



An
Bord
Pleanála

Inspector's Report ABP-310162-21

Development	Provision of one roof level photovoltaic solar panel to front elevation, and alterations to Condition no.6 of P.A. Reg. Ref. 66/90 to allow for the use of premises as Class 9a accommodation.
Location	25 Glenageary Road Upper, Glenageary, Co. Dublin, A96 VW21
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0780
Applicant(s)	Ardeeshal Lodge Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellants	John Ross Iain Bennett & Others

Observers

None.

Date of Site Inspection

23rd August 2021

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site comprises of a detached building on a site with a stated area of 0.082 hectares at no. 25 Glenageary Road Upper, Glenageary, Co. Dublin. The site is located on the northern eastern side of the Glenageary Road and is on the northern corner junction site of the Glenageary Road and Highthorn Woods. The area is predominantly residential, though there is a Tesco supermarket and a number of smaller units within a small retail centre on the southern side of the Glenageary Road Upper, opposite the subject site.
- 1.2. The existing building is in use as a nursing home and appears to have originally being in use as a standalone house. It has been extended over times with a two-storey extension to the eastern side and various extension types to the rear. An extension located on the western side of the rear garden, extends the full length of this boundary.
- 1.3. The existing building is set back from the footpath edge and is set back from the established building line on this side of the street. Car parking is available to the front of the site.
- 1.4. The site is located approximately 1.2 km from the centre of Dun Laoghaire. A limited bus service is available on the Glenageary Road Upper with high frequency services available on Kill Avenue, approximately 210 m to the west of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - The provision of one roof level photovoltaic solar panel on the front elevation.
 - Alterations to Condition no. 6 of P.A. Reg. Ref. 66/90, to allow the use of the premises for Class 9a use – For the provision of residential accommodation and care to people in need of care (but not the use of the house for this purpose) in order to increase the variety of care provided on the premises.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions following the receipt of further information. Conditions are generally standard. Condition no. 2 requires the provision of 10 no. long stay resident bicycle parking spaces and 2 no. short stay/ visitor bicycle parking spaces with suitable covered parking/ lockable areas to be provided.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to grant permission for the proposed development. Further information was sought in relation to the type of care/ nature of facility in operation on this site. This included the number of persons to be catered for, type of care, hours of operation, staff numbers (full/ part time), car parking details and open space provision. Revised plans indicating the bedroom accommodation/ self-contained units (if relevant), ancillary areas and other rooms for the residents were requested.

A full response to the further information was received. In summary, the unit is to be operated by the Peter McVerry Trust as a 'family hub', 10 family suites will be provided, the facility operates on a 24-hour basis, 365 days of the year. Family placements are on a 6-month basis. Family sizes are usually in the range of 3 to 4 persons and it is expected that no more than 40 people will be on the site, this includes staff. This will be less than when this site was in use as a nursing home, then there were 32 residents and 12 staff members. The proposed development will have 2 no. staff on shift at all times. The Peter McVerry Trust operate an allocated minibus/ shuttle whereby families are collected by arrangement. No car parking is to be allocated and from operating other such hubs, there is a very limited demand for such car parking on these sites. The four parking spaces on site is adequate for staff/ visitor parking. The site is within walking distance of good public transport and an established neighbourhood/ centre. Bicycle parking is provided to the front of the

site. Approximately 110 sq m of open space is provided for. Floor plan drawings have been submitted that demonstrate the internal layout of this development.

3.2.2. Other Technical Reports

Drainage Planning – Municipal Services Department: No objection.

Transportation Planning: Further information requested in relation to the proposed use of this site/ building in order to assess the car/ bicycle parking requirements of the site. The submitted further information response was noted and conditions were recommended in the event that permission were to be granted.

Environmental Health Officer: No objection to the proposed development.

3.2.3. Prescribed Bodies

None.

3.2.4. Objections

A number of letters of objection to the development were received to the original application. A submission prepared by Dr Diarmuid Ó Gráda was on behalf of a number of the residents of Highthorn Wood and Glenageary Road.

The following points were made in summary:

- No description is provided for the type of development proposed here. References are made to providing for accommodation to alleviate homelessness, but no particular details are provided.
- The condition, proposed for removal, was put there to provide a level of certainty for residents in the area.
- Details required of what the use is to be of this property, how the use is to be implemented, hours of operation and what the impact will be on the immediate area.
- The existing house has been extended and revised to such an extent as to be out of character with the existing form of development in the area. The floor area of the building at 560 sq m is significantly greater than the prevailing floor area in the locality.
- The garden/ open space has been paved in tarmac. This has resulted in a lack of open space/ amenity space for future residents.

- Extensions have been put onto to the house to allow for emergency exits and drills etc. may negatively impact on the residential amenity of the area.
- Concern that the planning history may not be complete.
- Shortage of car parking may result in increased kerbside parking in the area.
- Procedural concerns:
 - The public notices are worded in such a way as to hide the primary aspect of the development.
 - Number 25 is a house and should be described as such.
 - Details of the development should be clearly set out and not hidden through the use of jargon.
- The planning history of the site/ building indicates that the nursing home was developed on a temporary basis but intensified over time.
- Reference is made to ABP Ref. 228455 – Glendown Lawn, Templeogue, for the conversion of a house for use by two carers and six minors, development was permitted on the basis that this was at a scale and ‘a use not dissimilar to standard residential use’. ABP Ref. 205589 refers to a partial conversion of a house at Fairways, Rathfarnham from nursing home to pre-school facility – refused due to the scale of development, additional hazardous traffic movements and injurious impact to adjoining residential amenities.
- The proposed development may accommodate a large number of people but may not provide for sufficient facilities – only one kitchen is in place at present.
- Doorway onto the eastern side of no. 25 was added in the 1990s and there is no footpath at this point, creating a dangerous situation.
- No bicycle parking has been provided to serve the development.

Following the receipt of the further information response, the following additional observations were received:

- The development of the existing house, no. 25, is out of scale for the size of the site and is out of character with the established form of development in the area.
- The public notices are inadequate as they fail to describe the nature and extent of the development.

- A total of 10 units are proposed and it is considered that a number of these are substandard in terms of aspect and lack of amenity space.
- There is a lack of open space to serve these residents – should be 15 sq m per person.
- The lack of car parking may give rise to a traffic hazard.
- The proposed development does not undo some of the worst aspects of the existing site/ building – removal of conservatory to the front of the building for example.
- Request that the development be refused but recommend conditions in the event that permission is granted:
 - Temporary permission of three years to ascertain the impact on the area.
 - Annex which includes units 1 to 4 to be demolished and used as open space.
 - The glass/ steel conservatory to the front of the building to be removed.
- It's unclear as to why the nursing home use ceased. It should be made clear if this was due to the premises being deemed to be substandard or unsuitable for such use.
- It is difficult to see how this development can accommodate the number of people proposed – up to 40 residents.
- The use is on a six-month basis, but there may be no way to control this.
- It is unclear as to how the laundry and kitchen services will be provided as the existing provision is not adequate for such proposed numbers of people.
- Room/ unit sizes are very small for the intended use.
- The 24/7 nature of this development will have a negative impact on the amenity of the adjacent residents.
- The number of people in the premises at a time needs to be limited to 40. Also, the number of staff appears to be insufficient.
- No details are provided for the transport needs of residents when on site. No car parking and bicycle parking provision is made for residents.
- There is a lack of open space to serve the residents of this development.

4.0 Planning History

There are no recent, relevant applications on this site. The applicant has included a list of relevant planning applications in their planning report, the most recent dates to 1992. From the available information, the following are noted:

P.A. Reg. Ref. 4509/73 refers to a December 1973 grant of permission by the Corporation of Dun Laoghaire for a change of use from private residence to a home for incapacitated persons, at no. 17 Upper Glenageary Road, the then number of the subject site.

Extensions to this building were granted under **P.A. Ref. 6052/75** in July 1975, **P.A. Ref. 10006/79** in October 1979, **P.A. Ref. 66/90** in June 1990 and **P.A. Ref. 710/90** in December 1990. Condition no.6 of 66/90 is proposed for removal under this application/ appeal and states 'The premises shall be used solely as a nursing home and no change of use shall take place save with the prior permission of the Planning Authority'.

P.A. Ref. 367/91 refers to a decision to grant permission for a conservatory to the front of the property. This decision was appealed, and the decision was upheld by An Bord Pleanála, grant was issued in January 1992.

Further extensions/ alterations to the building were permitted in 1991 and 1992. No subsequent planning applications were made.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A 'To protect and/or improve residential amenity'. Residential, Assisted Living Accommodation and Residential Institution, developments are listed within the 'Permitted in Principle' category of this zoning objective.
- 5.1.2. The site is located within the 'Boundary of lands for which a Local Area Plan will be prepared' – this refers to Dun Laoghaire and no plan has been prepared to date. The Glenageary Road Upper, to the front of the site, is indicated as a 'Proposed Quality Bus/Bus Priority Route'.

5.1.3. Chapter 2 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to the ‘Sustainable Communities Strategy’ and Policy RES 10 is relevant and states:

‘It is Council policy to support the provision of homeless accommodation or support services throughout the County.

In this regard, proposals for such facilities should not result in an over-concentration in one area and should not unduly impact upon existing amenities. As a partner with the other Dublin Local Authorities in the shared services provided by the Dublin Region Homelessness Executive (DRHE) it is an objective to implement the actions of the Homeless Strategy National Implementation Plan and the Dublin Homeless Action Plan Framework 2014- 2016. Proposals for homeless accommodation or support services within Dún Laoghaire-Rathdown shall have regard to the requirements of the Dublin Region Homeless Executive’.

5.1.4. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’ and 8.2.3.4 ‘Additional Accommodation in Existing Built up Areas’.

8.2.3.4(iii) – ‘Nursing Homes for the Elderly/ Assisted Living Accommodation’.

Although the development is for a change of use from a nursing home, some of the considerations are relevant.

5.2. **Planning and Development Regulations 2001 as amended:**

The section referred to in the public notices/ focus of this application is: ‘The Planning and Development Act 2001 as amended’, ‘Part 4 - Exempted development - Classes of Use’ and Class 9 a/ b states:

‘Use—

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),
- (b) as a hospital or nursing home’

5.3. Natural Heritage Designations

5.3.1. None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The development has been appealed by John Ross of 7 Highthorn Woods and separately an appeal has been prepared by Dr Diarmuid Ó Gráda on behalf of a number of residents of Highthorn Wood and the Upper Glenageary Road.

6.1.2. Mr. Ross raises the following points in his appeal:

- The public notices obscure the real intent of the application, the solar panels are not a significant issue, whereas the removal of the condition to change the use from a nursing home to a family hub is significant.
- The building developed over time from a family home to a nursing and has been extended a number of times since.
- The status and function of family hubs is described. Three characteristics referenced are:
 - The family hub provides accommodation for families, with children, who are currently homeless.
 - They adhere to current building standards.
 - They meet the standards developed with the Department of Housing, Planning, Community and Local Government but are exempt from minimum accommodation standards that apply to most rented accommodation.
- Ten family suites are proposed – total floor area of 249 sq m, approximately 6 sq m per person and a communal area of less than 90 sq m.
- The development will not provide for an improved level of accommodation over what could be provided within a hotel setting.
- Requests that permission be refused but recommends suitable conditions if permission is to be granted, summarised as follows:

- Family hub to be limited to use by the Local Authority or an approved housing body.
- Limited permission to be put in place.
- To be conditioned to meet the requirement of the Dublin Region Homeless Executive (DRHE).
- Should only be used for families with children.
- Residents not to be provided with car parking.
- The side door on Highthorn Wood to be removed.
- Some buildings should be removed in order to provide for more open space to serve the future residents.
- The residents of the area have already endured significant development in the form of construction on the former Dun Laoghaire Golf Club site and this appeal is to ensure that they will not suffer from a further loss of residential amenity.

6.2. Dr Diarmuid Ó Gráda raises the following points, in summary:

- The public notices did not adequately describe what was proposed here.
- No. 25 should be described as a house, use as a nursing home ceased two years ago.
- The existing site has been overdeveloped over time and the site no longer provides any open space for residents. The floor area of the existing building is given as 560 sq m.
- Notes the Planning Authority Case Officer's report regarding the provision of the solar panel and is disappointed that not enough thought/ comment was made on the development to the rear of the house which is in place.
- It is incorrect to compare this development to the nursing home use, many of the former residents were confined to their rooms and did not need to make use of open spaces.
- The residential amenity for some of the units will be of a poor quality.

- Institutional development should be provided with an open character and suitable open space to serve future occupants.
- The proposed development will generate additional traffic and car parking concerns.
- The entrance that opens onto Highthorn Wood is of concern as there is no footpath here.
- Request that the development be refused permission.

6.3. Observations

6.3.1. Dr Diarmuid Ó Gráda comments on the third-party appeal lodged by Mr Ross and makes the following points:

- Agrees that the site notice was misleading, and the Significant Further Information notice did not rectify this issue.
- The planning history is noted, and the unit should revert to use as a family home.
- The site is not suitable for use as a family hub due to the lack of private amenity space and would give rise to nuisance to neighbouring residents.
- Request that permission be refused due to impact on the residential amenity of the area, and due to the lack of car parking, which may give rise to a traffic hazard.

6.4. Applicant's Response

6.4.1. The applicant submitted a detailed response to the appeal and the following points are made, in summary:

- The development is in accordance with the relevant policies, objective and standards of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 in addition to national policy on housing/ homelessness, and the application seeks to remove a condition which is considered to be onerous and prevents the use of the property as a family hub to be operated by the Peter McVerry Trust.
- The original house at no. 25 Glenageary Road Upper has been extended over time and was converted into a nursing home which operated as such until 2019.

The relevant condition no. 6 to be removed was attached to P.A. Ref. 66/90, which allowed 'for the demolition of the existing converted garage and sheds and their replacement with a two-storey extension to side and single storey extension to rear'.

- A number of precedent/ similar examples have been provided by the applicant in support of this development, which was granted permission by the Planning Authority.
- The nature of a family hub and the support provided for each person living within, is detailed by the applicant. This will be 24/ 7 operation catering for approximately 10 families of 3 to 4 persons each and two staff members at a time.
- The development is located on lands zoned 'A' – residential use and is therefore in accordance with the zoning objective.
- No further extensions or alterations to the existing building are proposed, other than a solar panel to the front roof profile.
- The removal of condition no. 6 of P.A. Ref. 66/90 would allow the use of this building as a family hub. The permitted use is a nursing home, and the proposed use is similar in nature to this.
- The previous alterations and extensions to this building and the revision of the amenity space to the rear do not form part of this application as no works are proposed to these elements. The comments regarding overdevelopment can be dismissed.
- The applicant has indicated the location of open space/ amenity areas within 400 m of the site on Figure 7.0 of their appeal response.
- Adequate car and bicycle parking is to be provided, the Glenageary Road Upper is proposed as a quality bus corridor and there are a number of bus services along the Mounttown Road. Residents will not normally have access to a car.
- The use of this building is considered to be acceptable, and the residents will only live here for a short period of time as a transitional home until a more permanent home can be provided.

6.4.2. Requests that the grant of permission be upheld.

6.5. **Planning Authority Response**

6.5.1. The Planning Authority had no further comment to make.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to the appeal can be addressed under the following headings:

- Nature of Development
- Residential Amenity
- Traffic Issues
- Other Issues
- Appropriate Assessment Screening

7.2. **Nature of Development**

7.2.1. There are two different aspects to this development as described in the public notices: the provision of a photovoltaic panel on the front roof profile with an area of 3.9 sq m and secondly the removal of condition no. 6 of Reg Ref. 66/90 which states:

‘The premises shall be used solely as a nursing home and no change of use shall take place save with the prior permission of the Planning Authority’.

7.2.2. I have no objection to the provision of a solar panel on the front of this building. None of the appeals or observations raised any concern about this aspect of the development. The proposed panel will not have a negative impact on the visual or residential amenity of the area.

7.2.3. The removal of condition no.6 is the primary focus of the two separate submitted appeals and will be assessed in the following sections of this report.

7.2.4. I note that comment was made regarding the public notices and the fact that the nature of the development is somewhat hidden in the description. I have some sympathy with the observers/ appellants as the original submitted planning report is somewhat unclear as to the nature/ extent of development and combined with the

public notices does give rise to confusion. The subsequent further information response provides much clearer detail on the development. The public notices are not incorrect in themselves, their function is to inform the public that there is a proposal for development and that full details can be obtained from the submitted application/ supporting documentation. From the number of observations and subsequent appeals, it is considered that the public notices have met their primary requirement.

7.3. Residential Amenity

- 7.3.1. **Residential Amenity for Future Residents:** I note the history of this site having regard to the age of same and the information available. Permission was granted for a nursing home back in the 1970s and this was subsequently extended over time. I note that there has been comment in the observations and subsequent appeals that the development of this site has been excessive and has resulted in a significant amount of loss of amenity space to the rear of the house. From the available information, these extensions/ alterations have the benefit of planning permission. These grants of permission were some time ago, with the most recent approved permissions in the 1990s. There is no opportunity for a re-examination of the design, quantum of development or quantity of open space. The scale and nature of the development is established on this site.
- 7.3.2. The most recent use was as a nursing home and from the available information, there are no external alterations proposed, other than the provision of the solar panel to the front roof profile. The building will provide for 10 family suites, six on the ground floor and four on the first floor and there will be a total of two staff on shift at any one time. Each suite will accommodate a family of three to four people. The facility will operate 24 hours/ 365 days a year. The internal layout will utilise the existing layout though rooms may be designated for uses different to those currently in use.
- 7.3.3. A total of 110 sq m of space located to the rear of the building is to be used as open space. It is stated in the Further Information that the gate/ access to the side of the garden is not to be used except for access to bins and as a fire exit in the event of a fire/ other emergency.

- 7.3.4. Condition no. 6 of 66/90 required that the unit be used as a nursing home only and that any change would require planning permission. The submitted application seeks to remove the limitation on the use and to allow for the building to be used for Class 9a use – ‘for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose)’. From the available information, the unit will be used to house homeless families for a period of time before they transition to independent housing. The adult family members will be assigned a keyworker who will develop a support plan for the family and this plan seeks to progress the family out of homelessness.
- 7.3.5. Having regard to the nursing home use on site, there is a clear similarity between this use and the proposal. The future residents will share access to facilities such as the laundry area and to the open space. Cooking will also be provided from a central location. The unit will clearly operate as a short-term solution to get homeless families prepared for their own independent home. I have no concerns regarding the change in designation of this building for Class 9a uses. I would suggest that the maximum number of people to work and reside here be limited to 40.
- 7.3.6. As noted by the third parties, visitors to the building are likely. Care support staff are likely to visit during the day, when some families are not present, so I would not be concerned that the numbers on site may exceed the suggested maximum of 40 people. The former nursing home would have had visitors on a regular basis and a greater movement of staff to and from the site.
- 7.3.7. The proposed development does not provide for permanent accommodation for residents and preferably such residents should reside here for as short a time as possible, three to six months would be the range of time I would suggest. Whilst the facility provides a better form of accommodation than having to live in a hotel etc. it is not suitable for medium to long term residency. The provision of such accommodation should include more floor space, individual kitchens, and private amenity space. ‘Family hubs’ are acceptable as a transitional form of accommodation until a more permanent form of housing is identified.
- 7.3.8. I was unable to access the rear of the site where the amenity space is located, but from the site visit it was evident that this space was mostly hard landscaped. It would be desirable if some play equipment were provided for children and perhaps

some seating for outdoor passive recreation. Amenity space is available in the area and again I consider the availability of open space on site to be an improvement on the housing situation that the future residents may currently find themselves in.

- 7.3.9. The proposed development is to be operated by the Peter McVerry Trust and as such it can be expected that the family suites and associated facilities will be provided to a very high standard. The management of the site will also be to a high standard. I am satisfied that the development will provide for a suitable form of housing for those transitioning from homelessness to their own independent home.
- 7.3.10. **Residential Amenity of Existing Residents:** A significant number of local residents signed their name to oppose this development. The majority of these lived in Highthorn Woods and on Glenageary Road Upper. From the issues raised, it is considered that their primary concern is a lack of certainty as to what is proposed. This is unfortunate as the applicant, through their agent, should have clearly set out what the nature of the development is and provide full details on the scale and extent of the development. The Planning Authority correctly sought further information and all issues were adequately responded to by the applicant.
- 7.3.11. I am satisfied that the former use as a nursing home, allows for the use of this former house as a family hub. Reverting the use back to a family home, whilst maybe desirable, is not sought at this time. I am not certain as to when this house was originally built but it has served as a nursing home for a significant period of time. The use, which is permitted, is well established and predates the occupation of the houses in Highthorn Woods. I have already commented that the issue of overdevelopment does not arise as permission is granted for these works and these are in place a significant period of time. No significant works or alterations are proposed to this unit.
- 7.3.12. Comment was made on the differences between the nursing home use and family hub. A greater use of the open space may occur, but I note that the rear of the site adjoins an area of open space associated with Highthorn Woods. A temporary football goal post was located on this piece of open space, and which indicates that this is an active area of open space. The use of the open space associate with no. 25, which is located behind high walls, is unlikely to give rise to significant nuisance to existing residents. This section of the Glenageary Road is heavily trafficked, and

the site is opposite a busy local centre – factors that indicate a high level of activity in the immediate area. The fact that the previous residents may have spent most of their time in their rooms is due to the nature of the care that they required. The permitted development did not prevent the use of the open space by residents.

7.3.13. I am therefore satisfied that the removal of Condition 6 will not negatively impact on the existing residential amenity of the area. The established development and nature of the proposed use are similar in many aspects. No new construction is proposed that would impact on existing residents through overlooking leading to a loss of privacy and overshadowing leading to a loss of daylight/ sunlight.

7.4. Traffic Issues

7.4.1. Concern was expressed that the proposed development would give rise to additional traffic in the area and the potential for on-street/ kerbside parking. I note the reports of Dun Laoghaire-Rathdown County Council Transportation Planning and that car parking is adequately provided for. A total of three spaces may be required (on the basis that the development is considered as Hostel Accommodation) and the proposal is for four spaces. The provision/ availability of a shuttle bus allows for collection of families to bring them to/ from the subject facility. The area is also well served with high frequency/ capacity bus routes that serve a range of locations. I am satisfied that adequate car parking is provided for on site.

7.4.2. I note the concerns regarding on-street/ kerbside parking in the area. From the submitted information I do not foresee that the proposed development will create any more such parking issues in the area than is already the case.

7.4.3. The Dun Laoghaire-Rathdown County Council Transportation Planning section recommended that a total of 10 long stay and two short stay/ visitor bicycle parking spaces be provided. The long stay spaces to be in covered accommodation that can be locked. This can be addressed by way of condition. There is adequate space on site to provide for this.

7.5. Other Issues

7.5.1. The Drainage Planning – Municipal Services Department, and the Environmental Health Officer, have reported no objection to the proposed development.

7.5.2. I have referred to the comments made by third parties about the nature of the application and how it was advertised in the public notices. It is unfortunate that the level of detail provided in the appeal response by the applicant was not provided with the original application. This would have removed any sense of uncertainty and would have provided a clear indication as to what is proposed on this site. As I have reported though, the primary function of the public notices to indicate that a development is proposed on this site was met by the applicant.

7.6. **Appropriate Assessment Screening**

7.6.1. Having regard to the nature and scale of the proposed development, and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, it is considered that the development would not give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 **Recommendation**

8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning of the site for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. 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 on the 28 th October
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	<p>2020 and by the further plans and particulars received by the Planning Authority on the 22nd of March 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a) The permitted development provides for the use of this site/ existing buildings for use as a Class 9a (for the provision of residential accommodation and care to people in need of care – but not the use of a house for that purpose) use in accordance with the Planning and Development Regulations 2001 as amended.</p> <p>b) The units/ family suites shall not be sold off or rented to anyone who is not registered with the Local Authority or an approved housing body.</p> <p>c) Any change in use from that permitted shall not take place without the receipt of planning permission from the Planning Authority.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The applicant/ developer shall submit details of suitable play equipment and seating areas to be located within the open space area to the rear of the site.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>A total of 12 no. bicycle parking spaces shall be provided within the site. Ten long stay spaces, under cover and which should be lockable, and two visitor parking spaces shall be provided. Details of the layout and location of these spaces shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p>

	<p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
5.	<p>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 hours of working, noise management measures and off-site disposal of construction/ demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>

Paul O'Brien

Planning Inspector

2nd September 2021