



An
Bord
Pleanála

Inspector's Report ABP308447-20

Development	Demolish existing houses and erect a nursing home.
Location	Stepaside Lane, Stepside, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0541
Applicant(s)	Tomrey Developments Limited
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party V refusal
Appellant(s)	Tomrey Developments Limited
Observer(s)	<ol style="list-style-type: none">1. An Taisce2. Fiarcha Kelly
Date of Site Inspection	3 rd February 2021
Inspector	Hugh Mannion

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	5
5.0 Policy and Context.....	5
5.4. Development Plan.....	6
5.7. Natural Heritage Designations	6
5.8. EIA Screening	6
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	8
6.3. Observations	8
6.5. Further Responses.....	8
7.0 Assessment	9
8.0 Recommendation.....	16
9.0 Reasons and Considerations.....	17
10.0 Conditions	Error! Bookmark not defined.

1.0 Site Location and Description

- 1.1. The application site is irregularly shaped and comprises 0.49ha. It is accessed from Stepside Lane adjoining the developed area of Stepside village, County Dublin. The site slopes up from the access onto Stepside Lane towards the rear boundary which the application site shares with the lands of the Burrow golf club. There are four houses within the site; three face onto Stepside Lane and a fourth is set back into the site closer to the rear boundary. These four houses are proposed for demolition. There is semimature screen planting along the rear/western boundary. The access to the site from Stepside Lane comprises a short gravelled shared pedestrian/vehicular lane, to the south of this lane is the gable of one of the houses proposed for demolition and on the northern side is a rubble wall which is part of an unroofed structure which is on the RPS and listed as an 'animal pound'.
- 1.2. Immediately to the north of the access to Stepside Lane is a dormer bungalow 'Patina' which is set back from the edge of the public road, has a decorative gravelled area between its boundary wall and the inner edge of the public road. There is good screening within the site following the boundary wall of 'Patina' from 'animal pound' structure around the rear wall of 'Patina' to the rear of the next building/a retail shop which faces onto the junction in the centre of Stepside village. The northern end of the site is somewhat overgrown with vegetation and abuts the rear of the carparking/service yard of a minimarket which access onto Stepside Lane immediately adjoining the lights that control traffic movements from Stepside Lane onto Enniskerry Road. The significant trees on site are concentrated along the southern boundary and especially in the southwestern corner.
- 1.3. Stepside is a lively village at the junction of Enniskerry Road, Stepside Lane and Kilgobbin Road. Opposite the site entrance is a significant recent re-development of retail at ground floor and residential above. It is generally two storeys but has a three-storey element at the road junction. There is a post office in this building and a supermarket.

2.0 Proposed Development

2.1. The proposed development comprises.

- the demolition of 60, 61, 62 and 63 Stepside Lane, Stepside, County Dublin.
- Construction of 124 bed nursing home (total floor area 6063m²) in a part 2 to part 5 storey building with undercroft and café (97m²).
- Vehicular entrance from Stepside Lane, 31 car parking spaces, bicycle store, bin storage, green roofs, PV panels, signage, boundary treatment, landscaping, a substation, switchroom, lighting changes in site levels and ancillary works,

All at Stepside Lane, Stepside, Dublin 18.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused.

The proposed development represents significant overdevelopment of the site, is excessive in scale (80m long), height, bulk and massing and by its poor transition within the street. The proposed development would be overbearing and visually dominant in its location, would seriously injure the visual amenity of the area and be contrary to the provisions of the development plan and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal for the reason set out in the manager's order.

3.2.2. Other Technical Reports

- 3.2.3. **Parks and Landscape Services** sought further information requiring additional trees be retained.
- 3.2.4. **Environmental Health Officer** recommended permission subject to conditions.
- 3.2.5. **Drainage Planning** reported no objection subject to conditions.
- 3.2.6. **Irish Water** recommended a grant of permission subject to conditions.

4.0 Planning History

- 4.1. Permission was granted under ABP304653-19 for demolition of four houses on Stepside Lane and erection of 29 apartments, Stepside Hill/Lane, Stepside, County Dublin.
- 4.2. Permission was granted under PL06D224778/planning reference number D06A/1397 for mixed use residential/commercial development consisting of the demolition of four number houses at numbers 60 and 61 Stepside Hill/Lane and houses formerly known as “Cois Cnoic” and “Innishfree” and the construction of 52 apartments at Stepside Hill/Lane, Stepside, County Dublin.

5.0 Policy and Context

- 5.1. The **National Planning Framework** specifically addresses the needs of older people (national Policy objective 30) by requiring that local planning, housing, transport/accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.
- 5.2. **The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEH&LG 2009)** seeks to encourage more sustainable forms of development in cities and towns through achieving higher residential densities in areas served by transport infrastructure, public services and community facilities.
- 5.3. The Guidelines (in chapter 4) makes the point that sustainable neighbourhoods require the provision of a variety of residential development types and community facilities. Community facilities are identified as including schools, childcare,

community centres and healthcare facilities – including nursing homes (paragraph 4.7).

- 5.4. **Smarter Travel – A Sustainable Transport Future 2009-2020** sets out key goals to reduce the environmental impact of transport and private car use. These include maximising the efficiency of the transport system and alleviation of bottle necks, minimising the local and global environmental impacts of greenhouse gas emissions, reducing travel demand and distances travelled by private car and accommodation of car drivers on other modes such as walking, cycling, public transport so that private cars will account for lowered kilometres of travel and other modes should grow to 55% by 2020.

5.5. **Development Plan**

- 5.6. The application site is zoned objective NC “To protect, provide for and/or improve mixed-use neighbourhood centre facilities’ in the Ballyogan and Environs Local Area Plan 2019-2025 and in the Dun Laoghaire-Rathdown County Development Plan, 2016-2022.

- 5.7. Advertisements and Advertising Structures, Assisted Living Accommodation, Betting Office, Carpark, Community Facility, Craft Centre/Craft Shop, Childcare Service, Cultural Use, Doctor/ Dentist etc., Education, Embassy, Enterprise Centre, Funeral Home, Garden Centre/Plant Nursery, Guest House, Health Centre / Healthcare Facility, Offices less than 300 sq.m., Open Space, Petrol Station, Public House, Public Services, Residential, Residential Institution, Restaurant, Service Garage, Shop-Neighbourhood, Sports Facility, Tea Room/ Cafe, Veterinary Surgery are permitted in principle in this zone.

5.8. **Natural Heritage Designations**

Not relevant

5.9. **EIA Screening**

- 5.10. Having regard to the nature of the proposed development comprising nursing home on appropriately zoned land where public sewerage and potable water supply is available, the built up nature of the surrounding area and the likely emissions

therefrom there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The site is zone neighbourhood centre – to protect, provide and/or improve mixed use neighbourhood centre facilities in the County Development Plan. Nursing homes are permitted in principle in this zone.
- The proposed development is close to good transport links.
- The demolition of the houses on site has been permitted previously.
- There are adequate separation distances off neighbouring boundaries to avoid overlooking.
- The proposed development will not impact on a nearby protected structure.
- The proposed development implements the requirements of the Building Heights Guidelines to achieve more compact growth in existing urban areas by increasing building heights.
- The Board accepted in previous cases that additional height was an appropriate way to achieve higher density.
- Under a previous permission (06D.224778) two buildings with a cumulative length of 73.4m were granted permission on this site. The proposed development is generally in keeping with this precedent.
- The applicant submits revised drawings of meet the concerns of the planning authority. These amendments include setting back the north-western corner of the site to 3 storeys, the ‘breaking up’ of the western elevation by introduction of louvered section on proposed meeting rooms area, a fifth floor element is removed which reduces the scale and mass of the building.

6.2. Planning Authority Response

- The planning authority notes the revisions submitted with the appeal, but these do not overcome the concerns in relation to overdevelopment of the site and the overall scale, bulk, height and massing of the proposed development.

6.3. Observations

6.4. Observations were received from An Taisce and Fiarcha Kelly. These submissions may be summarised as;

- The proposed development will overshadow/and be overbearing when viewed from adjoining property – in particular 85 Stepside Hill/Lane.
- The proposed stair core window on the northern elevation¹ will overlook the front, side and roof lights of 85 Stepside Hill/Lane. Also, a glass corner to a living area will overlook the rear of the observer's house.
- The café terrace will overlook the observer's property, as will a terrace and roof garden.
- The proposal is overdevelopment of the site and the amendments submitted at appeal stage are insufficient to address this.
- The proposed development conflicts with the policy set out at 8.2.3.4 (xiii) of the County Development Plan in relation to the inappropriate size and scale of the proposed development.
- The proposed development provides a too abrupt transition between the application site and the adjoining golf club which is zoned for open space and recreational activity.
- The quality of public transport in the area is insufficient to justify a large nursing home development.

6.5. Further Responses

None.

¹ This appears to be an error. The southern elevation adjoins the site at 85 Stepside Lane/Hill.

7.0 **Assessment**

7.1. This assessment will address.

- 1) Principle of development.
- 2) Refusal Reason (Mass, scale and height).
- 3) Revised plans.
- 4) Impacts on adjoining property.
- 5) Transport
- 6) Landscaping

7.2. **Principle of development.**

7.3. The application site is zoned for neighbourhood centre development in the Ballyogan and Environs Local Area Plan 2019-2025 and in the current County Development Plan. Residential institutions and assisted living accommodation are acceptable in this zoning and I conclude that the proposed development is acceptable in principle in this zone.

7.4. **Refusal Reason.**

7.5. The refusal reason referenced significant overdevelopment of the site, excessive in scale (80m long), height, bulk and massing and by its poor transition from existing buildings within the street.

7.6. The application site is zoned for neighbourhood centre development and there is a history of permission for significant apartment development on the site (ABP304653-19 and PL06D.224778). It is reasonable to understand from the zoning objective that the planning authority anticipated a greater scale of development on this site than pertains in the immediately adjoining older residential sites and on the adjoining golf course. The Sustainable Residential Development in Urban Areas Guidelines (chapter 4) make the point that sustainability is not confined to the physical environment but extends to the building of integrated communities that include the provision of community facilities that meet the residential needs of the elderly.

7.7. The site is within the Ballyogan and Environs Local Area Plan 2019-2025 which seeks to encourage a broad range of retail, social and community uses in the area

zoned for neighbourhood centre and (policy COM11) to facilitate the provision of assisted living facilities for older people. I conclude on the basis of the foregoing that national and local policy supports the provision of residential care for the elderly at this location.

- 7.8. The Urban Development and Building Heights Guidelines for Planning Authorities (Dept of Housing, Planning and Local Government December 2018) make the point that the implementation of the national planning framework policy to encourage new development into existing urban areas where services and community facilities already exist requires an increase in density, scale and height in town/city cores. The Guidelines require that when considering applications for permission specific regard should be had to encouraging development in brownfield or infill sites and the provisions of the County Development Plan/LAP.
- 7.9. The site has a change in levels of about 7m from the eastern boundary on Stepside Lane up to the western boundary on the Burrow Golfclub. The development steps back into the site starting with a part 2/part 3 storey element onto Stepside Lane and rising to a partially 5 storey element onto the golf course boundary. The separation distance of this 5-storey element off the golf course is between 10m and 12m. The planning authority concluded that this height and length along the boundary with the golf course would appear extensive and at odds with the rural character of the lands to the rear of the application site. I consider that a more appropriate balance may be struck between the greater mass and scale of development anticipated by the neighbourhood centre zoning of the site and the open space zoning of the golf course. The western elevation of the proposed development will have a maximum height of 16m but for a minority of its length along the golf club boundary (about 46m of its full circa 80m). Additionally, a golf club use is a less sensitive use (say, than residential uses) where an amount of overlooking is acceptable. I conclude therefore that the visual impact of the western elevation on the golf course will not be such as to seriously injure the amenity of the golf course by reason of excessive height, length or mass or proximity to the boundary.
- 7.10. The eastern elevation is much shorter and largely occupies the areas vacated by the three demolished two storey houses facing onto Stepside Lane. This elevation is part one/part two and part three storeys (it has a lower ground floor, an upper ground floor and a first floor). It is circa 32m at its longest and about 10m at its highest. The

adjoining house to the south (85 Stepside Lane) is circa 8.2m and the nearest house to the north (past the protected structure and closer to the village centre) is about 4.7m. A three storey apartment/retail building turns the corner of Stepside Lane and the Enniskerry Road in the village centre. Having regard to this pattern of development and the village centre location of the proposed building I conclude that the eastern elevation along Stepside Lane is acceptable in terms of scale and visual impact and will not out of character with the pattern of development in the village centre.

- 7.11. The existing house (60 Stepside Lane) on the southern site boundary, proposed for demolition, is very close to the boundary with the adjoining site (the observer's house). The proposed development is set back 1.3m off the boundary at the corner closest to the road at lower ground floor, ground floor and first floor levels. This separation distance increases to about 3.5m at the rear corner of this roadside building. There is no second or third floor along this elevation. I consider, therefore, that the transition in terms of scale, mass and height of this elevation from the adjoining dormer bungalow to the south is not excessively abrupt in a manner that would seriously injure the visual or residential amenity of nearby property or wider area. Nonetheless I note that there is a first-floor gable window in the observer's house and the applicant has proposed an amendment to the proposed development at this location which I address below.
- 7.12. The northern elevation of the main building faces onto the rear open parking/storage area associated with a minimarket/retail use which opens onto the public road at the intersection of the Enniskerry Road and the Stepside Lane in the village centre. The lower ground floor of the proposed nursing home comprises a bike shed and water storage area. There is an open undercroft to the left/south of this bike shed and water storage area which accommodates car parking. The upper ground floor has a living room on this north-western corner and the bedrooms run south from this corner. The first floor and second floors have a similar arrangement and there is a roof garden at third floor. There are windows on the living room at upper ground floor level facing onto the golf course and the open rear of the minimarket/retail use at a separation distance of about 4.5m and 5.2m respectively. At first and second floor levels the windows are fitted with angled windows (or spy windows) which minimise the risk of overlooking of either the golf course or the rear service areas of the retail

uses facing onto Stepside Lane. Having regard to the adjoining uses, the separation distance off the boundaries and minor floor areas of the living rooms (about 39m²) I conclude that these living areas will not seriously injure the amenity of adjoining property by overlooking.

7.13. The shorter elevation which links the roadside block to the rear block (western block) is 10.6m off the boundary with the protected structure (a roofless animal pen/shelter) and the garden boundary of the adjoining residential use to the north and 20m off the gable wall of that house. I conclude that this separation distance is sufficient to prevent injury to the amenity of that house by overlooking or overshadowing.

7.14. Finally, the southern elevation at lower ground floor comprises underground car parking. At upper ground floor (a bedroom with no windows to the south) is a minimum of 5.3m off the southern boundary which widens to 9.3m. At first floor the distance off the boundary (a bedroom with no south facing window) is 5.3m widening to 7.15m. At second floor the same separation distances generally apply and at 3rd floor the separation distance is between 10m and 12m off the boundary.

7.15. **Revised Plans.**

7.16. The applicant submitted revised plans which the applicant states address the issues of concern to the planning authority. Two issues arise in this context – firstly are the changes submitted with the appeal sufficiently within the ‘four walls’ of the application submitted to the planning authority and advertised to the public to allow them to be considered by the Board in the context of the application, and, secondly are the changes improvements to the application which should be incorporated into the design.

7.17. The western elevation adjoins the golf course; the original elevation is illustrated on drawing P19-133D-3.1_200 Rev P01. The revised western elevation is illustrated on P19-133D-3.1_200 Rev P02. I consider that these changes are not material to the application, may be considered by the Board but I recommend that they are unnecessary to protect the visual amenity of the adjoining golf course.

7.18. The original southern elevation is illustrated on drawing P19-133D-3.1_200 Rev P01. The revised southern elevation is illustrated on P19-133D-3.1_200 Rev P02. The revision here is the stepping back of a first staircase to increase the separation distance off the boundary with the neighbouring property and the change of colour

from a darker brick to a lighter brick finish. I consider that these are minor amendments which may be conditioned as part of a grant of permission and are in the interests of the residential amenity of adjoining property. I attach a draft condition number 2 below referencing this point.

- 7.19. The original northern elevation is illustrated on drawing number P19-133D-3.1_201 Rev P01. The revised northern elevation is illustrated on P19-133D-3.1_201 Rev P02 and the revision involves the omission of a living area and stepping down of the development as it faces onto the service/parking area of the minimarket/retail use that opens onto Stepside Lane in the village centre. I recommend that this is a minor amendment which may be considered by the Board but I conclude that the amendment is not necessary to protect the amenity of adjoining property and I do not recommend its incorporation onto a grant of planning permission.
- 7.20. The original eastern elevation is illustrated on drawing number P19-133D-3.1_201 Rev P01. The revised eastern elevation is illustrated on P19-133D-3.1_201 Rev P02 and incorporates the reduction by about 1.6m for the first floor and change of brick from darker to a lighter shade. I consider that these are minor changes that are in the interests of the amenity of the adjoining property and that may be incorporated into a grant of planning permission by way of draft condition number 2 below.
- 7.21. **Impact on adjoining Residential Property.**
- 7.22. The occupant/owner of 85 Stepside Lane/Hill states that his property adjoins the application site² and makes the point that the proposed development will be overbearing when viewed from that property, will overlook that property including from the cafes within the central black and from the roof terrace.
- 7.23. The amended drawings for the interface of the southern elevation with the adjoining house to the south (the observer's house) illustrate a reduction in height of this elevation by about 1.6m at first floor level. There is no second or third floor on this section of the development as it faces onto Stepside Lane/Hill. I consider that this amendment and the change to brick colour will reduce any perception of bulk when viewed from the south and will improve the transition from the older built form to the

² The observer's house adjoins the southern boundary of the application site not the northern as stated.

newer nursing home development. This also addresses a point made by the planning authority.

7.24. There are dining rooms on the upper ground floor, first floor and second floor with angled windows/spy windows at a distance about 20m from the southern site boundary with the observer's property which itself faces onto Stepside Lane/Hill. As a rule of thumb, it is considered that a separation distance of 22m for opposing rear first floor windows is sufficient to protect the privacy of rear gardens. There is reasonable screening along this boundary, and this will be augmented by the landscape planting proposed in the application (see in particular Landscape Architects drawing DN2003_101 submitted to the planning authority). Furthermore, the proposed development is located north of the observer's house which ensures that there will be no perceptible impact on the direct sunlight or daylight to the observer's site. Having regard to these factors I conclude that the proposed development will not seriously injure the amenity or depreciate the value of that property.

7.25. Accessibility

7.26. The An Taisce observation makes the point that the site is unsuitable for a nursing home as the transport links to Stepside village and the application site are poor.

7.27. The Traffic and Transport Assessment (TTA) submitted with the application states that there are two bus routes (routes 47 and 44) serving the area and the closest Luas stop is at The Gallops. The TTA also makes the point that there are road improvement proposals which will improve access to the site, that Bus Connect proposes an additional bus route serving the site, and that carparking and bicycle parking is provided on site in accordance with Development Plan standards. The planning authority's Transport Planning Section did not report on the application, but I am satisfied that the carparking provision (31 spaces) complies with Table 8.2.4 of the County Development Plan and that cycle parking is acceptable.

7.28. It is possible to agree with the observation that transport links to Stepside village and the application site need improvement without concluding that the site is unsuitable for nursing home development. Having regard to the existing and growing population in the immediate vicinity of Stepside/Kiltiernan I consider that there is a good case for the proposed development and that it aligns with national policy as set

out in the NDP and local policies to minimise the separation distances of older people's care facilities from their community setting. There is a bus service to the village and a tram stop within 2kms and the application site is within the village envelope and within walking distance of the shops/community facilities in Stepside village. I note the proposals for improved transport links detailed in the TTA and agree with these will improve connectivity between Stepside and the wider area.

7.29. Having regard to the foregoing I conclude that the proposed development is acceptable in terms of traffic and pedestrian safety and convenience.

7.30. Landscaping

7.31. The planning authority's parks department recommended requesting further information in relation to retaining additional trees on site. The planning authority did not seek the recommended additional information because of the substantive reason for refusal.

7.32. The application included an arborist's assessment of the trees on site along with a landscaping plan. The arborist's assessment includes drawings illustrating the existing trees and hedges on site and the trees to be felled. The trees include examples of Lawson cypress, Sitka spruce, Norway spruce, house chestnut, ash, sycamore, cherry and birch and their conditions vary from fair/good to poor. The hedges within the site (Ionicera, Griselinia and hawthorn) have been allowed to grow unmanaged and there is bramble within the site. The report recognises that most of the trees will be lost as part of the development works but the hedges on the south, west and northern boundaries will generally be retained.

7.33. I consider that the assessment of the layout, types and condition of the existing trees and hedgerows on site is accurate and I agree that the development works will necessitate the loss of most trees and that the proposed development has been designed to maintain a good deal of the boundary hedging. I consider that the landscape design report and the landscape plan submitted with the application are reasonable and will enhance the amenity of the site. Draft condition number 9 below requires that the site be landscaped/finished to the satisfaction of the planning authority.

7.34. Appropriate Assessment

- 7.35. The application was accompanied by an AA screening report. The report states that the site is not within a European site and therefore has no direct impacts any European site. There is currently no attenuation of surface water on site. Following development works and in accordance with the planning authority's SUDS requirements surface water will be infiltrated through permeable surfaces where appropriate and attenuated in a constructed tank within the site. Surface water will discharge at a controlled rate to the existing surface water sewer. Foul water will discharge to the public sewer system for treatment at the Shanganagh WWTP which in turn discharges treated effluent to the Irish Sea but not into any European site. Potable water will be sourced from the existing public supply. The Screening Report identifies Poullphouca Reservoir SPA (004063) as the only European site within the zone of influence because it provides the water supply to the proposed development. The conservation objective for the SPA is to maintain or restore to favourable conservation condition the species for which the site has been designated – the grey leg goose and the lesser black backed gull.
- 7.36. 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, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Poullphouca Reservoir SPA (004063) or any other European site in view of their Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

The application site is zoned NC - 'To protect, provide for and/or improve mixed use neighbourhood centre facilities' in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022.

Having regard to;

- a) The National Planning Framework which seeks to meet the healthcare needs of older people with the provision of suitable and necessary services and facilities,
- b) The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEH&LG 2009) which advises that sustainable neighbourhoods require a range of community facilities including meeting the residential needs of older people.
- c) The Guidelines for Planning Authorities on Urban Development and Building Heights (Department of Housing, Planning and Local Government 2018) in relation to encouraging increased building heights on brownfield or infill sites,
- d) the zoning objective for the development of the site for mixed use neighbourhood facilities set out in the current Dun Laoghaire Rathdown County Development Plan 2016 to 2022 and the Ballyogan and Environs Local Area Plan 2019 to 2025,

it is considered that, subject to compliance with the conditions set out below, proposed development would not seriously injure the visual or residential amenity of property in the vicinity by reason of height, mass or scale, would not give rise to overlooking or overshadowing of adjoining property, would not endanger public safety in terms of pedestrian or traffic movements, would contribute to the mix of community facilities in the area in accordance with the zoning provisions of the Local Area Plan and County Development Plan and would, otherwise, 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 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) the southern and eastern elevations of the block adjoining Stepside Hill/Lane shall be finished in a cream coloured brick with honeycomb texture.
 - (b) the southern and eastern elevation at first floor shall be reduced in height by 1.6m.

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

Reason: In the interests of residential amenity.

3. Surface water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

5. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

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

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

Reason: In the interest of visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the proposed nursing home.

Reason: In the interests of amenity and public safety.

9. The areas of open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before nursing home is made available for

occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose.

10. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for the proposed nursing home shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

12. Proposals for the naming of the development and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of urban legibility.

13. The construction of the development shall be managed in accordance with a Construction and Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environment Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. 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 ensure the satisfactory completion and maintenance of the development until taken in charge.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 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.

Hugh Mannion
Senior Planning Inspector

4th March 2021.