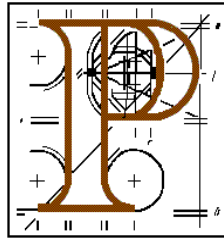


An Bord Pleanála



Inspector's Report

Development

Extension to a nursing home at 35 Mount Anville Park, Dublin 14.

Planning Application

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Authority Register Reference: D15A/0546

Applicant: The Society of the Sacred Heart

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Gerard Britchfield

Mount Anville Sacred Heart Education Trust

Mount Anville Montessori Junior School

Type of Appeal: Third Party

Observer(s): Martin Cullen

Mount Anville Residents Association

An Taisce

Date of Site Inspection:

6th July, 2016

Inspector:

Kevin Moore

1.0 APPLICATION DETAILS

- 1.1 There are three third party appeals by Gerard Britchfield, Mount Anville Sacred Heart Education Trust, and Mount Anville Montessori Junior School against the decision by Dún Laoghaire-Rathdown County Council to grant permission to the Society of the Sacred Heart for an extension to Cedar House Care Centre, 35 Mount Anville Park, Dublin 14.
- 1.2 The proposal comprises an extension over two floors to the north of the existing single storey nursing home which would be connected by single-storey glazed links at each end of the premises to form a courtyard. The new development would provide disabled access provisions, day space, bedrooms, treatment rooms, offices, kitchens, sanitary provisions, activity areas, quiet rooms, and ancillary accommodation, including cycle parking, landscaping and drainage provisions. The total floor area of the new development would be 1,926 square metres on a stated site area of 0.8 hectares. The development would be located forward of and to the south-east of the former convent (now a school building) which is a protected structure. The design includes a mix of flat-roofed and monopitch elements and uses a mix of render and stone external wall finishes. Details submitted with the application included a planning statement, a drainage methodology, a tree survey report, and landscape proposals. Application details indicate that the existing nursing home accommodates 24 residents and that the additional resident numbers would create a doubling of the complement of residents.
- 1.3 Objections to the proposal were received from Mount Anville Sacred Heart Education Trust, Martin Cullen, Mount Anville Secondary School, Gerard Britchfield, Aoife O'Connell , Cllr Barry Saul, Edward B. Lyons, Pauline Doyle, Mary Grant, Kevin Sheridan, Declan and Treasa Murphy, Mount Anville Residents Association, Parents Council Committee of Mount Anville Montessori Junior School, Mount Anville Montessori Junior School,

and Trevor and Loretta Dunne. The grounds of the appeals reflect the concerns raised. The Society of the Sacred Heart made a submission to the planning authority in response to the observations.

1.4 The reports received by the planning authority were as follows:

The Conservation Officer had no objection to the proposed extension.

The Environmental Health Officer of the HSE had no objection subject to conditions.

An Taisce submitted that the application was not accompanied by an architectural heritage assessment or any photomontages to show the impact on the setting of the protected structure, including the effect on the vistas from the windows of the structure and from its terraces. Reference is made to proposed tree loss, to the value of a number of these trees and it was submitted that they are significant in themselves and as part of the setting of the protected structure. Exploration of alternative designs to allow retention of the trees was requested.

The Water Services Engineer requested further information on surface water drainage proposals.

The Transportation Planning Engineer requested further information, including a traffic impact statement, a mobility management plan, and a construction management plan.

The Parks Superintendent recommended conditions to be included with any permission decision.

The Planner noted the zoning provisions for the site, the site's planning history, objections received, and reports made. The proposed landscaped courtyard was seen to be a positive addition. The proposed design was considered to tie in well with the existing nursing home and to respect the surrounding development. It was considered reasonable to seek a shadow

diagram to determine overshadowing effects. The development was seen to comply with Policy RES 9 of the County Development Plan relating to accommodation for the elderly. Noting the issues raised in relation to overlooking of an existing children's playground, it was submitted that there are no bedroom windows overlooking and this was considered acceptable. Further information was recommended.

1.5 On 21st October, 2015, further information was requested reflecting the issues raised in the internal reports. A response to this request was received from the applicant on 20th January, 2016. This included additional architectural and engineering drawings, a shadow analysis, a transportation impact statement, a workplace travel management plan and a construction management plan. The drawing revisions included reorientation of windows to address concerns raised to minimise overlooking towards the north.

1.6 Further submissions were received by the planning authority from Mount Anville Sacred Heart Education Trust and Mount Anville Secondary School.

1.7 The reports to the planning authority were as follows:

The Water Services Engineer submitted that the applicant failed to address drainage issues raised and requested clarification.

The Transportation Planning Engineer had no objection subject to conditions.

The Planner considered that the shadow analysis showed a marginal increase in overshadowing that was not considered significant. The receipt of the traffic impact report, mobility management plan, and construction management plan were noted. The revised drawings in response to overlooking concerns were considered acceptable. Clarification on matters

raised by the Water Services Engineer and Transportation Engineers was recommended.

- 1.8 Clarification on drainage and cycle parking was requested on 15th February 2016 and a response was received on 18th March, 2016.
- 1.9 Further to the receipt of this information the Water Services Engineer and Transportation Engineer had no objections to the proposal. The Planner recommended that permission be granted subject to conditions.
- 1.10 On 14th April 2016, Dún Laoghaire-Rathdown County Council decided to grant permission for the development subject to 13 no. conditions.

2.0 SITE DETAILS

2.1 Site Inspection

I inspected the appeal site on 6th July, 2016.

2.2 Site Location and Description

The existing nursing home, Cedar House, is accessed from the western end of Mount Anville Park in Dublin 14, which is an estate of two-storey detached houses. There is an existing single-storey nursing home on the site, with the location for the proposed extension lying to the north and west of this structure. The area for the development comprises a grassed area and there are a number of trees in the location of the proposed building footprint. The nursing home has been extended in recent times by the provision of an oratory and office and overnight accommodation to the north-east. The nursing home is in the grounds of a former convent that is a protected structure and which is now in use as a school – Mount Anville. A children's playground is located to the north-west of the site and an all-weather sports area lies to the west.

2.3 Development Plans

2.3.1 Dún- Laoghaire-Rathdown County Development Plan 2016-2022

Zoning

The site is zoned 'A' with the objective "To protect and/or improve residential amenity."

The overall lands at Mount Anville have a specific local objective to protect and/or provide for Institutional Use in open lands.

Nursing Homes for the Elderly/Assisted Living Accommodation

When dealing with planning applications for such developments a number of criteria are required to be taken into account including:

- Such facilities will be resisted in remote locations at a remove from urban areas. They should be located into established neighbourhoods / residential areas well served by community infrastructure and amenities. Future residents should expect reasonable access to local services such as shops and community facilities.
- The potential impact on residential amenities of adjoining properties.
- Adequate provision of open space.
- Provision of adequate parking facilities.
- The design and proposed materials.
- The size and scale of the proposal must be appropriate to the area.
- Located within close proximity of high quality public transport links and the site should be well served by good footpath links.

2.3.2 Goatstown Local Area Plan

Care for the Elderly

CS4: It is an objective of the Plan to facilitate purpose built accommodation for older people within the Plan area that provides for a high quality residential environment to include an appropriate level of useable and passive public open space.

The Plan notes that there is one private nursing home located within the Plan area – Cedar House Nursing Home in Mount Anville Park. The Plan states that the County's ageing demographic will almost certainly result in increased demand for accommodation for older persons – including nursing homes and independent living options. Any proposals for nursing homes within the Plan area are required to demonstrate compliance with Section 6 of the National Quality Standards for Residential Care Settings for Older People in Ireland.

2.4 Planning History

P. A. Ref. D00A/0026

Permission was granted for a single-storey extension providing five bedrooms and ancillary accommodation.

P.A. Ref. D06A/0854

Permission was granted for additional car parking.

P.A. Ref. D07B/0025

Permission was granted for two single-storey extensions comprising an extension to the oratory and an extension to the dining room.

3.0 THIRD PARTY APPEALS

3.1 Appeal By Gerard Britchfield

The appellant resides at 31 Mount Anville Park. The grounds of appeal may be synthesised as follows:

- The proposal would constitute a significant intensification of use that would be inconsistent with the zoning provisions. The nursing home was established for use by retired members of the Sisters of the Sacred Heart. The proposal would convert the premises to a commercial retirement home with over twice the number of beds. The intensification would have an adverse impact on residents, particularly in relation to traffic nuisance.
- The current establishment already causes traffic issues with service trucks and staff vehicles. The proposal will substantially exacerbate the existing traffic issues, particularly as no additional parking is proposed. Furthermore, the access road is not suitable to accommodate construction traffic.
- It is noted that there are three entrances from Mount Anville Road that could be used to access the development.
- The proposed development would be within the curtilage of a protected structure and will have significant adverse impact on it.

3.2 Appeal by Mount Anville Sacred Heart Education Trust

The grounds of the appeal may be synthesised as follows:

- The proposal would fundamentally alter Mount Anville. It would impact on the protected structure and its setting. Lawns and gravel walks would be destroyed and magnificent trees would be felled.
- The role of Cedar House as a sheltered subsidiary adjunct would be materially undermined.
- The extension would be excessive in terms of:
 - The material change of use,
 - The substantial increase in traffic generation on a quiet residential cul-de-sac,
 - The degraded children's recreation space,
 - The erosion of amenity,
 - The loss of privacy/security,
 - The felling of trees that contribute to the landscape significance of Mount Anville,
 - Substantial destruction of Mount Anville's heritage gardens, and
 - Material injury to the curtilage of a protected structure.

3.3 Appeal by Mount Anville Montessori Junior School

The grounds of the appeal may be synthesised as follows:

- The application is invalid as the site location plan did not outline the extent of other lands in the applicant's ownership in blue as is required by Article 22 of the Planning and Development Regulations and because the description of the development in public notices was

misleading as the proposal is a completely new building linked to the existing premises and is not an extension.

- The appeal site is within the curtilage of a protected structure. The proposal, by reason of its design, form and materials, would infringe and seriously impact on the historic character and architectural value of the protected structure. It would appear a visually obtrusive and incongruous feature. Furthermore, it would severely diminish the value of the landscaped gardens. The proposal would be contrary to Policy AR1 of the Development Plan.
- The close proximity of the proposal to the boundary of the two playgrounds of the Montessori Junior School gives serious cause for concern with regards to child protection, overlooking, overshadowing and its overbearing impact on the playground.
- A number of trees, which are significant features in the formal gardens forming part of the protected structure, are to be felled. Given the importance of these to the landscape setting of Mount Anville House, it is clear that under Policy OSR7 of the Development Plan the Council should have sought to preserve these trees.
- The nursing home is located in a predominantly residential neighbourhood and is accessed through a short, narrow residential cul-de-sac. The nursing home currently has a significant impact through the steady and regular flow of traffic. Parking at the nursing home is in constant demand and the proposal does not provide for any additional parking. The proposal is likely to result in an overspill situation.

The appellant includes a Conservation Report supporting the considerations on impact on Mount Anville and reference is made to a

previous Board decision at Hollywood House, namely Appeal Ref. PL 06D.242505.

4.0 APPLICANT'S RESPONSE TO APPEALS

4.1 The applicant provided details on the background to Cedar House and on the change of ownership of lands at Mount Anville. Consideration was also offered on the planning application and processing of the application by the planning authority. Response to issues raised may be synthesised as follows:

4.1 Validity of the Application

- In detailing the separation of functions at Mount Anville, the applicant has addressed the extent of land ownership. Furthermore, the proposal is a true extension by virtue of the physical linkages between the buildings and the shared use of internal and site facilities.

4.2 Zoning, Use and Intensification

- The proposal would offer a care facility to elderly religious and lay people. As with many services offered by the religious community, a charge is made, with profits directed to the continuing mission of the community.
- The lands are zoned residential with an institutional designation. The proposal is an extension to an existing institutional use and it occupies a modest portion of lands so designated.
- Cedar House has no role in relation to education and subsists on site as an entirely separate entity from the schools.

4.3 Impact on the Protected Structure

- The garden areas to the east and south of Mount Anville House are 20th century additions. To the extent that they comprise the curtilage of the House, they stretch to the first east-west footpath south of the south elevation of the House. The proposed development has no material impact on the curtilage of the protected structure.
- There is little remaining of the historic landscape that was formerly associated with Mount Anville House. The proposal does not impinge on any aspect or element of the extant historic landscape formerly associated with the House. To the extent that the historic landscape remains, it lies beyond the site of the application.
- The subject site cannot even be considered as within the attendant grounds of the protected structure as the site is not intrinsic to the function, setting or appreciation of the protected structure.
- Viewed from the House, the proposal would be very significantly screened by two large cedar trees. There is no view towards the House that would be materially affected.
- As no material works are proposed to the protected structure, there is no requirement for a Conservation Impact Assessment.
- With regard to PL 06D.242505, reference is made to the proposed three houses that were to the front of Hollywood House, the context of the current proposal, and the Board's reasons for refusal.

4.4 Impact on the Montessori Junior School

- The shadow analysis demonstrated there is some overshadowing at the east and south edges of the Montessori School playground at 9am in March/September, largely clear by 12pm and by 3pm it is virtually

nil. In June shadowing is limited to early morning and in December the playground is extensively overshadowed, i.e. at a time of year when there are few sunlight hours.

- The utility of a playground is dependent on daylight, not sunlight and the playground is adequately lit for its purpose.
- The active playground adjacent to the proposed extension was constructed recently. The school has two other playgrounds available to it.
- The area of playground most susceptible to overshadowing by the proposal is that area within the retained curtilage of Cedar House.
- With regard to overlooking, the distance from the north elevation of the proposed extension to the boundary of the retained lands with the School Trust grounds is 21m, sufficient to avoid material overlooking. The north elevation was revised to avoid perceived overlooking of school grounds.

4.5 Impact on Trees

- 10 trees are to be removed. 7 are required to be removed to make way for the development. 4 are Grade C trees. One Grade A tree (a Blue Atlas Cedar) is a small tree, recently planted, one is a mature Grade B tree (a Cucumber tree), and one is a veteran, unusual species Grade A tree (a Mulberry). The loss of trees is confined to two trees of value.
- The original planting context has been lost with the development of Mount Anville School, ground facilities and Cedar House. The trees are not in the curtilage of the protected structure.
- Mitigation includes the retention of trees to the north of the proposed development, the west building line would not extend beyond the

boundary to the north-south pathway axis to the walled garden, the planted eastern edge to the footpath is maintained, quality landscape proposals are proposed, and the north and west boundary of Cedar House curtilage is to comprise a fence buried in native beech hedging.

4.6 Impact on Traffic

- The existing development provides 24 car parking spaces which more than meets with Development Plan requirements for the existing and proposed developments. The development would provide a 53-bed facility, requiring 13-14 spaces.
- Traffic flows on Mount Anville Park are low, the local roads are provided with good footways, there is segregated pedestrian and cycle connection, and connectivity is good.
- Mount Anville Road and Lr. Kilmacud Road are proposed quality bus routes.
- Generated vehicular traffic will not impact negatively on the junction of Mount Anville Park with Mount Anville Road. Volumes are too low to give rise to concerns.
- Reference is made to Mobility Management and Construction Management Plans addressing operational and construction phase concerns.

4.7 The response is supported by commentary from the Consultant Arboriculturist and the inclusion of a Conservation Report.

5.0 PLANNING AUTHORITY'S RESPONSE TO THE APPEAL

5.1 The planning authority asked the Board to refer to the Planner's report. It was also submitted that the Conservation Officer and the Transportation Department have no objection to the proposal.

6.0 THIRD PARTY RESPONSES TO APPEALS

6.1 Mount Anville Sacred Heart Education Trust supported the other third party concerns and restated its own concerns.

7.0 OBSERVATIONS

7.1 Observation by Martin Cullen

The observer, residing at 33 Mount Anville Park, raised concerns in relation to the intensification of use on the site, impact on a protected structure, and traffic impacts.

7.2 Observation by Mount Anville Residents Association

The observer raised concerns in relation to adverse impacts on residents by way of access arrangements, parking and traffic, lack of consultation, intensification, and the impact on a protected structure.

7.3 Observation by An Taisce

The observer raised concerns in relation to the adequacy of information provided in the application on the impact on the protected structure, the

adequacy of assessment undertaken by the planning authority, and the loss of significant trees.

8.0 ASSESSMENT

8.0 Introduction

8.1 I will address the issues raised in the appeals under the following headings:

- The development in the context of Development Plan provisions,
- Impact on a protected structure,
- Impact on the Junior School,
- Traffic impact, and
- The validity of the application

8.2 The Development in the Context of Development Plan Provisions

Zoning

8.2.1 Cedar House is an existing nursing home. It is on lands zoned 'A' in the recently adopted Dún Laoghaire-Rathdown County Development Plan. The objective for this zone is to protect and/or improve residential amenity. The Plan schedules uses which are 'Permitted in Principle' within this zone and the schedule includes 'Residential' and 'Assisted Living Accommodation'. The established use is clearly not a non-conforming use. The proposed extension of this established conforming use could not be seen to be incompatible in principle with the zoning provision for this site.

8.2.2 The Development Plan places no restriction on this land use zoning at this location which would prevent the Board from considering the intensification of the nursing home use on this site. The issues of intensification of the use at this location and who occupies the facility, and any extension thereto, as a resident now and into the future are not issues of material consideration for the Board in this appeal.

Nursing Homes for the Elderly/Assisted Living Accommodation

8.2.3 The Plan sets out a number of criteria that are required to be taken into account when dealing with planning applications for such developments. While noting that the proposal comprises an extension to an established facility, it merits comparing the provisions with the proposed development.

8.2.4 My considerations are as follows:

- The proposal would not be located in a remote location from an urban area. It would be wholly integrated with the established facility in an established neighbourhood that is well served by community infrastructure and amenities.
- The proposed extension would be sited behind the established facility within the extensive grounds of the Society of the Sacred Heart which have direct connectivity with the school grounds of Mount Anville. In terms of potential structural impact of the development on the residential amenities of adjoining properties, there would be none. The concern of potential traffic impacts has been raised and these will be addressed later in this assessment.
- The proposed development would successfully provide for open space needs of existing and future residents, with the new

development creating a landscaped courtyard and a contemplation garden that would significantly enhance the open space provisions.

- The existing development provides a total of 24 car parking spaces, of which 3 are for disabled use. The proposed development, along with the existing development, would have a complement of 52 residents. The requirement of the existing Development Plan is to provide for a total of 13 spaces for the existing and proposed development, at a rate of 1 space per four residents. On-site car parking is adequately provided for in accordance with Plan provisions.
- The design of the proposed development has been laid out to allow for integration with the established facility. The mix of flat and monopitch roofs and mix of render and stone finishes would be in keeping with the more modern elements of the existing facility.
- The size and scale of the proposed development can be satisfactorily accommodated on the site. The proposal is wholly suited to the established use within the confines of a wider institutional use of the lands and its size and scale would not be out of context where a wide range of structures, extensions to such structures, and ancillary accommodation prevail.
- The proposal would comprise an extension to an established nursing home facility. The development is accessible by public transport, namely by bus, in the immediate environs. There is a safe and expansive public footpath network in the immediate vicinity, with generally good connectivity to the wider community.

8.2.5 I note the provisions of the current Goatstown Local Area Plan as they relate to care for the elderly. It is acknowledged that Cedar House is the only nursing home in the Plan area and that there is an objective to

facilitate such purpose-built accommodation. The proposed development is compatible with the Plan provisions.

8.3 Impact on a Protected Structure

- 8.3.1 There is an existing modern structure on this site, Cedar House, which has co-existed with the nearby protected structure, Mount Anville, since its completion. This structure is understood not to have had an adverse impact on Mount Anville. The proposed development would comprise an extension to the rear of the existing Cedar House, functioning as an integral part of the nursing home. The extension has been designed to integrate with the existing structure and to enhance the facilities for existing residents as well as providing for the needs of future residents. Its purpose and its siting is a logical progression of the additional development of the nursing home. Such additional accommodation, facilities and amenities for Cedar House, when and if they are to be developed, would be best served at the location proposed for the extension, i.e. immediately behind the existing structure where there is land area to develop. Inevitably, this brings the extension closer to existing structures and facilities on the school grounds, including Mount Anville.
- 8.3.2 A second observation that requires to be made is that the protected structure of Mount Anville and its setting has been subject to many, many changes both by way of building extensions and new structures in its immediate vicinity and by way of additional school amenities and other facilities. It would be somewhat remiss of me to ignore the reality that the progressive physical developments of the school, its sports grounds, playgrounds, and car parking, with their expansive footprints and artificial surfaces, as well as the new structures added to the original protected structure, have done much to significantly and materially alter the

historical character of the protected structure and its setting. To suggest that the proposed extension to the rear of an existing nursing home facility at a distance from Mount Anville has fundamental negative implications for the protected structure, which is itself relatively insignificant in comparative terms with many of the changes already made to the protected structure and its immediate curtilage, is not readily understood or accepted. Furthermore, this conclusion is even more pronounced when one considers the lengthy submissions made by third parties and observers in the context of the effects on trees, formal layout of gardens, etc. within the curtilage of Mount Anville. Mount Anville is a development continuously developing and the changes introduced by way of extensions and the provision of artificial surfaces and the removal of vegetation associated with the historical layout of the main house cannot go unnoticed when one is seriously considering the effects of an extension to the rear of the established nursing home.

8.3.3 An obvious observation to make is that the proposed extension would have no direct physical impact on Mount Anville itself. Thus, there is no clear need for any specific conservation report from the applicant to determine if there could be distinct, tangible effects on the protected structure. The planning authority's Conservation Officer evidently considered the proposal and concluded there were no significant concerns from a conservation perspective. Further detailed assessment by the applicant is not warranted.

8.3.4 Much has been made by parties to the appeal of the formal layout of the curtilage of Mount Anville in the vicinity of the site and the trees proposed to be felled to make way for the extension. There are no Tree Preservation Orders relating to the trees on or in the immediate vicinity of the appeal site. I note from Development Plan Map 2 in the County Development Plan that there is an objective to protect and preserve trees and

woodlands on the institutional lands at this location but that this relates to trees further south and west of the institutional lands. The formality of the setting of the protected structure has clearly been seriously eroded by the development of the school and its facilities. The removal of tarmac paths (not gravelled walkways) and grassed pockets behind the existing nursing home will not cause any significant distortion of the setting of Mount Anville. The artificial surfaces of sports facilities, playgrounds, the associated structures and the extensions to the school have altered the context greatly. The established nursing home has added to the changes of the setting of Mount Anville and the piecemeal change by its extension herald further development of the complex of structures and uses on these institutional lands. While acknowledging the loss of trees and vegetation, ultimately two trees of note would make way for the new development. There is no direct association of these with any original formal setting for Mount Anville. There is no loss of significant trees beyond the footprint of the proposed development.

8.3.5 In conclusion, the context for the proposed development must truly be understood. The extension to the existing nursing home could not in any reasonable way be seen to have any significant adverse impact for Mount Anville or its setting.

8.4 Impact on Mount Anville Junior School

8.4.1 The direct concerns for Mount Anville Junior School relate to the impact of the proposed extension on the two playgrounds in the immediate vicinity of the site. There are no implications arising for the school structure itself. It is acknowledged that there is a playground abutting the proposed site and that there is also another playground to the north of this playground.

The appellant submits that there are concerns relating to overlooking, overshadowing and an overbearing impact.

Overlooking

8.4.2 In seeking to consider the issues arising, I note the revised plans submitted by way of further information to the planning authority on 20th January, 2016. These revisions provided for obscure glazed high level windows to facades and roof lights adjacent to the abutting children's playground and the addition of bay windows to re-orientate windows so that they have an outlook to the north-east rather than north. I submit to the Board that the issue of overlooking has been adequately addressed to resolve any significant concerns about potential overlooking of playgrounds.

Overbearing Impact

8.4.3 The proposed development would be sited on open lands within an institutional open setting. It would adjoin amenity lands and open playgrounds. It would be two-storeys in height set in a wider context where structures vary significantly in height. How a development of this scale in this context could constitute 'a very intimidating and overbearing landmark' (appellant's submission) cannot reasonably be understood or accepted. The proposed development, as an extension to an existing facility, could not, in my opinion, be viewed as having an overbearing impact on the adjoining lands and uses in this context.

Overshadowing

8.4.4 The addition of the proposed extension to the existing structure would inevitably alter the pattern of shadowing for lands abutting the proposed development. In seeking to clarify the extent of change by way of overshadowing, the applicant submitted a shadow study in its further information response. The proposed extension would be added to the

north and west of the existing Cedar House nursing home. It would inevitably cast shadow beyond the proximate northern and western site boundaries. Thus, it would inevitably cast shadow on part of the playground that abuts the site. It would have no such effect on the second playground to the north.

8.4.5 I first acknowledge that the proposed extension itself would not encroach on the adjoining playground and the playground would receive daylight at all times as prevails but would experience changes to the shadow cast as a result of the new extension.

8.4.6 The applicant's study presented shadow diagrams for 21st March, 21st June, 21st September and 21st December. The study is considered to have provided adequate information to assess the effects of the proposal. It is clear from the study that the impact by way of shadow cast in March shows limited effects to the southern and eastern sides of the playground early in the morning and this diminishes significantly through the school day. The proposed development could not be seen to pose any notable effects by way of overshadowing for the school day in June. While the study shows the playground would be significantly encroached on early in the morning in September, this alters very notably during the school day such that the impact could not be regarded as significant, limited to the south-eastern corner of the playground. In December, it is noted that the proposed extension causes significant overshadowing in the early part of the school day and that this decreases as the day proceeds. I further note from the study that Met Office information indicates that the average daily sunshine duration is 1.5 hours per day in December. This is particularly relevant in the analysis for this time. These considerations are offered in the context of the development in isolation and without the additional overshadowing that would prevail from existing trees in the vicinity.

8.4.7 It is my conclusion that it is reasonable to determine that the likely overshadowing effects on the playground during the school day could not be determined to be so significant and with such adverse impacts that they would merit a refusal of permission in this instance. I further note the range of facilities available to the school, which includes the nearby other playground, which would be unaffected by the proposed development.

8.5 Traffic Impact

8.5.1 As has been referred to earlier, the proposed development would adequately provide for on-site car parking well in excess of the requirements of the Dún Laoghaire-Rathdown County Development Plan. In meeting these requirements, it is reasonably understood that the planning authority considers that the proposed development, together with the existing development, would not likely result in problems for the local community, and particularly for those residing in Mount Anville Park, arising from parking overspill onto local residential streets. In light of the excess provision made, this position is accepted.

8.5.2 With regard to the concerns raised relating to traffic associated with the servicing of the facility and to staff vehicles, I note that Cedar House is an established use where, undoubtedly, there are established patterns associated with the servicing and staffing of the facility. The development is provided with a safe entrance/exit onto the adjoining street, there are adequate on-site parking provisions, and there is an expansive curtilage. The road is sufficiently wide to accommodate two-way vehicular movement, there is a safe footpath network, and the street has good connectivity with the road network in the wider area. With regard to these observations, there are no particular operational traffic concerns arising from the proposed extension to this facility. I also note the applicant

submitted a mobility management plan as part of the further information submission to the planning authority which refers to the functioning of the facility, the measures proposed and monitoring to apply. Furthermore, I note that it has not been demonstrated that there are any functioning difficulties arising from this road network in terms of physical constraints or peak time road user constraints that would merit concluding that additional traffic generated by the proposed extension would constitute a particular traffic hazard.

8.5.3 Concerns have been raised about construction impacts for the local community and particularly by way of construction traffic. It is firstly noted that such an impact is short-term, with a ten-month construction programme scheduled for the site. It is secondly, and once again, noted that the access and road network is adequate to accommodate traffic associated with the provision of the extension to this established facility. There is no requirement to seek to provide alternative vehicular access arrangements into the site at the construction stage. Finally, I note that the applicant submitted a construction management plan by way of further information to the planning authority which included specific management and control measures and monitoring proposals. This was examined by the Transportation Planning Engineer and this plan was seen to be acceptable by the planning authority.

8.5.4 Overall, it may reasonably be concluded that the proposed development would not result in a significant traffic hazard for the local community at the construction or operational phases.

8.6 The Validity of the Application

8.6.1 I note that the appeal by Mount Anville Montessori Junior School includes a submission that the application is invalid as the site location plan did not

outline the extent of other lands in the applicant's ownership in blue as is required by Article 22 of the Planning and Development Regulations and because the description of the development in public notices was misleading as the proposal is a completely new building linked to the existing premises and is not an extension.

8.6.2 It is first noted that the requirement to outline lands in blue on site plans is required by Article 23(1)(a) of the Regulations. I also note that the applicant, in response to the appeal, has adequately addressed any concern relating to land ownership and the relationship of the applicant to the wider lands. The application details comply with the provisions of the Planning and Development Regulations and if there is any dispute in relation to land ownership this is a matter beyond the considerations of the Board in this instance.

8.6.3 With regard to the development not forming an extension, it is evident that the proposal comprises an extension to the existing facility. There are distinct physical linkages with the existing structure. In addition, the proposed development is clearly laid out to facilitate uses and activities in a manner which would be accessible to those in the existing and proposed structures, i.e. the overall development would be an integrated structure.

8.6.4 Finally, I note that the issue of lack of public consultation was raised in submissions to the Board. There is no requirement under the Planning and Development Act for the applicant to undertake public consultation relating to a proposed development such as that now before the Board. The applicant complied with the requirements relating to public notices.

9.0 RECOMMENDATION

9.1 I recommend that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to the proposed development comprising an extension to an existing nursing home facility, to the nature and extent of development on and in the vicinity of the site and to the evolving nature of the development of the institutional lands, to the established vehicular arrangements serving the development, and to the revisions made to address potential overlooking of adjoining lands, it is considered that the proposed extension to Cedar House would not adversely impact on the setting of the protected structure Mount Anville, would not adversely impact on the functioning of the adjoining school playgrounds, would not adversely impact on the residential amenities of neighbouring properties, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan. 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 20th day of January 2016 and on the 18th day of March 2016, 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 materials, colours and textures of all external finishes to the proposed extension shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4. Measures for the protection of those trees which it is proposed to be retained on the site shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on site and in the interest of visual amenity.

5. 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 within one month of the date of this Order, 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.

Kevin Moore

Senior Planning Inspector

July, 2016.