience and would not detract from the character and setting of the Protected Structure. The proposed development would, therefore, 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, as amended by the further plans and particulars submitted on the 21st day of April, 2017 and the 20th day of June, 2017, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a specialist hospital for in-patient and out-patient care and a teaching unit (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of orderly planning and development.

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

Reason: In the interest of visual amenity.

4. 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise management measures and off-site disposal of construction/demolition waste.

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

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 26th day of January, 2017, as amended by the further plans and particulars submitted on the 21st day of April, 2017 and the 20th day of June, 2017, and shall conform in accordance with the requirements of the EPA Wastewater Treatment Manual “Treatment Systems for Small Communities, Business, Leisure Centres and Hotels” published by the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and are working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. 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. These shall include that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

Reason: In the interest of public health and to ensure a proper standard of development.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of any archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Prior to commencement of development, the developer shall provide for the following: -
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
 - (b) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

11. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be retained shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.
- (c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

12. Prior to the commencement of development, the developer shall lodge a tree bond to the value of €50,000 (fifty thousand euro) with the planning authority as security for tree protection and a deterrent to wilful or accidental damage during construction. The bond lodgement shall be coupled with an arborticultural agreement, empowering the planning authority to apply the tree bond, or part thereof, for the satisfactory protection of all retained trees on and immediately adjoining the subject site, or the appropriate and adequate replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of five years from the substantial completion of the development.

Reason: In the interest of orderly planning and sustainable development.

13. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

14. Prior to 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 two 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.

15. The landscaping scheme submitted to the planning authority on the 26th day of January, 2017, as amended by the further plans and particulars submitted on the 21st day of April, 2017 and the 20th day of June, 2017 shall be carried out within the first planting season following substantial completion of external construction works. 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 interest of visual amenity.

