

An  
Bord  
Pleanála

Board Order  
ABP-312362-22

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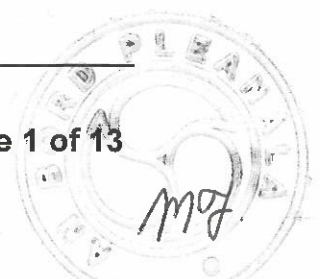
**Planning and Development Acts 2000 to 2021**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD21A/0212**

**Appeal** by Michael and Regina Mills of 12 Sally Park Close, Firhouse, Dublin against the decision made on the 2<sup>nd</sup> day of December, 2021 by South Dublin County Council to grant subject to conditions a permission to Oaklands Nursing Homes Limited care of CEA Engineers and Architects of 15 Mill Road, Midleton, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of single storey structures attached to the west and north of the existing building; construction of: (a) a single storey (53.1 square metres) extension attached to the east of the existing building; (b) a two-storey (161 square metres) extension attached to the west of the existing building; (c) a three-storey (189.2 square metres) extension attached to the north of the existing building. The existing structure is a protected structure (South Dublin County Council RPS 285); construction to include all associated site works and enabling works, all at Sally Park Nursing Home, Sally Park Close, Firhouse, 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 South Dublin County Development Plan, 2016 - 2022, to the location of the site in an established residential area and its zoning for residential purposes, to the planning history of the site, the pattern of development in the area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would not adversely affect the character, integrity and setting of the Protected Structure, and would be acceptable in terms of pedestrian and vehicular safety. 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 5<sup>th</sup> day of November, 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. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All repair works to the protected structure 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 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

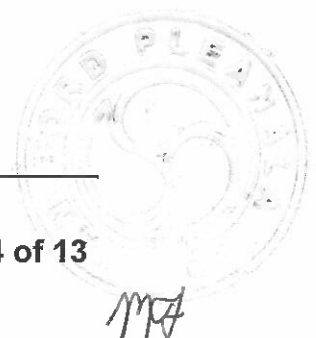
**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.



3. A schedule of all materials to be used in the external treatment of the development to include cladding, roofing materials, windows, doors and gates shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of development/conservation.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) Contoured drawings to scale of not less than 1:500 showing –
    - (i) A survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation or removal.
    - (ii) A continuous tree planting and hedge of species to be agreed planted for the full length of the eastern boundary from the principle (south) elevation to where the boundary terminates at its junction with the rear boundary. Any removal of tree/hedging planting forward of this to facilitate the proposed development shall also be provided for.



- (iii) The species, variety, size, type, number and location of all trees and shrubs. It is advised that tree planting should consist of semi-mature trees.
  - (iv) Details and specifications of any hard and permeable surface landscaping works, including pedestrian pathways, enclosed areas, lighting and any soft landscaping.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.
- (d) A timescale for implementation including details of phasing, which shall provide for the planting of areas to be completed prior to the side and rear extensions to the nursing home becoming operational.
- (e) Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. 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.



- (f) No development shall take place until a detailed Arboricultural Impact Assessment (AIA) has been submitted to, and agreed in writing with, the planning authority.
- (g) All removal of tree works shall be in accordance with the recommendations of the AIA and shall be carried out by a qualified and experienced tree surgery contractor in accordance with BS3998 (2010) Tree – Work Recommendation before commencement of any other site operations including the erection of protective barriers and screening.

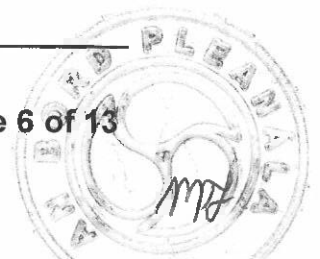
**Reason:** In order to screen the development, to assimilate it into the surrounding rural landscape, in the interest of visual amenity and biodiversity.

- 5. The mitigation measures contained within the Bat Assessment Report submitted to the planning authority on the 29<sup>th</sup> day of July, 2021 shall be implemented in full.

**Reason:** In the interest of biodiversity.

- 6. 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.



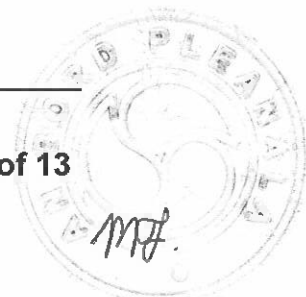
7. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. Prior to the 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.

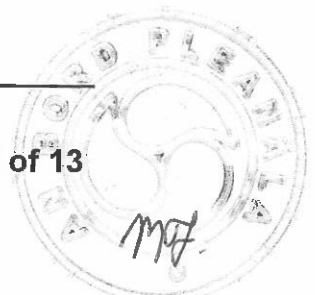
9. (a) A total of 21 number car parking spaces shall be provided at the development. These shall include one number mobility impaired space and two number vehicular parking spaces to be electric charging ready. The remaining spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points.
- (b) Prior to the commencement of development, the applicant shall submit a revised layout showing marked pedestrian route layout details, starting from existing pedestrian gate up to the main reception entrance door.



- (c) A total of 10 covered and secure bicycle parking spaces shall be maintained at the development.
- (d) Prior to commencement of development, the applicant shall submit a revised layout showing the location of the bin storage area for the development.
- (e) Prior to the opening of the development, the submitted Mobility Management Plan shall be finalised and shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking.

Revised drawings showing compliance with all of these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** In the interest of public health, safety, the proper planning and sustainable development of the area.

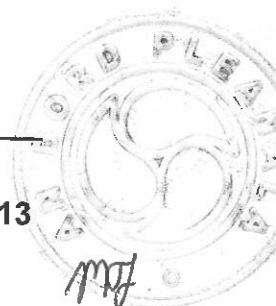




10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best 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.

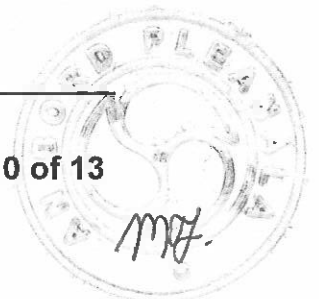
11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;



- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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 interest of amenities, public health and safety.



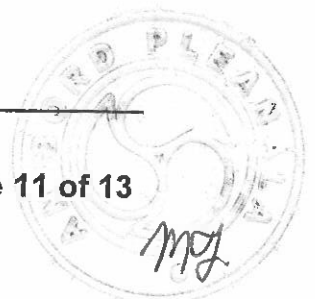
12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities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

13. 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.

14. 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.

- 15. 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 house.

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



16. 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.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this 20<sup>th</sup> day of July 2022.