



An
Bord
Pleanála

Inspector's Report ABP 312975-22

Development	Demolition of dwelling, extension to nursing home and associated works
Location	Four Ferns Nursing Home and Tall Trees, Brighton Road and Claremount Road, Foxrock, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0507
Applicant	FWNH Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	Brian & Paula Harrison
Observer(s)	None
Date of Site Inspection	16/08/22
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The Four Ferns Nursing Home is a recently completed three storey over basement 140 bedroom facility on landscaped grounds at the east end of Brighton Road close to its junction with Glenamuck Road in Foxrock. The primary access is from Brighton Road with a gated service access from Claremount Road. The site subject of the appeal also includes a two storey dwelling (Tall Trees) and outbuildings on mature grounds immediately to the north.
- 1.2. The site is bounded to the west by Tullow Church and Rectory. A detached dwelling on a large plot ('Rosbeg') with frontage onto Claremount Road bounds the site to the north with the rear garden of another dwelling ('Cranford') also bounding the site to the north. A further two storey dwelling ('The Grange'), again on a large plot, bounds the site to the east.
- 1.3. The site has a stated area of 0.35 hectares.
- 1.4. The Board is advised that there is a concurrent appeal before it for demolition of the dwelling known as 'Tall Trees' and construction of 2 no. semi-detached dwellings. File ref. ABP 313943-22 refers.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 03/06/21 with further plans and details accompanied by revised public notices submitted 11/01/22 following a request for further information (FI) dated 27/07/21.
- 2.2. As amended, the proposal entails:
 - Demolition of existing dwelling,
 - 3 storey extensions to two wings of the nursing home to provide for 33 bedrooms,
 - Reconfiguration of existing entrance serving adjoining dwelling on Claremount Road for use by nursing home,
 - 8 no. additional parking spaces (5 at surface level and 3 at basement).

2.3. The application is accompanied by:

- Covering letter/report
- Design Report
- Traffic Impact Assessment
- Civil Engineering Report
- Shadow Analysis
- Landscape Plan
- Planting Plan
- Tree Constraints Plan
- Tree Protection Plan
- Arboricultural Assessment
- Preliminary Construction and Environmental Management Plan
- Bat Fauna Survey
- Screening Statement for Appropriate Assessment

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission for the above described development subject to 15 conditions including:

Condition 3: Road layout to be in accordance with drawing 20185-RAU-02.1002 providing a 6 metre carriageway and 1.8 metre footpath as standard for the access road to Claremont Road.

Condition 4: Submission of travel plan/mobility management plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1st Planner's report in the Record of Executive Business Chief Executive's Orders dated **03/06/21** notes:

- Internal reports noted
- Further information required clarifying development description and scope of works proposed. Amendment to development description so as to refer to the parent application and revised drawing showing the red line extending to include the entirety of the landholding required.
- Demolition management plan required.
- Whilst the eastern extension is considered close to the boundary to the north, there will be tree planting along the boundary. There will be no windows facing north. Privacy will be maintained.
- Given the height, setback and proposed landscaping there should be no undue harm to neighbouring properties.
- The properties to the north will not suffer an unreasonable amount of loss of light.
- Review of landscaping plan required.
- No bat survey submitted. In previous applications on the site bats were found to be present.

A request for further information recommended.

The **2nd Planner's** report dated **04/02/22** following FI notes:

- The requirements of Transportation Planning seeking a revised road layout from Claremont Road can be accommodated.

A grant of permission subject to conditions recommended.

3.2.2. Other Technical Reports

Transportation Planning section in a report dated **20/07/21** recommends further information seeking a mobility management plan, cycle parking and staff facilities. The **2nd report** dated **03/02/22** following FI has no objection subject to conditions.

Drainage Planning in report dated **03/06/21** recommends further information seeking drainage details for the entire site, surface water disposal and SuDs. The **2nd report** following FI dated **03/06/21** (sic) has no objection subject to conditions.

Environmental Health Officer in a report dated **08/07/21** recommends further information seeking demolition management plan, construction environmental management plan and sets out requirements for the operational stage.

3.3. **Prescribed Bodies**

An Taisce in a submission dated **06/07/21** is satisfied for the planning authority to assess the application in accordance with the County Development Plan. Should permission be granted a condition requiring the retention of category B trees as proposed should be attached.

Irish Water in a report dated **15/06/21** recommends further information requiring the applicant to make a pre-connection enquiry to it to determine the feasibility of connection to water and waste water services.

3.4. **Third Party Observations**

Objections to the proposal received by the planning authority is on file for the Board's information. The issues raised are comparable to those set out in the 3rd party appeal summarised in section 6 below.

4.0 **Planning History**

ABP 313943-22 (D21A/0632) – current appeal with the Board for demolition of the dwelling (Tall Trees) which forms part of this site and construct 2 no. 2 storey semi-detached dwellings.

ABP 302562-18 (D17A/0455) – permission granted on appeal for demolition of house and construction of 3 storey over basement 140 bedroom nursing home.

ABP 300121 -17 (D17A/742) – permission granted for modifications to permitted 113 bedroom nursing home granted under ref. D15A/0807 (PL06D.246624).

PL06D.246624 (D15A/0807) – permission granted on appeal for 113 bedroom three storey over basement nursing home.

5.0 Policy Context

5.1. Development Plan

Since the planning authority's decision to grant permission the **Dun Laoghaire Rathdown County Development Plan 2022** came into force.

5.1.1. The site is within an area zoned A the objective for which is to provide residential development and improve residential amenity while protecting the existing residential amenities. Assisted living accommodation and residential institution are permitted in principle.

5.1.2. Policy Objective PHP14: Age Friendly Strategy

It is a Policy Objective to support and facilitate the implementation of the Dún Laoghaire Rathdown Age Friendly Strategy 2016-2020.

5.1.3. Policy Objective PHP30 – Housing for All

- Support housing options for older people and persons with disabilities/mental health issues consistent with NPO 30 in the NPF, RPO 9.1 and 9.12 of the RSES.
- Support the provision of specific purpose built accommodation, including assisted living units and lifetime housing, and adaptation of existing properties.

5.1.4. As delineated on the maps accompanying the development plan the objective to protect and preserve trees and woodlands applies to the boundaries of 'Tall Trees'.

5.1.5. The main body of the site on which the existing nursing home has been constructed is within the Foxrock Architectural Conservation Area. The northern section of the site on which the existing dwelling is to be demolished is not within the boundary.

5.1.6. Tullow Church which bounds the site to the west and the two storey dwelling (The Grange) to the east are protected structures.

Development Management Standards

5.1.7. Section 12.3.8.2 Nursing Homes / Assisted Living Accommodation

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

- Such facilities will be resisted in remote locations at a remove from urban areas. They should be located into established neighbourhoods / residential areas well served by community infrastructure, and amenities. Future residents should expect reasonable access to local services such as shops and community facilities.
- The potential impact on residential amenities of adjoining properties.
- Nursing Homes/Assisted Living Accommodation will provide at least 20% open space of the overall site area (Refer also to Section 12.8).
- Adequate provision of parking facilities (Refer also to Section 12.4.5).
- The design, proposed pallet of materials, and fenestration.
- The size and scale of the proposal must be appropriate to the area.
- Proximity of high quality public transport links and provision of good footpath links.

5.1.8. The site is within Parking Zone 3. Table 12.5 sets out the maximum applicable standards.

5.1.9. Section 12.4.5.3 Car Parking – General

In instances where Table 12.5 does not specify a parking standard for a particular land use, the Planning Authority shall determine the parking requirements having regard to the assessment criteria for parking provision as set out above.

A nursing home is not specifically referenced in the table. The nearest being residential institution which requires a maximum of 1 parking space per 2 beds.

Section 12.8.11 Existing Trees and Hedgerows

New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. New developments shall, also have regard to objectives to protect and preserve trees and woodlands (as identified on the County Development Plan Maps). The tree symbols on the maps may represent an individual tree or a cluster of trees and are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan.

5.2. Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd party appeal against the planning authority's notification of decision to grant permission can be summarised as follows:

- The proposal constitutes overdevelopment of the site by reason of its design, mass, layout, scale and height.
- The application and that for two dwellings subject of application D21A/0632 should be assessed concurrently.
- The proposal is contrary to the Foxrock ACA. It does not comply with the Architectural Heritage Protection Guidelines for Planning Authorities.
- It has no regard to the setting and amenities of the protected structures to either side.
- It would adversely impact on the residential amenities and value of their property. It would be overbearing and would adversely impact their privacy. Regard must be had to the eastern facing windows of the western extension and the 3 storey height. The distances in this context are significantly deficient.

- It will be highly visible from their property.
- The entrance onto Claremont Road would constitute a traffic hazard. It is on a well trafficked road in proximity to a heavily trafficked junction where the road width and sightlines, both of this and adjacent access points, are deficient. This will be compounded by the application for two dwellings immediately adjoining. It will not function as a service entrance, only, but as a day to day entrance into the nursing home. There will be a significant intensification in terms of the access arrangements.
- Insufficient parking was provided for the nursing home. The extension will increase the current overspill car parking into surrounding residential areas.
- The loss of trees and the poor quality landscaping proposed would negatively impact the sylvan setting which is an intrinsic feature of the Foxrock ACA.
- The suitability of such a large nursing home is queried.
- There is potential negative impact on flora and fauna. A bat survey has not been prepared.
- The accuracy of the shadow analysis is queried.

6.2. Applicant Response

None

6.3. Planning Authority Response

None

6.4. Observations

None.

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Extent of development in the context of development plan provisions
- Amenities of adjoining property
- Impact on architectural heritage
- Access and parking
- Other issues
- Appropriate assessment

7.1. Extent of Development and Development Plan Provisions

- 7.1.1. Four Ferns is an existing nursing home. It is on lands zoned A in both the previous and recently adopted Dun Laoghaire Rathdown Development Plans, the objective for which is to provide for residential development and protect and improve residential amenity. The schedule of uses permitted in principle in such a zone includes assisted living accommodation and residential institutions. It is also noted that the development plan incorporates a number of policy objectives in support of such development including PHP30 and PHP14 which encourage and facilitate the implementation of the Dún Laoghaire Rathdown Age Friendly Strategy 2016-2020 and the provision of specific purpose built accommodation including assisted living units. In this context the proposed extension of this established conforming use could not be seen to be incompatible, in principle, with the zoning provisions for the site with the development plan placing no restriction on this land use zoning at this location which would prevent the Board from considering the extension and intensification of the nursing home use.
- 7.1.2. The proposed development would comprise two extensions to the wings to the rear of the existing building. They have been designed to integrate with the existing structure in terms of use of complementary finishes and height and will provide for a further 33 bedrooms. This would bring the number of bedrooms to 173 with 178 bedspaces.

- 7.1.3. The bulk of the adjoining plot on which there is a large two storey dwelling and garden known as 'Tall Trees' is to be subsumed into the site to allow for the extension. There is a concurrent appeal with the Board for 2 no. dwellings in the north-eastern most corner of the site in the vicinity of the dwelling to be demolished (ABP 313943-22).
- 7.1.4. The existing dwelling is two storey with single storey, side annex. It is not considered to be of any architectural or historical merit, is not listed in the National Inventory of Architectural Heritage, is not a protected structure and is not within the Foxrock Architectural Conservation Area. In the context of the current proposal the demolition of the dwelling to allow for the proposed extension to the nursing home is acceptable in principle. The acceptability or otherwise of its replacement with 2 no. dwellings is a matter for assessment in the concurrent appeal.

7.2. Amenities of Adjoining Property

- 7.2.1. The appellants own the dwelling 'Rosbeg' to the north/north-east with the rear garden of another dwelling, 'Cranford', backing onto the north-western corner. Permission has been secured for a dwelling in the rear garden of the latter property under ref. D20A/0517 (ABP-308883-20). Inevitably the extensions and increase in the site area would bring the nursing home grounds closer to the said dwellings.
- 7.2.2. The extension to the western most wing will have a setback of in the region of 5 metres to the boundary with the rear garden of 'Cranford'. I submit that in view of the absence of windows serving bedrooms in the northern elevation and the retention and supplementation of the mature landscaping along the boundary, the amenities of the said property will not be adversely impacted on.
- 7.2.3. The proposed extension to the 'eastern' wing will retain a setback of c.27 metres from the shared boundary with the appellants' property. As noted the existing 3 storey height of the nursing home is to be replicated with no windows proposed in the northern elevation. Notwithstanding the concurrent application to replace the dwelling to be demolished with 2 dwellings I consider that the setback, coupled with the mature landscaping along the shared boundary which is to be retained and supplemented, would ensure that their amenities would not be adversely impacted upon and cannot reasonably be considered to be overbearing.

- 7.2.4. Whilst oblique overlooking of their rear garden may be possible from bedrooms in the eastern elevation of the proposed western wing extension I submit that having regard to the setback of over 14 metres from the nearest window to the boundary and the existing planting to be retained and supplemented, concerns regarding overlooking and loss of privacy are not justified as to warrant a refusal of permission. There would be a setback of over 35 metres between the nearest bedroom windows in the extension to the rear wall of their dwelling. I would also submit that having regard to the limited scale of the said extension at an oblique angle to the appellants' boundary it could not, in my opinion, be viewed as having an overbearing impact.
- 7.2.5. In seeking to clarify the extent of change by way of overshadowing a shadow study is submitted with the application. Regard is had to BRE guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' in which it is recommended that at least half of the garden or open space receive at least two hours sunlight on March 21. The applicant's study presents shadow diagrams for 21st March. I consider the study provides adequate information to assess the effects of the proposal. It is clear from the study that the impact by way of shadow in March shows marginal increased shadow to the rear gardens. These considerations are offered in the context of the development in isolation and without the additional overshadowing that would prevail from the existing mature trees along the boundary. I conclude that it is reasonable to determine that the likely overshadowing effects would be minimal and would not adversely affect the residential amenities of the existing properties.
- 7.2.6. I note that there are no Tree Preservation Orders on or in the immediate vicinity of the appeal site but, as extrapolated from the relevant development plan map, there is an objective to 'protect and preserve trees and woodlands' along the site boundaries. As per section 12.8.11 of the county development plan new developments are required to be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows. Whilst regard must be had to objectives to protect and preserve trees and woodlands (as identified on the County Development Plan Maps) the tree symbols on the maps are not an absolute commitment to preservation. Decisions on preservation are made subject to full Arboricultural Assessment and having regard to other objectives of the Plan.

- 7.2.7. A detailed landscape plan in addition to an Arboricultural Assessment Report, both amended by way of further information, accompany the application. The trees and hedges to be removed are delineated thereon with detailed measures for tree protection provided. In summary 8 no. individual trees will need to be removed to facilitate the development 2 no., only, being located along the northern boundary, one which is dead (ref. no. 0756) with the 2nd being in poor condition which is expected to become unstable in time.
- 7.2.8. The assessment report and plan set out the detailed protection measures to be taken with specific regard had to the trees in the north-eastern corner of the site in proximity to the proposed extension. The extensive retention and augmentation of the existing mature planting will assist in screening the development from adjoining properties and will assist in its assimilation into the suburban landscape.
- 7.2.9. In view of the importance of the existing trees to the amenities of the area and the relevant development plan objective to secure their protection I recommend that a condition requiring the retention of the services of a suitably qualified arboriculturist to oversee the works would be appropriate should permission be granted.
- 7.2.10. On balance I conclude that given the site context, including its location in a built-up urban area, the separation distances involved, the overall design, scale, height and siting of the extensions and their positioning relative to both the site boundary and surrounding properties, I am satisfied that the subject proposal will not give rise to any detrimental impact on the residential amenity of property in the area by way of overshadowing or be unacceptably overbearing or domineering in appearance as to adversely impact on the residential amenities. No evidence has been submitted to support the claim that the proposed development would result in devaluation of property.

7.3. Access and Traffic

- 7.3.1. The existing nursing home is served by an entrance from Brighton Road with a secondary, service access available from Claremont Road which was noted to be gated and secured on day of inspection. A substation immediately adjoins the latter service access. The proposal entails the reconfiguration of the existing access serving the dwelling 'Tall Trees' for use by the nursing home. The access is to

provide for staff, emergency and support vehicles with 5 no. additional parking (reduced from 6) to be for staff use only.

- 7.3.2. The application is accompanied by a Traffic Impact Assessment which takes account of the cumulative impact of the proposal with the 2 no. dwellings proposed in the concurrent application under ref. ABP 313943-22 (D21A/0632).
- 7.3.3. Claremont Road from which the access is proposed is approx. 5.6-6 metres wide with a footpath on one side, only. The location of the access is approx. 120 metres from the four arm signalised junction of Claremont Road, Brighton Road, Brennanstown Road and Glenamuck Road. It is opposite the entrance to the Claremont Pines residential estate. The 50 kph speed limit applies.
- 7.3.4. I refer the Board to Table 4.1 of the Traffic assessment which, based on TRICS database, calculates that the proposed extension, coupled with the 2 no. dwellings proposed, would give a total of 12 two way trips during peak hours across both the existing access on Brighton Road and that proposed onto Claremont Road. The additional vehicular movements would have no discernible impact on the operation of the signalised junction
- 7.3.5. The sightlines available at the proposed entrance will be 49 metres in either direction and accord with the requirements of DMURS. It is anticipated that the vehicular movements from the access which will be restricted to staff parking and emergency/service vehicles would be low. The access from Brighton Road will continue to be the main access for staff, visitor and service vehicles. The access as submitted with the application, at 7.8 metres wide, was reduced to between 5 and 6 metres by way of further information. This reduction was not prompted by any planning authority request. Transportation Planning section do not consider this to be sufficient and recommends that the original arrangement be required by way of condition. This can be addressed by way of condition. I also recommend that a condition be attached limiting the use of the parking spaces to staff and precluding their use by visitors.
- 7.3.6. The layout and positioning of accesses in in proximity to each other including access to Claremont Pines directly opposite and the signalised junction in the north is ubiquitous in such a suburban location and does not raise any unique layout arrangements would give rise to specific concerns. Coupled with the predicted low

vehicular movements from both the access to the nursing home and the 2 no. dwellings which are to have a shared access, should they be permitted, would not give rise to traffic safety concerns as to warrant a refusal of permission. I note that the Transport Planning Section of the County Council raised no such concerns in its assessment of the case.

7.3.7. It is contended that insufficient parking has been provided for the existing nursing home and that the proposed additional parking will be insufficient and will exacerbate overspill parking. I note that the parking provision for the existing facility at 36 car parking spaces for 143 bedspaces accorded with the previous development plan requirements for nursing homes of 1 space per 4 residents. As amended by way of further information an additional 3 parking spaces at basement level (arising from reorganisation of the space) and 5 surface spaces off the new access are to be provided. This would have met the parking requirements of the 2016 development plan. As noted previously the new county development plan came into force since the decision by the planning authority with changes made to the parking standards. The requirements set out in Table 12.5 now detail the maximum applicable requirements. The site is within parking zone 3. A nursing home is not specifically referenced in the table with the nearest comparable use being residential institution which requires a maximum of 1 parking space per 2 beds. With an additional 33 beds proposed a maximum parking requirement of 15 spaces is allowed for.

7.3.8. I submit that this 15 no. space is not a target and that a shortfall on the said maximum does not render the development unacceptable. Having regard to the fact that the proposed additional parking provision would have met the previous development plan requirements and the proposed review of the existing Mobility Management Plan for the nursing home (copy of which is attached as Appendix C of the Transport Impact Assessment) which would encourage use of alternative modes of transport both for staff and visitors, the proposed provision is considered to be acceptable. I note that the Transport Planning Section had no concerns in this regard.

7.4. Architectural Heritage

- 7.4.1. The proximity of the site of the nursing home to the protected structures to either side and the potential for adverse impacts on their setting was assessed under the parent application for the said facility. It was concluded that the proposal would not adversely impact on same. The building has been constructed and now co-exists with the said protected structures. The extensions subject of this appeal are to the rear and at a further remove from the said protected structures than the nursing home as permitted and completed. Extensive existing planting along the site perimeter which is to be further supplemented, will screen the extensions from same.
- 7.4.2. I also note that the southern portion of the site on which the nursing home has been constructed is located within the boundary of the Foxrock Architectural Conservation Area (ACA). I note that the site was within the ACA boundary as delineated in the previous development plan under which the proposed development would have been assessed. It was concluded that the nursing home would not undermine the objective to protect the character and special interest of the ACA. The area into which the extensions are proposed, namely the site of Tall Trees, is not within the ACA boundary.
- 7.4.3. Taking into consideration the location of the extensions to the rear and their design which is to complement that already developed I do not consider that the development will have any material negative impact on the ACA.
- 7.4.4. The dwelling to be demolished to allow for the development known is not a protected structure.

7.5. Other Issues

- 7.5.1. A Bat Fauna Survey accompanies the application. The detectors survey was undertaken during the active bat season with weather conditions noted to be good. Regard is had to the previous survey undertaken on the site of the existing nursing home resulting in bat boxes installed on site. 2 no bat species were noted on site low activity. No bats were detected emerging from any of the on site trees or buildings. However it is expected that the large mature trees on site have the potential to act as bat roosts. As noted above the majority of the trees on site are to be retained. A pre-construction survey of those to be removed is proposed with a derogation licence acquired if a bat roost is present.

7.6. Appropriate Assessment

- 7.6.1. The application is accompanied by a Screening Statement for Appropriate Assessment which has regard to designated sites within a 15km radius of the proposed development.
- 7.6.2. Having regard to the separation distance to the nearest designated site at 5.4km (Rockabil to Dalkey Island SAC), the location of the site within a suburban area, the pattern of development in the immediate vicinity including the nursing home to which the proposal is to form part, the fully serviced nature of the site and to the nature and scale of the development, no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Having regard to the foregoing I have no objection to the proposed development and recommend that permission be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the established nursing home use on the site on lands zoned A in the current Dun Laoghaire Rathdown County Development Plan 2022, the nature and extent of the proposed extensions and the pattern of development in the vicinity it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenities of adjoining property, the visual amenities of the area, would not detract from the character of the adjoining Foxrock Architectural Conservation Area and Protected Structures and would not give rise to a traffic hazard. The proposed development would, therefore, be 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 to the planning authority on the 11th day of January, 2022, 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.
 - a) The proposed access from Claremont Road shall be carried out and completed in accordance with the details and particulars on drawing no. 20185-RAU-02.1002 received by the planning authority on the 3rd day of June 2021.
 - b) The internal road serving the development including parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

3. Prior to commencement of development the developer shall submit to the planning authority for written agreement measures to be implemented to limit the use of the 5 no. surface parking spaces to be accessed from Claremont Road to nursing home staff, only, and prohibiting their use by visitors to the nursing home.

Reason: In the interest of clarity and traffic safety.

4. Prior to commencement of development an amended Mobility Management Plan for the extended Nursing Home shall be submitted to the planning authority for written agreement.

Reason: In the interest of encouraging the use of sustainable modes of transport.

5. Details of materials, colours, and textures of 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.

6. The landscaping scheme (Drawing No. LP-01-AI) and planting plan (Drawing No. PP-01-A) submitted to the planning authority on the 11th day of January 2022 shall be carried out within the first planting season following substantial completion of external construction works. The developer shall retain the services of an Arboricultural Consultant throughout the life of the site development works to ensure the protection of all trees shown for retention.

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 year 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.

7. The recommendations of the Bat Survey report received by the planning authority on the 11th day of January, 2022, shall be carried out on the site to the written satisfaction of the planning authority

Reason: To ensure the protection of the natural heritage on the site.

8. The construction of the development shall be managed in accordance with a finalised 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.

9. 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

11. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

13. Lighting within the development shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Lighting within the proposed development shall be directed and cowled such as to reduce as far as possible the light scatter to adjacent properties and the public road.

Reason: In the interests of amenity and public safety.

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.

15. The developer shall pay to the planning authority a financial contribution in respect of 'the extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Pauline Fitzpatrick
Senior Planning Inspector

August, 2022