



An
Bord
Pleanála

Inspector's Report

PL.06D.249048

Development	Specialist hospital for 56 in-patients, out-patient care and teaching unit including works to protected structures.
Location	The Aske House, Dublin Road, Bray, Co. Dublin
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0065
Applicant(s)	Woodbrook Campus Limited
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Charles and Maureen Quinn Peter and Ailene Faichney Eoin and Suzanne Mac Neill Goretti and Liam Mc Kenchie
Observer(s)	Tim Mc Cormick

William Day

Heather Davidson

Gwen Thomas and Edward Fidgeon

Date of Site Inspection

8th November 2017

Inspector

Erika Casey

Contents

1.0	Site Location and Description	4
2.0	Proposed Development	4
3.0	Planning Authority Decision	6
3.1.	Decision	6
3.2.	Planning Authority Reports	7
3.3.	Prescribed Bodies	8
3.4.	Third Party Observations	9
4.0	Planning History.....	9
5.0	Policy Context.....	10
5.1.	Development Plan.....	10
5.2	Woodbrook Shanganagh LAP 2017	11
5.3.	Natural Heritage Designations	11
6.0	The Appeal	12
6.1.	Grounds of Appeal	12
6.2.	Applicant Response	14
6.3.	Planning Authority Response.....	16
6.4.	Observations.....	16
7.0	Assessment	17
8.0	Recommendation.....	Error! Bookmark not defined.
9.0	Reasons and Considerations.....	30
10.0	Conditions.....	311

1.0 Site Location and Description

- 1.1. The subject site is located off the Dublin Road approximately 1km north of Bray Town Centre and 1km south of Shankhill Village. The site currently accommodates a protected structure known as Aske House which is a two storey Victorian dwelling with associated courtyard and gate lodge. It is a protected structure. The dwelling is located within extensive grounds and there are mature trees along the site boundaries. There is an extensive landscaped lawn to the east of the dwelling.
- 1.2. To the north of the site, are a number of detached two storey residential properties located within the Woodbrook Downs estate. To the south, is St. Brendan's College Secondary School and playing pitches. To the west, are undeveloped agricultural lands. To the east, is the Dublin Road.
- 1.3. A number of Dublin Bus services run along the Dublin Road. The site is also located close to the DART line and there is an objective to provide a new DART station at Woodbrook to the north of the site. There are also proposals to extend the Luas line to the west of the site.

2.0 Proposed Development

- 2.1. The proposed development comprises the following constituent elements:
 - A new single storey specialist hospital in-patient and out-patient treatment and therapy building incorporating main reception/admissions and waiting area, treatment rooms, hydrotherapy pool, gym, consulting rooms, offices, kitchen and dining rooms, laundry and ancillary stores and accommodation.
 - Specialist hospital adult in-patient accommodation for 48 no. single patient bedrooms within 6 no. 2 storey interlinked blocks, each unit comprising 2 no. 4 bedroom living clusters and incorporating nursing office, living areas, treatment rooms, family rooms and ancillary accommodation. It is detailed in the application that the format and layout of the accommodation seeks to reinforce the therapeutic aspects of the treatment programmes provided within the hospital including developing life skills and interaction abilities. They are not intended, however, to act as long term independent or supported living units.

- Change of use of the existing 'Aske House' dwelling and associated stables and out buildings to educational use associated with the specialist hospital. Works to the structure include internal alterations and refurbishment to provide 10 single ensuite bedrooms, seminar rooms, library/reading rooms, offices, dining area, kitchen, staff changing and ancillary accommodation.
- Change of use of the existing single storey gate lodge from residential use to a transitional accommodation unit associated with the specialist hospital. Works to include internal alterations and refurbishment, demolition of rear single storey extension and construction of a new single storey extension to the rear to accommodate a kitchen and shower room.
- Single storey garden pavilion (32 sq. m.) incorporating garden maintenance equipment shed and pump house.
- Landscaping works, 84 no. car parking spaces, cycle parking and remedial works to existing Crinken Woodbrook Stream.
- On site waste water treatment system inclusive of polishing filter bed.
- The overall gross floor area of the development is stated to be 7,7991 sq. metres. The site area is 4.64ha.
- Principal materials to be used in the new build elements comprises coursed random rubble grey Carlow granite, painted render, zinc metal cladding, timber framed windows, exposed concrete and hardwood timber louvres and cladding.

2.2 The application is accompanied by a detailed design statement and rationale. A number of minor amendments were made to the development at Further Information and Clarification of Further Information Stage including revisions to the site entrance from the Dublin Road to provide separate pedestrian and vehicular entrances; additional cycle parking; an increased footprint of the infiltration basin and relocation of the waste water treatment system and percolation area. Minor amendments were also made to the landscape layout and internal layout of the protected structure.

2.3 The applicant provides detailed information on the function and operation of the facility. It is a specialist hospital providing an innovative integration of services for those with severe/profound multiple learning disabilities. The hospital will offer an integrated service model including medical, therapeutic and rehabilitation services to

individuals with life long progressive and life limiting chronic conditions. The patients will typically have complex clinical needs that in the main have arisen from a severe brain injury that occurred at either a pre-natal, birth or postnatal stage including cerebral palsy, Down's Syndrome, Edwards Syndrome, Epilepsy, Autism etc.

- 2.4 The in-patient and out-patient services will be a lead by a Consultant Psychiatrist supported by a team of healthcare professionals including medicine, psychology, nursing, occupational and speech therapy, physiotherapy, dentistry, optometry, chronic disease management etc.
- 2.5 The development will also accommodate an educational facility within the original protected structure. It is intended that this facility will support third level universities in the delivery of accredited courses for qualified, registered medical professionals in the fields of profound learning disabilities, chronic disease management of associated life limiting complex health conditions and mental disorders. Limited overnight accommodation is proposed to enable trainees who reside at a distance to access the class based and practical clinical exercises of such courses.
- 2.6 The gate lodge will be used as transitional discharge accommodation for patients who have completed their treatment programmes and who would benefit from living in a semi-independent environment prior to moving into a community outside of the hospital complex.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1 To Grant Permission subject to conditions. Conditions of note include:

Condition 2: No change of use within Class 9 of Part 4 of the second schedule of the Planning and Development Regulations 2001 shall be carried out within the development hereby permitted unless permission for the carrying out of such development has been first granted.

Condition 5: Development shall comply with the mitigation measures set out in the Ecological Impact Assessment Report.

Condition 10: All works to be carried out under the professional supervision on site of an architect or other appropriately qualified person with specialised conservation experience.

Condition 11: Archaeological monitoring.

Condition 16: Services of a qualified arborist to be engaged for the entire period of the construction activity.

Condition 17: Applicant shall retain the services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the site development works.

3.2. Planning Authority Reports

3.2.1. Planning Reports (21.03.2017, 17.05.2017 and 17.07.2017)

- It is considered that the proposed educational use and ancillary facilities including bedroom accommodation and the proposed hospital use, is in accordance with the definitions of educational use and hospital use as defined in the County Development Plan.
- The proposed development largely retains the sylvan character along the Dublin Road. In addition, the existing meadow between Aske House and the Dublin Road is to be maintained free from development. The design and layout of the development is generally low rise and significant existing mature planting within the site and along the site's perimeter is to be retained. It is not considered that the proposed development would significantly compromise the open nature of these lands or the visual and spatial break between urban areas at this location. The hospital use as proposed would be compatible with the land use zoning objective for this location.
- Having regard to the proposed separation distances and taking into account the intervening mature planting along the party boundary, it is not considered the proposed development would give rise to any overlooking or would have any significant adverse impact on the visual or residential amenities of adjacent properties.
- It is considered that the design and layout of the development, including the proposed landscaping is of a good standard and is acceptable. The development is also acceptable in terms of safeguarding the amenities of the Protected Structure.
- Assisted living accommodation or nursing home are uses not permitted under the Green Belt Zoning Objective. However, both hospitals and nursing homes

are uses that are indicated within Class 9 of Schedule 2 of the Planning and Development Regulations 2001. A condition is recommended to address this issue to require a grant of permission for what would otherwise be exempted development under Class 9.

3.2.2. Other Technical Reports

Waste Enforcement (03.02.2017 and 30.06.2017): No objection subject to condition.

Conservation Division Architect's Department (06.03.2017 and 3.05.2017):

- It is considered that the retention of the meadow and walled garden area will provide an appropriate setting for the Protected Structure, while the height and scale of the new build will ensure the original building retains its prominence within the site.
- No objection subject to conditions.

Drainage (13.03.2017, 12.05.2017 and 06.07.2017):

- Notes no objection to the principle of the proposed wastewater treatment system.
- No objection subject to conditions.

Transportation Planning (16.03.2017 and 11.05.2017): No objection subject to condition.

Environmental Health Officer (11.05.2017 and 15.05.2017): No objection.

Parks and Landscape Services (16.03.2017): Planner's report references report from Parks and Landscape Services that raises no objections. No report on appeal file.

3.3. Prescribed Bodies

An Taisce (16.02.2017): Consider that the protected structure will be developed in an appropriate manner. Recommend that works be supervised at all times by a suitably qualified Conservation Architect and the tree management proposals be supervised by a qualified arborist.

Irish Water (17.02.2017): No objection. Notes internal water network is not suitable for planning purposes and requires revisions prior to construction stage.

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

(28.02.2017): Site is adjacent to a cemetery cairn of archaeological interest.

Recommends pre-development testing.

3.4. Third Party Observations

3.4.1 16 third party observations were made in respect of the application. The issues raised in respect of the application are largely similar to those outlined in the third party appeals and observations. Those in support of the development note:

- The proposal will provide much needed service options for persons with multiple disabilities. It will increase choice of services on offer.
- The development is well located near to public transport connections.

3.4.2 Those objecting to the development raised concerns in relation to:

- Development is speculative and not financially viable.
- The applicant has common directors with a commercial nursing home operator.
- Procedural issues in relation to adequacy of site notice.
- The development does not constitute a hospital and is an inappropriate development in a Green Belt Zone. It would result in a significant change and intensification of use of the lands.
- Loss of trees and ecological impacts.
- Impact on residential amenities of adjacent properties.
- Flood impacts particularly to Woodbrook Downs.
- Concerns regarding foul drainage proposals and that development is premature in this regard.
- Traffic impacts and adequacy of car parking.

4.0 Planning History

4.1 There has been no recent planning applications pertaining to the subject site.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is The Dun Laoghaire Rathdown County Development Plan 2016-2022. The subject site is zoned GB: *To protect and enhance the open nature of lands between urban areas.* Uses that are open for consideration under this zoning objective include Hospital. Education is a use that is permitted in principle. There is a specific objective to the south of Aske House *“To Protect and Preserve Trees and Woodlands.”* There is a recorded monument to the south of the lands.

5.1.2 Uses shown as open for consideration are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects and would otherwise be consistent with the proper planning and sustainable development of the area.

5.1.3 **Education** is defined as:

“The use of a building or part thereof or land as a school, college, technical institute, academy, lecture hall or other educational centre. Where a building or part of a building on the same site as an educational building or on an adjoining site is designed for use or used as a residence for the staff or the pupils of that educational building such a use shall be deemed to be educational.”

5.1.4 **Hospital** is defined as:

“A building or part thereof or land used for general medical treatment. This includes specialised hospitals.”

5.1.5 Other policies of relevance include:

Section 4.1.3.10 Policy LHB28: Green Belts:

“It is Council policy to retain the individual physical character of towns and development areas by the designation of green belt areas where appropriate. The function of this policy is to protect the special amenity and biodiversity value of countryside while providing a visual and spatial break between urban areas. The

Council will continue to retain the existing green belt between Bray and Shankill for the lifetime of this Plan.”

Section 2.1.4.3 Green Belt Areas:

“The use of lands in Green Belt areas for outdoor recreational purposes is permitted in principle. However, where complementary development is allowed, stringent conditions governing the height, scale and density of development will be imposed to protect the open nature of the lands. In relation to residential development, only individual dwellings on lands comprising at least 4 hectares per dwelling will be considered. Applications for other uses will be considered subject in all cases to the overall objective of maintaining the open character of these lands. Green Belt open lands also serve an important function in providing an easily identifiable buffer between expanding, built-up areas - in particular between Shankill and Bray.”

5.1.6 Aske House is a protected structure. Section 6.1.3.1 of the plan sets out the following policies of relevance:

- *Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- *Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht ‘Architectural Heritage Protection Guidelines for Planning Authorities’ (2011).*
- *Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*

5.2 Woodbrook Shanganagh Local Area Plan 2017

5.2.1 The subject site is located within the boundary of the Woodbrook Shanganagh Local Area Plan 2017. The lands retain their Green Belt zoning under the LAP.

5.3 Natural Heritage Designations

5.3.1 An Appropriate Assessment Screening report is submitted with the application. There are 15 sites Natura 2000 sites within 15 km from the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 4 no. third party appeals have been submitted by Charles and Maureen Quinn, Peter and Ailene Faichney, Eoin and Suzanne Mac Neill and Goretti and Liam Mc Kenchie. There is significant overlap in the issues raised in the appeals which can be summarised as follows:

Procedural

- Concern that the applicant, which is a private commercial company, has common directors with a known commercial nursing home operator and thus the intent is to operate the facility as a nursing home rather than a hospital.
- The site notice was inadequate as no reference is made to the location of the site within a green belt or that the development is to be served by a waste water treatment and foul water system. It was inappropriate to address this issue by Further Information.

Principle of Development and Zoning

- The development would result in serious over development of the site and would materially contravene the Green Belt zoning objective. There is no justification for the elimination of part of the Green Belt zone to facilitate this development.
- No further intrusions into the greenbelt should be permitted, particularly due to the fact that lands opposite the Aske have been rezoned for development. The development would be more appropriately located on other lands earmarked for intensive development under the Dun Laoghaire Rathdown County Plan and other Local Area Plans.
- Note that a number of submissions in respect of the subject site were made during the preparation of the Shanganagh Woodbrook LAP 2017. A Specific Local Objective was sought to facilitate the development of a nursing home on the lands. This was rejected by the CEO of the Council on the basis that such residential institutions are more appropriately located in the built up area of the County and not on Green Belt zoned lands which are primarily intended to protect and enhance the open nature of lands between urban areas. It is

considered that these comments of the CEO are equally applicable to the subject site. Concerns raised that the proposed specialist hospital will convert to a residential nursing home at some later stage.

- Detailed that the development is speculative in nature and not financially viable.
- It is considered that the development is not a hospital and is much more comparable to a residential institution.

Impact on Residential Amenity

- Concerns raised in relation to potential adverse impacts to adjoining properties arising from noise and disturbance and lighting. It is outlined that the development will overlook adjacent properties, compromising the privacy these dwellings enjoy.
- It is submitted that proposed bin stores, composting areas and pump house are located too close to the boundaries of existing residential dwellings.

Loss of Trees and Ecological Impact

- The development would result in the loss of a number of mature trees which is contrary to the Green Belt objective to protect the existing woodland character of the area.

Traffic and Parking

- The development would result in a traffic hazard and obstruction of road users on the R119 by reason of the additional traffic turning movements it would generate.
- The traffic data presented in the application is conservative.
- Car parking provision is inadequate and does not comply with the Development Plan standards.

Flood Risk

- The lands of the proposed development are situated on an existing and active flood plain. The development will exacerbate flooding in the area and is contrary to the Flood Risk Management Guidelines.

- The applicant's flood risk assessment is deficient and lacks detail. It is only based on desktop analysis and takes no account of pluvial flooding. A report on the flood impact of the proposed development by Fluvio Ltd. is submitted with the appeal documentation which notes a number of deficiencies in the applicant's flood risk assessment.
- Concerns that attenuation measures proposed are inadequate.

Site Services and Prematurity

- The development will be served by a large septic tank. The proposed development would therefore be premature by reason of the existing deficiency in the provision of sewerage services.
- There is an increased likelihood of pollution in the water table due to excessive flooding and overflow water. Concerns raised regarding potential dangers to public health.

6.2. Applicant Response

- The applicant sets out that there are approximately 4,000 people in Ireland with Profound Multiple Learning Disabilities (PMLD) who are living in unsuitable congregated institutional facilities throughout the country. The current fragmentation of services inhibits a sustainable move away from such congregated settings and that in this context, new integrated services are required. The Aske Hospital will provide a new integrated service to help individuals with PMLD to sustain effective placement into appropriate community settings following appropriate treatment and care programs.
- The Aske Specialist Hospital will provide Consultant led medical and therapeutic treatment services on an in-patient and out-patient basis to people with a mental disorder arising from severe/profound intellectual disability. The use therefore falls entirely within the legal definition of a hospital. Reference made to the Mental Health Act 2001 which defines an Approved Centre as a hospital (with out-patient and in-patient facilities) for the treatment and care of persons suffering from mental illness or mental disorder.
- The site is extremely well suited for the intended purpose. It is easily accessible and will provide the required level of privacy, security and open

space/amenity necessary to ensure the success of various medical and therapeutic treatment programs that will be offered. The nature of the hospital is not suited to a built up urban environment.

- The proposed uses fall within the open for consideration and permitted in principle categories for the site under the use class zoning.
- The design of the development is such that no part of the facility is located within the existing flood plain. There will be no reduction in the capacity of the flood plain and a freeboard of 500mm has been included in the proposed finished floor levels. The development will not contribute to flooding on adjacent properties. The development seeks to improve flows on the adjacent watercourse which will significantly reduce the potential for flooding upstream of the application site.
- The capacity of the on-site infiltration basin has been increased in accordance with the requirements of the Drainage Department. Surface water drainage design will ensure no direct discharge from the site to the adjacent stream which will ensure there will be no increase to the water volumes as a result of the proposed development.
- The on-site foul drainage water treatment plant has been designed fully in accordance with the requirements of the Drainage Department. It is an entirely appropriate method of dealing with foul waste water. The drainage layout has been designed to ensure that when the council constructs a new foul drain on the Dublin Road, the hospital will be able to connect to this.
- The design of the development is considered to successfully integrate with its surroundings. The new buildings are a mix of single storey and two storey buildings which are well set back from adjacent properties. The set back distance of over 60 metres will ensure no overlooking, light pollution or noise impacts. Vehicular movements associated with the development are located away from neighbouring properties. The majority of existing mature trees will be retained. Significant new planting and restoration of original landscape features is also proposed.
- The traffic impact of the development has been fully assessed by the Council's Transportation Department who have no objection. The access to the

development has been designed to fully suit the level and type of traffic associated with the development and to ensure no adverse impact on the main road network.

6.3. **Planning Authority Response**

- The main issues raised by third parties relate to drainage and flooding. These issues have been addressed by the Planning Authority at Further Information and Clarification of Further Information stages. The Drainage Section raise no objections to the development.
- The Planning Authority is satisfied that the development would accord with the zoning provisions for this location, under which Hospital use is open for consideration.
- Having regard to the size of the development site, the design and layout of the buildings and their set back from the road, the retention of the roadside mature trees and the meadow to the front of the protected structure, the Planning Authority is satisfied that the development would not compromise the sylvan character of the area, especially as experienced along the Dublin Road at this location.
- The specialist hospital would provide very valuable services at a location accessible by both rail and bus public transport services as well as planned public transport services at Woodbrook DART Station and the Luas line extension.

6.4. **Observations**

6.4.1 4 no. observations have been received from Heather Davidson, Gwen Thomas and Edward Fidgeon, Tim Mc Cormack and William Day.

6.4.2 The observation by Heather Davidson is in support of the application and notes:

- Works closely with HSE Disability services to deliver daily support to those with Profound Multiple Disabilities (PMD) and experiences first hand the long standing systemic limitations that are fundamental as to why so many people with PMD require significant improvement in their living conditions, healthcare and social services.

- The innovative services offered by the Aske Specialist Hospital will fill a service gap in current provision. It will help improve the social and health inequality that this vulnerable cohort of society suffers.
- It is unethical for the appellants to demand a government organisation to make a decision that will fail to reduce health inequality. Requests that the Council's decision is upheld.

6.4.3 The observation by Tim Mc Cormack (who is the former owner of the property) requests that Aske House be maintained as part of the development.

6.4.4 The other two observations raise similar issues to those as the appellants which have been summarised above.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of the appeals and observations and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- **Procedural**
- **Principle of Development and Zoning**
- **Impact on Residential Amenity**
- **Loss of Trees and Ecological Impact**
- **Traffic Impact and Parking**
- **Flood Risk**
- **Site Services and Prematurity**
- **Appropriate Assessment**

7.2. **Procedural**

7.2.1 Concerns have been raised by some of the observers and appellants regarding the adequacy of the site notice due to the fact that when the application was made, no reference was made to the fact that the hospital would be served by a waste water treatment system.

7.2.2 Section 3.4 of the Development Management Guidelines 2007 sets out guidance regarding the public notices. It is stated:

“The purpose of the notices, that is, the newspaper notice (Article 18 of the Planning Regulations) and the site notice (Article 19), is to inform the public of the proposed development and alert them as to its nature and extent.....In recent years the amount of detail in the public notice has increased continuously to the extent that such notices frequently include every detail of the proposed development, rather than comprising a brief description the proposed development.....The public notice should therefore be drafted so as to give a brief indication as to the nature and extent of the proposed development and is not required to go into excessive detail.”

7.2.3 Having regard to this guidance, I am satisfied that the nature and content of the site and newspaper notice submitted with the application was sufficient.

7.2.4 Notwithstanding this, however, it is noted that at Further Information Stage, the Planning Authority requested the applicant to re-advertise the public notices to include a reference to the on-site sewage treatment system. These notices were advertised as significant further information and, therefore, the public were invited to make any further submission as required within two weeks of the date of publication of the revised notices. Having regard to this, I am satisfied that third party rights were not prejudiced with the regard to the detail and content of the public notices.

7.2.5 With regard to the alleged business associations of the applicant, this is not considered a relevant planning consideration. The applicant is a registered company. Furthermore, the necessary letters of consent have been provided from the owners of the site to make the application. I am satisfied that the applicant is a legal entity and has sufficient interest to make the application in accordance with the requirements of the Regulations.

7.3 Principle of Development and Zoning

7.3.1 All parties have raised significant concerns regarding the principle of the development and its appropriateness on lands that are zoned Green Belt (GB). Concerns are raised regarding the intensity of development, loss of mature trees and erosion of the character and extent of the green belt lands. It is considered that the development would be better suited to zoned land within the existing urban area elsewhere in the county.

- 7.3.2 In considering the principle of development, it is firstly necessary to consider the nature of the intended uses and secondly their appropriateness having regard to the Green Belt zoning pertaining to the lands.
- 7.3.3 The proposed development comprises a specialist hospital facility with an ancillary educational element. Hospital use is clearly defined in the Development Plan as building or part thereof or land used for general medical treatment. This includes specialised hospitals. The applicant has provided detailed information regarding the intended use and function of the hospital. Whilst it is not medical hospital in the conventional sense, it will offer a wide range of medical, therapeutic and rehabilitative services and interventions across a wide range of disciplines to individuals with profound medical disabilities (PMD).
- 7.3.4 It is detailed that the medical team will be led by a psychiatrist and comprise professionals in the fields of medicine, psychology, nursing, speech and occupational therapy, physiotherapy, dentistry, optometry, transitional adaptive and activities of daily living skills, chronic disease management and palliative healthcare etc. The facility will operate on an in-patient and out-patient basis. Whilst the in-patient accommodation is based around communal living clusters, it is detailed that this is to facilitate the integrated model of therapeutic care offered and it is not intended that the development would act as a long term residential institution for supported living. It is understood that patients stay will generally be short term and the purpose of the service is to facilitate more independent living for those with PMD. Having regard to the information provided by the applicant, I am satisfied that the proposed development will operate as a specialist hospital.
- 7.3.5 The proposed development also provides for an ancillary educational element. It is intended that the hospital will have links with accredited third level institutions who offer courses in the field of intellectual disability and will provide the facility for trainees to come and reside at the centre, partake in courses and gain hands on experience. This element of the proposal appears reasonable and complementary to the overall function and purpose of the facility.
- 7.3.6 Having regard to the foregoing, I am of the view that the proposed hospital use and the educational use are in accordance with the definitions provided under the current Dun Laoghaire Rathdown County Development Plan 2016 and are therefore a use

that is open for consideration in the case of the hospital and permissible in the case of the education use under the current zoning matrix.

- 7.3.7 It is noted that a number of parties to appeal, raise concerns that the proposed development is in fact intended to operate as a nursing home. This issue was given consideration by the Planning Authority who noted that there is normally an exemption under Class 9 for a change of use from hospital to nursing home and to residential accommodation and care to people in need of care. A specific condition was attached to the Notification of Decision by the Planning Authority to address this issue. This is considered reasonable and it is recommended that should the Board be minded to grant permission for the proposed development, that a similar condition is imposed.
- 7.3.8 The second issue to be considered in terms of the principle of the development, is the appropriateness of such development in a Green Belt zoning. In terms of a use that is 'open for consideration', this must be considered on its merits having regard to the overall character and function of the Green Belt zoning.
- 7.3.9 The Development Plan is explicit, that the key criteria to be considered in determining such applications is to whether the proposed development would undermine the special amenity value and bio diversity of the area or materially impact on the need to provide a visual and spatial break between urban areas. It is also necessary to demonstrate that the proposed development would not conflict with the overall objective of the zoning which is to protect and enhance the open nature of lands between urban areas. It is evident that the GB zoning does not preclude development on such lands and it is noted there is development in the vicinity of the site in the green belt zone including the Woodbrook Downs residential estate to the north and the school to the south.
- 7.3.10 The proposed development comprises the redevelopment of the existing protected structures and the construction of a number of new low rise buildings which will accommodate the hospital. In this regard, the subject site is already partially developed for a residential use. The proposed structures are well set back from the Dublin Road and are single storey and two storey in height. The main hospital building has a height ranging from 4.5 to 6 metres and the two storey accommodation units are between 8 and 8.5 metres.

- 7.3.11 Detailed landscape proposals are provided and it is intended that existing spaces such as the eastern meadow, stable yard, formal garden and walled garden are retained. In addition, a series of new spaces are introduced comprising courtyards and gardens. The development will include innovative landscape features including sensory and therapy gardens and walkways. The development is well screened and surrounded by generous landscaped areas and has an open character. Whilst the development will result in the loss of some trees, it is noted that the existing mature trees along the Dublin Road will be maintained and the sylvan environment is largely retained. New planting is also proposed.
- 7.3.12 Having regard to the high quality design and landscaping proposals, it is considered that the development would not undermine the special amenity value of the subject lands. Furthermore, it is considered having regard to the nature of the landscape proposals, that the biodiversity of the site would be enhanced. This has been confirmed in the Ecological Impact Assessment Report submitted with the application which states that site enhancement measures have been incorporated into the Landscaping Plan which will increase biodiversity on site.
- 7.3.13 In terms of the visual and spatial function of the green belt zoning, it is noted that extensive areas of green belt land are retained to the south and east of the subject site. The character of the area is clearly transitional in nature with some limited institutional and residential uses present. I am satisfied that notwithstanding the subject development, that the overall functionality of the greenbelt zone is retained and that the clear spatial break between the urban areas of Shankhill and Bray is preserved. The development in my view, does not compromise the open nature of the lands to a material extent.
- 7.3.14 A number of references are made in the appeals and observation submissions regarding the pre-draft stage of the Woodbrook Shanganagh Local Area Plan and submissions that were made at that time seeking a nursing home use on the subject site. These proposals were rejected by the CEO of the Council as such a use was considered inappropriate for the green belt zone and would be more appropriately located within an existing urban area. It is detailed by the appellants and observers that the same consideration should apply to the subject development.

- 7.3.15 It is considered that the proposed specialist hospital is significantly different in function and operation to a conventional nursing home. As set out by the applicant, the facility is for the benefit of individuals with severe and profound multiple learning disabilities. I am satisfied therefore that it is a specialist hospital and not a nursing home. I would concur with the statement of the applicant, that such a facility is more suited to a more tranquil environment in a natural setting, where residents will be able to avail high quality amenities and facilities.
- 7.3.16 It is also noted that the development will ensure the rehabilitation and re-use of a protected structure. The protected structure is considered to be of great architectural value and the development will help secure its future. The proposal is supported by the Conservation Officer of the Council and will be developed in accordance with best practice.
- 7.3.17 In conclusion, I would concur with the view of the Planning Authority regarding the appropriateness of the site within the Green Belt zoning. The site is already partially developed as a residential dwelling. The low rise design, coupled with extensive landscaping, including the retention of many of the existing mature trees will ensure that the development assimilates well with the existing environment and will be well screened. The overall functionality of the green belt is not compromised and extensive areas of undeveloped land remain to the south and east of the proposal which clearly demarcate the green belt zone and physical separation between the built up areas of Bray and Shankhill. Finally, the nature of the intended use is as a specialist hospital and somewhat unique and will incorporate bespoke facilities and recreational amenities that will be of particular benefit to individuals with PMD. I am satisfied, therefore, that the principle of the development is acceptable and that it is an appropriate development within the Green Belt zone.

7.4 Impact on Residential Amenity

- 7.4.1 The principle concerns with respect to impacts on residential amenity relate to noise disturbance, lighting and overlooking. The nearest dwellings to the proposed development are located within Woodbrook Downs to the north. As can be seen from the site layout plan, there is a significant separation distance between the proposed development and these existing dwellings. No.s 2 and 3 Woodbrook Downs are located over 77 metres and 68 metres respectively north of the adult in

patient bed unit 1, which is the part of the development nearest to these dwellings. No. 1 is located c. 60 metres from the in-patient treatment and therapy unit, which is a single storey block. Furthermore, existing landscaping is to be retained and augmented along the northern boundary which separates the site from these dwellings. The high boundary wall of the existing walled garden, located to the north of Aske House is also retained and incorporated into the design proposals, thus mitigating potential impacts. Beauchamp Lodge is located to the north east of the site. It is noted that there are no new buildings proposed in proximity to the boundary with this property and in this regard, no adverse impacts are likely to arise.

7.4.2 Regard must also be had to the nature of the proposed accommodation within these blocks. The only two storey unit proposed in proximity to the northern boundary is the adult in patient bed unit 1. At first floor level, the extensive glazing referred to by the appellants, with the exception of one kitchen area, primarily serves stairwells and bedroom accommodation. Having regard to the proposed separation distances, the existing and proposed mature landscaping and high boundary wall and the low rise nature and use of the proposed development, it is not considered that any material adverse overlooking or light pollution impacts will occur.

7.4.3 In relation to noise impacts, it is must be noted that the facility in intended for use by individuals with profound intellectual disabilities. It is not considered an activity that is likely to give rise to high levels of noise intrusion. Concerns have also been raised regarding noise impacts associated with vehicular traffic. It is noted however, that the proposed car parking area is located to the south east of the site and there is thus an extensive separation distance between the parking zone and existing houses. With regard to ancillary facilities including the pumphouse and composting areas, these are also sited a significant distance away from existing residential properties. Having regard to the forgoing, I am satisfied that the development will have no material adverse impact on the residential amenities of adjoining properties.

7.5 **Loss of Trees and Ecological Impact**

7.5.1 It is stated by the appellants, that the development will result in the loss of a number of mature trees and is contrary to the objective pertaining to the lands to protect and preserve trees and woodlands. It is noted that the objective relating to trees refers to

the lands south of Aske House as indicated on the County Development Plan zoning Map.

7.5.2 It is acknowledged that the development will result in the loss of some mature trees within the grounds of the protected structure. Their removal is necessary to facilitate the development of the hospital. The application is accompanied by a detailed Arboricultural Assessment and Tree Report. This details that the majority of trees along the existing site boundaries will be retained. In addition, significant stands within the site to the immediate south and west of the protected structure are also retained and incorporated into the landscape proposals. Those trees to be removed are generally of moderate value. Appropriate tree protection measures are set out.

7.5.3 With regard to ecology, a detailed assessment of the site has been carried out by the applicant. There are no environmental designations applicable to the subject site. It is detailed that the impacts of the development are at a local scale only. Mitigation measures are set out with regard to tree protection, construction management, badger/bat protection and invasive species. The report concludes that flora and fauna are expected to re-use the site on completion of construction and during future operation. I am satisfied that having regard to the foregoing that the development will have no significant adverse impact on the ecological or sylvan environment of the site.

7.6 **Traffic and Parking**

7.6.1 It is contended by the appellants and observers that the development will result in a traffic hazard on the R119. Concerns are also raised that the quantum of car parking is insufficient and does not comply with the relevant Development Plan standards.

7.6.2 It is proposed to access the site via the existing vehicular entrance from the R119 which is within a 50 km/h speed zone. The development works include the widening of the entrance to facilitate vehicular, pedestrian and cycle traffic.

7.6.3 A detailed Traffic Report and Travel Plan were submitted with the application. This notes that it is anticipated that the development will have approximately 50 full time employees and 76 service users (56 of whom will be in-patients). Employees will work in shifts with c. 34 day staff and 16 night staff. Visitor numbers are expected to be in the region of 15 persons per day during the week and 30 people per day at the weekend. It is considered, therefore, that having regard to the expected workforce

and client base that the development will serve, that associated traffic movements will be relatively low.

- 7.6.4 The Traffic Report estimates that vehicular trip generation based on TRICS will be in the order of 10 in and out vehicular movements per day and 1 HGV movement per day. I would concur with the view of some of the appellants that these figures appear conservative. However, regard must be had to the overall nature and function of the development and the likely traffic that will be generated.
- 7.6.5 The hospital provides primarily in patient facilities. It is likely therefore that there will not be daily traffic movements associated with this element of the development. It is considered that the majority of traffic generated will be by the staff. It is noted, however, that staff will work over two shifts which will spread the amount of traffic movements of over a 24-hour period. The proximity of the development to public transport connections is also noted. The site is well served by public bus. A number of Dublin Bus routes serve the area and there is also a private bus service. The site is also in close proximity to the proposed Woodbrook DART station. The applicant has also submitted a travel plan which suggests measures to encourage more sustainable travel patterns. The Transportation Department of Dun Laoghaire Rathdown County Council had no objection to the proposed development.
- 7.6.6 I am satisfied that that having regard to the nature of the proposed development that it will not give rise to significant traffic movements so as to generate a traffic hazard. The development will be utilising an existing established access within a 50km/h zone. The Travel Plan submitted with the application when implemented will further reduce car dependent trips to the proposed development.
- 7.6.7 In terms of parking, the Development Plan sets out a parking ratio of 1.5 parking spaces per bed space. Based on a 56 patient hospital, this would generate a requirement for 84 car parking spaces. In terms of the educational facilities, there is no specific standard for this type of development. For colleges of higher education, 1 space per 15 students is normally required. The Development Plan specifically notes that these standards are a guide and are the maximum number of spaces to be provided.
- 7.6.8 The proposed development provides for 84 car parking spaces which is generally in line with the development plan standards. Whilst it is noted that no specific

dedicated parking is provided for the educational facility, cognisance must be had to the nature of the development and the fact that not all parking spaces are likely to be occupied at one time due to the shift working patterns that will prevail. Section 8.2.4.5 of the Development Plan notes that reduced car parking standards for development may be acceptable dependent on a number of criteria including: the location of the development; proximity to public transport; precise nature and characteristics of the proposed development and the implementation of a Travel Plan.

- 7.6.9 In this context, having regard to the nature of the specialist hospital facility, its proximity to public transport and active measures to promote more sustainable mobility management, it is considered that adequate car parking is provided. The location of the development adjacent to a protected structure must also be considered, and it would be inappropriate for excessive levels of surface parking to be provided in this setting.

7.7 Flood Risk

- 7.7.1 Significant concerns have been raised by all parties regarding potential flood risk and that the development will exacerbate flooding already prevalent in the area. A site specific flood risk assessment has been undertaken by the applicant. Based on a number of sources including OPW Flood Maps, Dun Laoghaire Rathdown County Council Flood Zone Maps and the Old Connaught and Wilford FRAMS study, it was determined that the site is predominantly located in Flood Zone C. It is acknowledged in the report that parts of the western and southern sections of the site lie within a Flood Zone A and B area. It is understood that the source of flooding is fluvial from the Crinken Woodbrook Stream. However, the finished floor levels of the development will be above the 1:100 and 1:1,000 year flood events and development building and infrastructural footprint thus falls outside Flood Zones A and B.
- 7.7.2 The report details that in order to ensure that the development would not result in flooding elsewhere due to factors such as increased surface water run-off, a number of criteria were considered in the design of the development. It recommends remedial works to the existing downstream culvert associated with the Crinken Woodbrook Stream which runs to the south and west of the site including removal of excess vegetation, replacement with larger linear culvert, introduction of filter trash

grills and the creation of an open channel on the stone culvert on the eastern side of the R119. The development also provides for extensive attenuation measures including a large infiltration basin. Rain water harvesting and green roofs are also incorporated into the design. Stormwater generated on the road surfacing is captured through swales and permeable paving in the car parking areas.

- 7.7.3 The report also details that the proposed site entrance is located within the flood zone and this area has the potential to flood with water depths of up to 250mm. It is detailed, however, that the mitigation works to the culverts will significantly mitigate flood impact in this area.
- 7.7.4 A number of the appellants and observers question the accuracy of the Flood Risk Assessment undertaken by the applicant and one of the observers commissioned a separate technical study by Fluvio Ltd. to review the potential flood impact of the development to the adjacent Woodbrook Downs residential development, which has been subject of a number of flood events in recent years. The report in particular questions the accuracy of the flood lines for the flood zone A and B areas set out in the applicant's study and notes that a reduction in flood plain conveyance and storage has the potential to increase flood levels sufficiently to exacerbate flooding to Woodbrook Downs.
- 7.7.5 The Drainage Department in their report of the 26th of January 2017 took full account of the technical assessment carried out by Fluvio Ltd. The report specifically disagrees with the assessment which concluded that the development footprint is partially within flood zones A and B. The report notes that the Council is actively engaged with the OPW in relation to the preparation of Flood Risk Management Plans and that the predicted flood extents show a good correlation with known flood extents. Having reviewed the information presented by the applicant including the various food maps, I am satisfied that the development footprint is located in flood zone C. In this regard, the key issue to consider is whether the development in its own right would exacerbate flooding elsewhere due to factors such as displacement.
- 7.7.6 It is noted that on foot of the Fluvio Report and their subsequent submission on the further information response by the applicant, the Council requested further information and clarification of further information on a number of issues pertaining to flood impact and drainage. These primarily related to detailed technical matters

including the design and capacity of the attenuation basin, details of landscaping works and potential impacts on the flood plain and that finished floor levels be at a minimum 300mm above the 0.1%AEP flood events. Clarification of further information was sought regarding surface water calculations and revised mapping.

7.7.7 Detailed responses to these issues was provided by the applicant. Detailed calculations were provided regarding the design capacity of the attenuation basin. It was clarified that run off water from the basin will percolate to the ground naturally and that there is no direct discharge into the Crinken Stream. It was detailed that new paths to be installed within the flood zone will be constructed at existing ground level or lower so as not to take away from the current storage volume attributed to the site. Finished floor levels were adjusted relative to the 0.1%AEP flood line and a 300mm freeboard implemented. Revised mapping was submitted at clarification of further information stage clearly indicating the extent of the 1:100 and 1:1000 flood lines extrapolated from the Crinken Stream CFRAMS mapping. The Dun Laoghaire Rathdown County Council drainage report dated the 6th of July 2017 confirmed that the Drainage Planning Department had no objection to the development and that all issues had been fully resolved.

7.7.8 I am satisfied that based on the detailed technical information submitted by the applicant and its comprehensive assessment by the Drainage Department of Dun Laoghaire Rathdown County Council, that the proposed development is located within Flood Zone C and in itself will not result in or exacerbate flooding to adjacent lands. It is clear that adequate attenuation measures have been incorporated into the design of the scheme to address surface water run-off including that which occurs in an extreme event. In addition, as a result of the development remedial works will be undertaken to the culvert associated with the Crinken Woodbrook Stream. As a result of this, it is considered that flooding in the area is likely to improve. It is acknowledged in the Fluvio report that these mitigation measures are desirable. I am satisfied that the flood assessment is robust and therefore that the development will not result in any adverse or material flooding impacts.

7.8 **Site Services and Prematurity**

7.8.1 It is proposed that a Kingspan Biodisc BK unit will be used for the primary and secondary treatment of wastewater with discharge to groundwater via a polishing

filter. Due to the site topography, it will be necessary for treated effluent to be pumped from the treatment system to the polishing filter distribution manhole. The pump will be located in a separate pumping chamber downstream of the treatment system that will be sized to provide 24 hours of storage capacity. The polishing filter has an area of 238 sq. metres and has been designed in accordance with the Code of Practice by the EPA regarding “Disposal of Effluent from Polishing Filters – Tertiary Treatment Systems. The Drainage Department of Dun Laoghaire Rathdown County Council raise no objections to the principle of the proposed drainage system.

7.8.2 The foul drainage design has been carried out in accordance with the Environmental Protection Agency’s guidance “Wastewater Treatment Manuals: Treatment systems for Small Communities, Businesses, Leisure Centres and Hotels. This manual provides guidance on treatment systems designed to cater for a population of between 10 and 500 persons. The proposed development is estimated to have a population equivalent of 127 persons. The guidance notes that there are many different types of systems suitable for treating wastewater from small communities. It details that a geotechnical assessment of the site should be undertaken to ensure its suitability for such a system. A Site Characterisation Form is to be undertaken where discharge to groundwater is proposed.

7.8.3 The application is accompanied by Site Characterisation Report. A T value of 15.11 (min/25mm) is reported. A P Test was also undertaken to determine whether the site is suitable for a secondary treatment system with polishing filter. The P test indicated a value of 18.11 (min/25). This indicates that the topsoil is suitable for the construction of a percolation area. In this regard, having regard to the information on file, the proposed system once installed and maintained to the required specifications in conjunction with a sand polishing filter would be acceptable and would not give rise to public health concerns. I am satisfied that the proposed wastewater infrastructure proposed to serve the development is adequate.

7.8.4 It is also noted that it is likely that the treatment plant will be an interim measure pending the construction of a main sewer in the Dublin Road which will serve the Woodbrook Shanganagh LAP lands. The system has been designed to facilitate connection to such a public foul sewer when it develops in the future. This is considered reasonable.

7.9 **Appropriate Assessment**

- 7.9.1 A screening report in respect of the development has been submitted by the applicant. There are a number of SAC and SPA sites within 15km of the site (European Sites 000713, 000714, 003000, 000725, 000719, 000210, 002122, 000716, 002249, 000206, 001209, 04172, 004040, 004024, 004186). The site does not however, directly abut or connect with any of these designated areas. Due to the separation distances between the subject site and these designated areas, it is considered, therefore, that the development will not have any direct impacts on these European sites. With regard to indirect affects, the source pathway receptor model must be considered to determine whether there is any potential link between the subject site and the SAC's.
- 7.9.2 In terms of surface water, all surface water generated by the development will percolate on site to groundwater. Attenuation tanks are provided to deal with run off during a storm event. Given the distance of the site from the European sites, it is considered unlikely that any pollution to surface water will occur during the construction phase. Foul water generated will be treated in a self contained treatment system and thus it is considered that there is no source-pathway receptor link.
- 7.9.3 It is reasonable to conclude that on the basis of the information on the file which I consider adequate in order to issue a screening determination, having regard to the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. A Stage 2 Appropriate Assessment is not therefore required.

8.0 **Recommendation**

- 8.1 It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

- 9.1 It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the area, would not seriously injure the character of the area or the amenities of property in the vicinity; would not have unacceptable impacts on ecology, flooding or the

landscape; and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 21st day of April 2017 and 20th day of June 2017 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to a specialist hospital for in-patient and out-patient care and a teaching unit (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of orderly planning and development.

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

Reason: In the interest of visual amenity.

4. 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 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.

5. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 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.

6. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 26th day of January 2017 as amended by the further plans and particulars submitted on the 21st day of April 2017 and 20th day of June 2017, and must conform in accordance with the requirements of the EPA Wastewater Treatment Manual "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" published by the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and are working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

8. 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. These shall include that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

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

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of any archaeological material on the site, and
(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. Prior to commencement of development, the developer shall provide for the following:-

(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

(b) All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

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

11. (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) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be retained shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(c) 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 is 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.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

13. The landscaping scheme submitted to the planning authority on the 26th day of January 2017 as amended by the further plans and particulars submitted on the

21st day of April 2017 and 20th day of June 2017 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 visual amenity.

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.

Erika Casey

Senior Planning Inspector

9th November 2017