



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4456/19

Appeal by Brian Kelly care of AKM Design of Unit 4, 2009 Orchard Business Centre, Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 5th day of August, 2020 by Dublin City Council to grant subject to conditions a permission to Saint Agnes Medical Limited care of McGill Design of 28 to 30 Rathmines Park, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of one number residential building of three storeys in height, accommodating 12 number one-bedroom independent living units, with associated balconies, six number on-site car park spaces, associated site works and services, all on lands to the side of Saint Agnes Convent (Captains Place), Armagh Road, Crumlin, Dublin within the Primary Care and Sheltered Housing development currently under construction.

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 Dublin City Development Plan 2016-2022 according to which the lands are subject to the 'Z15' zoning objective – 'to protect and provide for institutional and community uses', to the existing designated integrated health care and residential care development, and to the site configuration and scale, height and design of the proposed block relative to the adjoining properties on Cashel Road, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, or the residential amenities of adjoining properties, would provide for a satisfactory standard of residential amenity for the future occupants, would be acceptable in terms of traffic safety and convenience, would be in accordance with the development objectives for the lands in which the site is located and 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 lodged with the planning authority on 9th day of July, 2020, 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 independent living units within the block shall not be sublet or used for short term letting or sold individually without a prior grant of planning permission.

Reason: In the interest of clarity, in the interest of consistency of the development objectives for the site location, and in the interests of the proper planning and sustainable development of the area.

3. Prior to commencement of development, the developer shall submit, and agree in writing with, the planning authority, a comprehensive construction management plan which shall include full details of the following requirements:
 - (a) The location of the site and materials compounds including areas identified for the storage of construction refuse, areas for construction site offices and staff facilities, site security fencing and hoardings, and on-site car parking facilities for site workers during construction.
 - (b) The timing and routing of construction traffic and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site, measures to obviate queuing of construction traffic on the adjoining road network, and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (c) Details of mitigation measures for noise, dust, and vibration, and for monitoring, including noise monitoring locations for the purposes of the construction phase of the proposed development.
 - (d) 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.
 - (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

- (f) 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 clarity, residential and public amenities, health, safety, and sustainable development.

4. Site clearance and building works shall be carried only out during the construction phase between the hours of 0700 to 1800 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: To protect the residential amenities of property in the vicinity of the site.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, which shall incorporate SUDs drainage methods, and shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall enter into water supply and wastewater connection agreements with Irish Water prior to commencement of development.

Reason: In the interest of public health.

7. Proposals for a name and associated signage for the proposed block 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 orderly development.

8. No advertisement or advertisement structure (other than those shown on the drawings submitted with the planning application) shall be erected or displayed on the building in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. 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 interests of visual and residential amenity.

10. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, telecommunication aerials, antennas, or equipment shall be erected at roof level other than those shown on the plans lodged with the planning application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour, or nuisance at sensitive locations.

Reason: In the interest of visual amenity.

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

Reason: In the interest of the visual amenities of the area.

12. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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: To provide for the appropriate management of waste, especially recyclable materials, in the interest of protecting the environment.

13. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, communal spaces, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with, the planning authority, before any of the units are made available for occupation.

Reason: In the interest of amenity and orderly development.

14. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

15. 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.

Paul Hyde

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

Dated this day of 2020