

An
Bord
Pleanála

Board Order
ABP-312975-22

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0507

Appeal by Brian and Paula Harrison of Rosbeg, Claremont Road, Carrickmines, Dublin against the decision made on the 3rd day of June, 2021 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to FWNH Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of demolition of dwelling known as Tall Trees, construction of one-three storey extensions to the east and west wings of the nursing home to accommodate an additional 33 number bedrooms and associated resident amenities, widened vehicular access from Claremont Road, six number car parking spaces at surface level and reconfiguration of part of existing basement to provide three number additional parking spaces, landscaping, boundary treatments and associated site works and services at Four Ferns Nursing Home and Tall Trees, Brighton Road and Claremont Road, Foxrock, Dublin. A further public notice was received by the planning authority on the 11th day of January, 2022.

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 established nursing home use on the site on lands zoned A in the current Dún Laoghaire-Rathdown County Development Plan 2022-2028, the nature and extent of the proposed extensions and the pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of adjoining property and the visual amenities of the area, would not detract from the character of the adjoining Foxrock Architectural Conservation Area and Protected Structures and would be acceptable in terms of traffic and pedestrian 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 to the planning authority on the 11th day of January, 2022, 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 proposed service access from Claremont Road shall be carried out and completed in accordance with the Proposed Site Plan drawing number 20185-RAU-02.1002 received by the planning authority on the 11th day of January, 2022.

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

3. Prior to commencement of development, the developer shall submit to the planning authority for written agreement, measures to be implemented to limit the use of the five number surface parking spaces to be accessed from Claremont Road to nursing home staff, only, and prohibiting their use by visitors to the nursing home.

Reason: In the interests of clarity and traffic safety.



4. Prior to commencement of development, an amended Mobility Management Plan for the extended Nursing Home shall be submitted to the planning authority for written agreement.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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

Reason: In the interest of visual amenity.

6. The landscaping scheme as shown on the Landscape Plan (drawing number LP-01-A1) and planting plan (drawing number PP-01-A) submitted to the planning authority on the 11th day of January, 2022 shall be carried out within the first planting season following substantial completion of external construction works. The developer shall retain the services of an Arboricultural Consultant throughout the life of the site development works to ensure the protection of all trees shown for retention.

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 year 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.



7. The recommendations of the Bat Fauna Survey report received by the planning authority on the 11th day of January, 2022, shall be carried out on the site to the written satisfaction of the planning authority.

Reason: To ensure the protection of the natural heritage on the site.

8. The construction of the development shall be managed in accordance with a finalised Construction and Environmental 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.

9. The site and building works required to implement the development shall be carried out only between the hours of 0700 to 1900 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.

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

Reason: In the interest of visual amenity.



11. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

13. Lighting within the development shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Lighting within the proposed development shall be directed and cowled such as to reduce as far as possible the light scatter to adjacent properties and the public road.

Reason: In the interests of amenity and public safety.

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.

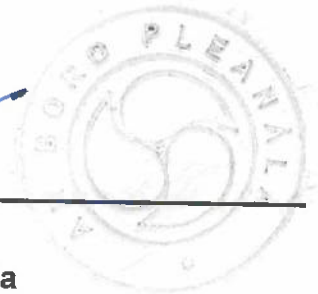
15. The developer shall pay to the planning authority a financial contribution in respect of 'the extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Michelle Fagan

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



Dated this 19th day of January 2023.