



An
Bord
Pleanála

Board Order
ABP-317902-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3377/23

Appeal by Aisling O’Sullivan and Shane Galvin and Others care of BPS Planning and Development Consultants of Ballinatone, Greenan, County Wicklow against the decision made on the 3rd day of August, 2023 by Dublin City Council to grant, subject to conditions, a permission to Saint Francis Hospice Dublin care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of the demolition of the existing two-storey retreat building (gross floor area 702 square metres), and the redevelopment of car parking areas number two and number three at the northern boundary of the site and the construction of a new two-storey hospice extension with lower ground, including a link bridge to the existing hospice, to facilitate the provision of 24 number bed in-patient units in lieu of the existing 19 number shared room facilities (the development to comprise the provision of a new building entrance area with chapel; a day care area including therapy areas; children's play rooms; clinical stores; treatment rooms, outpatient area, family rooms; nurses rooms; kitchens, a mortuary ; laundry services area, changing rooms, in-patient unit administration area,

and offices and associated signage); landscaping works (including the removal and replacement of trees) and the provision of landscaped gardens; four number motorbike spaces; 38 number cycle parking spaces (including two number cargo bike spaces); surface and lower level car parking (increasing from 59 number existing (including four number accessible spaces) to 75 number (including nine number accessible spaces) with four number including electric charging points); and additional site works, including electric charging points); and additional site works, including a new northern boundary wall to the adjoining Capuchin Friary lands. As a result of the development, the gross floor area will increase from 5,474 square metres to 8,662 square metres (following the demolition of 702 square metres in the retreat building), all at Saint Francis Hospice, Station Road, Raheny, 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 zoning objective pertaining to the site, the nature and extent of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or property in the vicinity. The design and form of the proposed development would be suitable given the surrounding townscape and the scale, massing, and density of the development would be acceptable and would not be significantly above the prevailing context. Residential amenity impacts associated with the development can be appropriately mitigated by conditions

as can issues regarding disturbance and orderly development during the course of construction. The development would not have any significant environmental impacts and the loss of trees would be appropriately mitigated by replanting and the proposed extensive landscaping scheme which is considered to be acceptable and would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, traffic safety, ecology, and amenity. The development would be, therefore, 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 7th day of July 2023, 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 development shall be amended as follows:

With the exception of the Family Rooms, windows on the first floor of the east facing elevation shall be fitted with opaque glazing and fixed shut to at least 1.8 metres above finished floor level.

Reason: In the interest of the protection residential and visual amenity.

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

Reason: In the interest of public health.

4. In the event that any archaeological material is discovered during site works, the City Archaeologist shall be notified immediately. Further, it is obligatory under the National Monuments Act that the National Monuments Service, Department of Housing, Heritage, and Local Government, and the National Museum of Ireland are notified.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

5. The developer shall comply with the transport requirements of the planning authority including implementation of the measures contained within the Mobility Management Plan submitted with further information, the appointment of a Mobility Manager/Travel Coordinator, cycle parking management, compliance with the code of practice, and orderly development.

Reason: In the interest of sustainable development.

6. Water supply and drainage arrangements, including surface water management, implementation of the measures contained within the Basement Impact Assessment, and compliance with the Code of

Practice, shall comply with the requirements of the planning authority for such works and services, with details submitted and approved in writing prior to commencement of development.

Reason: In the interest of public health.

7. 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) A plan to scale of not less than 1:500 showing –
- (i) Existing trees and hedgerows which are proposed for retention and the measures to be put in place for their protection during the construction period.
 - (ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
 - (iii) Details of boundary/screen planting which shall not include cupressocyparis x leylandii
 - (iv) Details of replacement planting for the two trees removed from the Capuchin Friary site.
 - (v) Hard landscaping works, specifying surfacing materials, furniture, and finished levels.

- (vi) A timescale for implementation including details of phasing.

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.

8. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Response: In the interest of sustainable waste management.

9. Prior to the commencement of the proposed development, a baseline noise survey shall be conducted by an independent qualified technician during a representative time-period and approved in writing by the planning authority.

Reason: In the interest of residential amenity and public health.

10. The proposed development shall comply with the following:
- (a) During the operational phase of the proposed development, the noise level arising from the development (with all plant operating) at any point along the boundary of the site shall not exceed:
 - (i) An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be 30 minutes.
 - (ii) An L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.
 - (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996-2:2017: Acoustics – Description, measurement, and assessment of Environmental Noise.
 - (c) A validation report shall be submitted to and approved in writing by the planning authority within six months of the facility hereby approved coming into operation, confirming that the standards set out above have been met.

Reason: To protect the residential amenities of property in the vicinity of the site.

11. Site development and building works shall be carried only out between the hours of 0800 to 1800 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.

12. The demolition and construction of the development shall be managed in accordance with a Demolition and Construction 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 the intended demolition and construction practice for the development; noise, dust and vibration monitoring and management measures; waste management and recycling of materials; environmental protection measures; welfare facilities; site deliveries; complaints procedure and public liaison; air pollution control and mitigation, pest control measures; and traffic management arrangements.

Reason: In the interest of public safety, environmental protection, and residential amenity.

13. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

14. The proposed development shall adhere to the following:
- (a) Prior to commencement of development a bat survey shall be conducted by a suitably qualified bat ecologist and according to Best Practice guidelines. This shall include both a winter hibernation survey and a summer survey. If any potential bat roosts are identified, the developer shall apply for a Derogation License in accordance with Regulation 54(2) of European Communities (Birds and Natural Habitats) Regulations, 2011.
 - (b) Subject to any requirement to obtain a Felling Licence from the Forest Service of the Department of Agriculture, Food and the Marine, any removal of mature trees to take place, shall not occur within the period of March 1st to August 31st.

Reason: In the interest of the protection of Flora and Fauna and the proper planning and sustainable development of the area.



Una Crosse

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

Dated this 11th day of June 2024.