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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2843/21**

**Appeal** by Cullenswood Residents care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 21st day of September, 2021 by Dublin City Council to grant subject to conditions a permission to Axis Health Care Assets Limited care of Town and Country Resources Limited of Breska, Clarina, County Limerick in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a new Primary Care Centre, comprising a four-storey over basement level accommodating HSE medical diagnostics, consulting and treatment rooms plus ancillary offices, service areas, staff facilities and circulation (6,175 square metres), general practitioner surgery (552 square metres), retail pharmacy unit (132 square metres), car parking, cycle parking, plant, storage, and refuse management at basement level, escape stair enclosure, external plant enclosure, all ancillary floorspace (505 square metres), new quadrangle garden, one number national ambulance service parking space, vehicular access via the existing public entrance to Royal Hospital Donnybrook at Bloomfield Avenue, building signage, sub-station, external plant, connection to existing water and waste-

water services. Removal of the existing main surface car park at Royal Hospital Donnybrook (82 number spaces) and re-configure the entrance car park (12 number spaces), and provide 94 number spaces as follows, new car parking spaces adjacent existing Hospital building (four number), re-configuration and extension of the entrance car park (66 number), extension of the car park adjacent to the hospital maintenance yard (13 number spaces) and new car parking spaces adjacent to the Pavilion (11 number spaces). New controlled pedestrian and cycle link at Cullenswood Park with new entrance piers and gate, new steps and ramp to connect to existing internal path and road network within the grounds of Royal Hospital, and all related site lighting, hard and soft landscaping, site development works, and excavation work above and below ground at the Royal Hospital Donnybrook, Morehampton Road, Donnybrook, 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.**

## **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2022 to 2028, including the land use zoning objective for the area, the nature and scale of the proposed development and its location, and the established 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 scale, mass, and design, would not be detrimental to the visual or residential amenity of the area, would be acceptable in terms of traffic safety and convenience and would be an acceptable use at this location. 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 25<sup>th</sup> August 2021, 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. 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:** To ensure adequate servicing of the development and to prevent pollution.

3. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

4. Prior to commencement of development, the developer shall submit details of the materials, colours and textures of all external finishes, including samples and details of the 'green roofs', for the written agreement of the planning authority.



**Reason:** In the interest of visual amenity.

5. Public pedestrian and cyclist access to and from the hospital campus via the Bushfield Terrace access and the Cullenswood Park access shall be provided between 0800 and 1900 hours Monday to Sunday. Staff only access by way of key/fob outside these public opening hours shall also be permitted at the Bushfield Terrace and the Cullenswood Park access points.

**Reason:** In the interest of residential amenity and orderly development.

6. A minimum of 28 number staff cycle parking spaces shall be provided. These shall be secure, conveniently located, sheltered and well lit. Key/fob access shall be provided for the staff cycle parking areas. A minimum of 10 cycle spaces shall be allocated for visitor use within the basement car park. The design of all cycle parking stands shall enable both wheel and frame to be locked.

**Reason:** In the interest of sustainable transportation.

7. Car parking spaces shall be permanently allocated to the primary care centre use and shall not be sold, rented or otherwise sub-let or leased to other parties.

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

8. The developer shall implement the measures outlined in the Mobility Management Framework/Plan and ensure that future tenants of the development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and coordinate the preparation of individual plans. A review of the Mobility Management Plan, including travel habit surveys and modal split, shall be carried out within 12 months of the occupation of the development.

**Reason:** In the interest of public safety and orderly development.

9. The landscaping scheme, as submitted to the planning authority, 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 residential and visual amenity.

10. (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) 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.

11. Full details of all external signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

12. A window display shall be maintained at all times in the pharmacy unit, and the glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

**Reason:** In the interest of visual amenity.

13. 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.

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 hours on Saturdays and not at all on Sundays, Bank or 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.

15. 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/vibration and traffic management measures and off-site disposal of construction/demolition waste.

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

16. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground. 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.

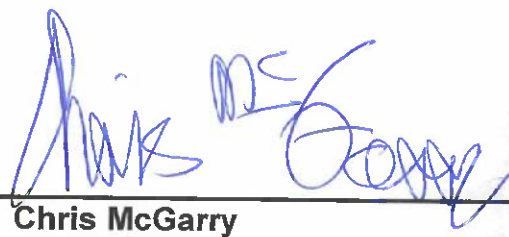
17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, 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.



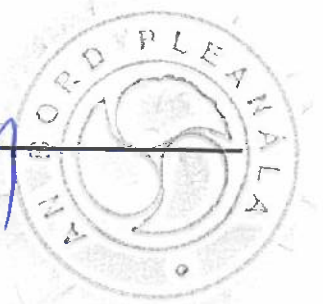
**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

18. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

  
Chris McGarry

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



Dated this 22<sup>nd</sup> day of December 2022.