



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315267-22

#### Development

Demolition of glazed sun room and alterations to rebuild new sun room, dining, and staff room on ground floor with 3 new ensuite bedrooms with utility above at first floor level with relocated fire escape stairs and site works, all to rear.

#### Location

Carysfort Nursing Home, 7 Arkendale Road, Glenageary, Co. Dublin.

#### Planning Authority

Dun Laoghaire Rathdown County Council.

#### Planning Authority Reg. Ref.

D22A/0521.

#### Applicant(s)

Edward Pakeham.

#### Type of Application

Planning Permission.

#### Planning Authority Decision

Grant.

#### Type of Appeal

Third Party.

#### Appellant(s)

Arkendale Court Management.

#### Observer(s)

None.

**Date of Site Inspection**

18<sup>th</sup> day of July, 2023.

**Inspector**

Patricia-Marie Young.

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## 1.0 Site Location and Description

1.1. No. 7 Arkendale Road, the appeal site, has a stated 1,724m<sup>2</sup> site area and it is located on the south eastern corner of Arkendale Road's junction with Arkendale Court and Arkendale Wood, c118m to the west of Arkendale Road's junction with Castlepark Road, in the south city suburb of Glenageary, circa just over 11km to the south east of Dublin's city centre as the bird would fly. The site contains an attractive red brick detached 2-storey over basement Victorian double fronted brick dwelling house that has been significantly added to as part of accommodating its use as a nursing home (Note: Carysfort Nursing Home). The main building is setback from Arkendale Road by a drive and car parking area. This drive extends along the western façade of the building with gated access to the rear garden area which accommodates an attached sunken sunroom as well as a number of other structures and additions set in a mature landscaped ground. The site forms part of a predominantly residential setting which includes Arkendale Court which bounds the western southern boundaries of the site.

## 2.0 Proposed Development

2.1. Planning permission is sought for:

- Demolition of an existing later glazed sun room addition.
- Alterations and additions to the rear to include the rebuilding of a new sun room together with the provision of a dining and staff room on ground floor and 3 new ensuite bedrooms with utility above at first floor level.
- Relocation of fire escape stairs.
- All site works and services.

2.2. According to the accompanying planning application form the gross floor area of existing buildings on site is 839.24m<sup>2</sup>; the proposed area to be demolished is 53.2m<sup>2</sup>; the gross floor area of building to be retained is 785.8m<sup>2</sup>; and the gross floor area of the proposed works is 151m<sup>2</sup>.

2.3. On the 11<sup>th</sup> day of October, 2022, the Planning Authority received the applicant's further information response. This response made no significant revisions to the proposed development. It includes the following comments:

- This nursing home had permission for 52 no. bed spaces; however, in order to comply with Fire Safety Regulations, the number of bed spaces was reduced. As such this application would bring the total number of bedspaces back up to 52 with the total number of bedrooms being 32.
- There is an existing back entrance gate to the nursing home from the private road to the south with the Nursing Home having a right of way over it.
- The ensuite window on the eastern elevation would have obscure glass.
- This facility is compliant with HIQA requirements and other relevant regulations.
- The open space requirement which is exceeded.
- One electrical charging space as well as short- and long-term cycle spaces are proposed.
- Waste and demolition management plan has been provided.
- A general construction management plan has been provided.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

- 3.1.1. On the 7<sup>th</sup> day of November, 2022, the Planning Authority issued a notification of their intention to **grant** planning permission for the proposed development subject to 10 mainly standard in nature conditions. Of note are the requirements of Condition No. 2. It requires a minimum 1.8m height screen to be provided at the landing area of the proposed external stairs on its eastern side. In addition, I note that there are a number of advisory notes attached including one on the matter of oversailing and encroachment as well as another reiterating Section 34(13) of the Planning and Development Act, 2000, as amended.

#### 3.2. **Planning Authority Reports**

##### 3.2.1. **Planning Reports**

The **final Planning Officer's report** generally considered that the Applicant had satisfactorily addressed the concerns raised in the further information request.

Notwithstanding, it raised concerns overlooking concerns which it considered could be addressed by way of condition. This report concludes that the proposed development is consistent with the Development Plan provisions; that it would be a type of development that would not detract from the amenities of the area; and it would accord with the proper planning and sustainable development of the area. This report is the basis of the Planning Authority's decision.

The **initial Planning Officer's report** concluded with a request for further information on the following matters:

- Item 1:                   Extent of demolition works proposed and its relationship with the existing building to be retained are not clearly set out.
- Item 2:                   Clarity is sought on the extent of modifications to the southern boundary of the site.
- Item 3:                   Revised site plans were sought showing the proposed external stairs. In addition, clarity was sought on whether this stair would be enclosed and clarity on the window glazing on the eastern elevation.
- Item 4:                   Demonstrate that the standard of open space meets required standards.
- Item 5:                   Seeks the provision of one electrical vehicle charging space in accordance with Section 12.4.11 of the Development Plan; staff and visitor cycling spaces in accordance with Section 4.2 of the Development Plan sought; and, drying room or clothes rack for walkers and cyclists in accordance with the Councils 'Standards for Cycle Parking and associated Cycling Facilities for New Developments', 2018.
- Item 6:                   Construction, Waste and Demolition Management Plan as well as Operational Waste Management Plan sought.

### 3.2.2. **Other Technical Reports**

**Transportation:** No objection, subject to safeguards.

**Drainage:** No objection, subject to safeguards.

**Environmental Health Officer:** Final report raised no objection, subject to safeguards.

**Environment:** Final report raised no objection, subject to safeguards. Their initial report however sought further information and in the event of a grant of permission a waste management, noise management and pest control conditions be imposed.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.4.1. Seven Third Party observations were received by the Planning Authority during the course of its determination of this application. The concerns raised included civil matters, construction nuisance, errors in the drawings, residential amenity diminishment, overdevelopment of the site, the inconsistency of the proposed development with its setting, inadequate car parking to accommodate additional quantum of development on site through to potential for the proposed development to adversely impact on the mature landscaping present on site and within proximity to the site boundaries.

## 4.0 Planning History

### 4.1. Site:

- **ABP Ref. No. PL06D.215353 (P.A. Ref. No. D05A/0955):** On appeal to the Board planning permission was **granted** for an extension at first floor level containing six number bedrooms, a bathroom and dining room to the side of Carysfort Nursing Home at No. 7 Arkendale Road subject to conditions. Of note the Planning Inspectors report indicates that this proposal would result in 51 residents if permitted. Decision date: 24<sup>th</sup> day of May, 2006.

- **P.A. Ref. No. D01A/0571:** Planning Authority **granted** permission for a conservatory and fire escape to the rear as well as replacement of roof light in the front roof. Decision date: 31<sup>st</sup> day of August, 2001.

- **P.A. Ref. No.D94A/0318:** Planning Authority **granted** permission for a single storey extension to the rear. Decision date: 7<sup>th</sup> day of September, 1994.

## 5.0 Policy Context

### 5.1. Dun Laoghaire Rathdown Development Plan, 2022-2028.

- 5.1.1. The zoning of the subject site did not change in the 2022 plan and the site retains its Objective 'A' zoning, which has the stated objective: *'to provide residential development and improve residential amenity while protecting the existing residential amenities'*. Residential use, including nursing home land uses is permitted in principle in such zones.
- 5.1.2. Within the vicinity of the site, i.e., to the west at the corner of Arkendale Road and Arkendale Court, and to the west of the access road serving Arkendale Court there is an objective: *'to protect and preserve Trees and Woodlands.'*
- 5.1.3. Section 12.3.8.2 of the Development Plan deals with the matter of Nursing Homes.

### 5.2. Natural Heritage Designations

- 5.2.1. None within the zone of influence of this project.
- 5.2.2. The nearest European sites to the appeal site are Dalkey Islands SPA (Site Code: 004172) which is located c1.5km to the east of the site and Rockabill to Dalkey Island SAC (Site Code: 003000) which is located c1.8km to the east of the site at their nearest point.
- 5.2.3. I also note that pNHA: Dalkey Coastal Zone and Killiney Hill (Site Code: 001206) is located c800m to the north of the appeal site at its nearest point.

### 5.3. EIA Screening

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development. EIA, therefore, is not required.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The grounds of this Third-Party Appeal can be summarised as follows:

- Arkendale Court is a private estate served by a private road that the applicant does not have permission to access.
- The road serving Arkendale Court is too narrow and does not have capacity to allow two regular sized vehicles to pass one another. Construction traffic on this road would block in all residents and prevent access to Arkendale Road as well as it would give rise to an increased safety risk for residents. It would also diminish the enjoyment of their properties including by children who play in their gardens.
- Under the grant of permission for P.A. Ref. No. D05A/0955 the Council by way of condition did not permit construction materials or skips on Arkendale Court or access for construction works.
- The boundary between Arkendale Court and the site are incorrectly marked in the planning application. The hedge that is present belongs to Arkendale Court and the boundary line is a behind it.
- The end of Arkendale Road is a staggered junction with Arkendale Court and Arkendale Woods. It is not suitable for the additional traffic the proposed development would generate.
- The entrance serving the site onto Arkendale Road is not suitable for large trucks.
- No additional parking has been provided to support the extra bedrooms.
- There is an issue of parking overspill on Arkendale Court from the nursing home. This development would exacerbate this problem.
- The proposed development would give rise to adverse overlooking.
- The proposed development has the potential to adversely impact on the mature hedge planting within the Arkendale Court development.

- The existing buildings are on granite bedrock and as such any construction works requiring foundations would be extremely noisy and environmentally destructive. It would also risk structural damage to their properties.
- The Board is sought to overturn the decision of the Planning Authority, however, should the Board be minded to grant permission a number of conditions are requested to be imposed. They read as follows:
  - *“No construction materials or skips be placed in the roadway of Arkendale Court.”*
  - *“All access during construction works would be through the main gate on Arkendale Road and not through Arkendale Court.”*
- This submission also contains another letter from the Arkendale Court Management Company addressed to the Board which includes the following comments:
  - The proposed eastern entrance of the site is infrequently used by the nursing home and is completely overgrown.
  - Interference with the trees and hedges on this site to facilitate this development would alter and negatively impact the visual amenities.
  - The useability of the western access corridor for waste is questioned.

## 6.2. Applicant Response

6.2.1. This response can be summarised as follows:

- This nursing home has been long established in Glenageary and there is a constant need to upgrade and increase nursing home facilities.
- This nursing home has a rear access gate serving it from Arkendale Court and has a legal right of way over Arkendale Court to access this entrance. It is not proposed to use this entrance for any construction or set down purposes and they are willing to set up a communication link with the residents of Arkendale Court to discuss any difficulties that may arise from the proposed development.
- There are no plans to interfere with existing boundary trees.

- The reorganisation of the rear outdoor staff facilities when the new proposed extension is completed would allow for additional green space for the residents.
- No adverse amenity impacts would arise.
- It is proposed to use the western side of the nursing home site as access to the building site. To facilitate this the escape stairs and ramps would temporarily be removed during the course of construction works. Alternative fire exits will be enacted during the construction work phase.

### 6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority's response requests the Board to have regard to their Planning Officer's report and considers that the grounds of appeal do not raise any new issues that would justify a change in their attitude towards the proposed development.

### 6.4. **Observations**

- 6.4.1. None.

## 7.0 **Assessment**

### 7.1. ***Preliminary Comment***

- 7.1.1. The appellants in this Third-Party Appeal case seek that the Board overturn the decision of the Planning Authority's to grant planning permission for the development set out in Section 2 of this report above.
- 7.1.2. Having inspected the site, examined the file, had regard to the planning history of the site and its setting, together with having considered all relevant planning policy provisions and guidance, I am satisfied that the general principle of the proposed development is acceptable at this established nursing home facility on serviced residentially zoned land, subject to standard safeguards. I am also satisfied that key issues for consideration in this appeal case relate to those set out by the Third Party in their appeal submission to the Board which I propose to examine under the following broad headings:

- Civil Matters and Access from Arkendale Court

- Procedural Issues
- Access
- Residential Amenity Impact

7.1.3. I consider that no other substantive issues arise. Notwithstanding, the matter of 'Appropriate Assessment' also requires examination.

7.1.4. For clarity, my assessment below is based on the proposed development as revised by the applicant's further information response received by the Planning Authority on the 11<sup>th</sup> day of October, 2022.

## **7.2. Civil Matters and Access from Arkendale Court**

7.2.1. The Appellant in this appeal case contend that the applicant has no right to access onto what is described as a private road that serves the residential development of Arkendale Court. With this road running in proximity to the western and southern boundary of the site and the southern boundary of the site containing an entrance gate that opens onto this road's carriageway. They also raise concerns that any use of this entrance and the private road of Arkendale Court has the potential to give rise to obstruction of their properties, traffic hazards through to diminishment of the enjoyment of their properties.

7.2.2. On the matter of use of the private road that serves Arkendale Court which the southern boundary of the site contains an entrance opening onto. I am not satisfied that the appellants have demonstrated in the documentation provided by them to the Board on appeal and to the Planning Authority during its determination of this planning application by way of any robust evidence that this is legally the case. The applicant in both their documentation to the Planning Authority and in their response to the grounds of appeal assert that there is a right of way that runs from the gate on the southern boundary of the site over the private road that connects the properties of Arkendale Court to Arkendale Road. As such they contend that the nursing home facility has the right to use this private road to provide access to the rear of the site.

7.2.3. I am also cognisant that any said dispute in terms of rights of way and way leave agreements is a civil matter to be resolved between the parties, and the courts should that be deemed necessary. Moreover, on the matter of interference with lands outside of the applicants legal interest that to would essentially be a civil matter for resolution

between the parties concerns and in relation to this type of circumstance Section 34(13) of the Planning and Development Act, 2000, as amended, states that '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

- 7.2.4. It is also of note that the further information response submitted by the applicant anticipated limited use and for limited duration of the site's rear entrance to deliver structural steels during the course of construction works. As part of their response to the grounds of appeal they indicate that they now do not intend to use this entrance during any of the demolition and construction works associated with the proposed development sought under this application. They also indicate a willingness to liaise with the Appellant during the demolition and construction phases of the proposed development should any concerns arise.
- 7.2.5. The appellants contend that the previous grant of permission for the development sought under P.A. Ref. No. D05A/0955 included a condition that did not permit the use of the entrance on the southern boundary of the site to facilitate the construction phase of the proposed development. This I note is not the case as the decision of the Planning Authority to grant permission for the proposed development sought under this aforementioned planning application was subject to a Third-Party Appeal to An Bord Pleanála (Note: PL06D.215353).
- 7.2.6. In this regard, the Board upheld the Planning Authority's decision to grant permission but subject to amendments to the conditions imposed. These conditions did not include a condition that imposed any restrictions on the use of the southern entrance onto Arkendale Court.
- 7.2.7. I also note that the Planning Authority in its suite of conditions attached to its notification to grant permission for this subject application did not impose any restrictions on the use of the gate on the southern boundary of the appeal site.
- 7.2.8. Further, this application proposes no changes to the southern boundaries of the site or to any planting that bounds their site and that forms part of the Arkendale Court residential development which is outside of their legal control.
- 7.2.9. Moreover, in relation to the conditions the Appellant seek be attached to any grant of permission by the Board it is in my view standard for a condition to be imposed seeking

a demolition and construction management plan requiring prior written agreement of the Planning Authority. With such plans dealing with matters such as traffic associated with these phases, including deliveries, removal of waste and the like.

- 7.2.10. Given the nature and scale of the development sought under this application such a condition is in my view appropriate and I note was included by the Planning Authority in their suite of conditions. The conditions imposed by the Planning Authority also included 'A Material Source and Management Plan.' This plan requires all necessary measures to be taken by the applicant/contractor to avoid conflict between traffic activities and road users of Arkendale Road. The conditions attached also require the agreement of an 'Operational Waste Management Plan.'
- 7.2.11. Given the character and pattern of development at this locality through to the type of access this site is dependent upon and the main entrances location on the western most end of Arkendale Road at the intersections with Arkendale Court, Arkendale Woods and a public pathway. Such conditions in my view are appropriate to ensure effective control be maintained of the proposed development and in the interests of road safety for road users as well as in terms of protecting the amenity of the site setting.
- 7.2.12. In conclusion, should the Board be minded to grant permission I recommend that similar conditions be imposed and that Section 34(13) of the 2000 Planning and Development Act, 2000, (as amended), be attached as a precaution.
- 7.2.13. I note that this states that a person is not entitled solely by reason of a permission to carry out any development.

### 7.3. **Procedural Issues**

- 7.3.1. The Appellant raised concerns over the accuracy of the drawings in setting out the boundaries of the site with Arkendale Court. I consider that this matter has been clarified by the applicant's further information response and in their response to the grounds of appeal. Further the proposed development does not include any amendments to any of the existing boundary treatments and in relation to the concerns with regards to any interference with planting that lies outside of the site but forms part of Arkendale Court residential scheme they indicate that the proposed development does not interfere with this.

#### **7.4. Residential Amenity**

- 7.4.1. The appellants raise concerns that the first-floor level windows on the southern elevation of the proposed extension would give rise to overlooking and would diminish the residential amenities particular in the cases of No.s 5 to 8 Arkendale Court.
- 7.4.2. On this matter I note that the Development Plan under Section 12.98.7 sets out that a minimum standard of 22m separation distances between directly opposing rear first floor windows should usually be observed, for new developments.
- 7.4.3. In this case the proposed first floor level extension proposed to the rear of No. 7 Arkendale Road would address the communal spaces associated with the residential scheme of Arkendale Court and the front facades of the residential properties it contains. The separation distances between opposing rear first floor window of any residential property in the vicinity of the proposed extension exceeds this 22m requirement.
- 7.4.4. I concur with the Planning Authority that there is potential for overlooking to arise from the proposed external fire escape on the eastern side of the proposed extension. I also concur that this matter can be addressed by way of requiring the provision of a 1.8m in height screen on the landing area on its eastern side. Such a screen would address the potential of this fire escape when in use to diminish the private amenity space of No. 6 Arkendale Road to the east. There are adequate separation distances between the external landing of this fire escape and residential properties to the south.
- 7.4.5. In addition, the matter of overlooking that arose from the first-floor level en-suite window on the first-floor level eastern elevation of the proposed extension has been addressed by the applicant in their further information response. This response clarifies that this modest in height and width window would be fitted with opaque glazing.
- 7.4.6. Subject to safeguards set out above I concur with the Planning Authority that the proposed development would not give rise to any undue residential diminishment by way of overlooking. I also consider that the two-storey nature of the proposed rear extension is not overbearing in a suburban context that is characterised by two storey built-forms.

- 7.4.7. Moreover, given the positioning of the proposed extension relative to other properties together with its overall built form, height, mass and scale the proposed additions would give rise to no undue overshadowing issues.
- 7.4.8. In terms of residential amenities for occupants of the nursing home I am cognisant that the planning history indicates that there has been a reduction in bedspaces to that permitted due to the changes required to meet various building codes. As such this proposal effectively restores the number of bedspaces to the 52 that were permitted by the Board under PL06D.215353.
- 7.4.9. Against this context the Planning Authority were of the view that effectively there has been no increase in bedspaces that would warrant the provision of additional landscaping and/or require additional car parking spaces.
- 7.4.10. I consider that this conclusion is reasonable against this context where the site had the benefit of the number of bedspaces that this proposal effectively restores. Therefore, the argument that the proposed development would give rise to additional overspilling and congestion on the adjoining road network is not in my view sustainable or one that would merit a refusal of permission for the development sought under this application. Particularly in context where local through to national planning policy advocate and support more sustainable modes of transportation in an urban area to serve development as part of reducing private car dependency. I also note that Glenagery Train Station is located over 400m on foot to the west of the site. In addition, Dublin Bus Stops on Barnhill Road (R829) is c650 on foot from the site.
- 7.4.11. In addition, the proposed extension is located in a manner where there is no qualitative loss of open space amenity for residents of this nursing home given the *ad hoc* arrangement of additions to the rear and the changes in ground levels.
- 7.4.12. Notwithstanding, improvements to the external site area are proposed as part of the further information response with these improvements including covered cycle spaces and the provision of an electric charging point.
- 7.4.13. In addition, the documentation indicates that temporary residents open space would be provided to the front of the property alongside loss of fire escape from the western side of the building to facilitate construction works would also be temporarily compensated for by the provision of an alternative fire escape.



7.4.14. On the basis of the above considerations, I am not satisfied that the proposed development warrants refusal of permission on the basis of adverse residential and/or visual amenity impact. In addition, the proposed development is part of not just providing additional bedspaces, bedrooms, and the like it provides further upgrading as well as further modernisation of this nursing home for its occupants and staff which is a type of development that accords with local through to national planning policy provisions and guidance on residentially zoned land.

## 7.5. Other Matters

7.5.1. **Demolition and Construction Nuisance:** With regard to the potential impact of the demolition and construction phases of the proposed development on the residential amenities of surrounding property, I acknowledge that the proposed development site is within an established residential area and that any associated demolition and construction traffic routed through the same, particularly Arkendale Road, could give rise to the disturbance / inconvenience of local residents. Notwithstanding, given the limited scale of the development proposed, I consider that the demolition as well as construction impacts arising from the implementation of the proposed development would be of limited duration. I am inclined to conclude that such matters can be satisfactorily mitigated by way of appropriately worded conditions and subject to best practice demolition as well as construction management measures being implemented. Further, in relation to the operational phase of the proposed development I am inclined to conclude that this would not give rise to any significant change in function of the site and/or interaction with properties in its vicinity. Moreover, it would not give rise to any intensification of use. As such I am satisfied that no significant impacts would arise once the construction works are completed, and the additional bed spaces occupied.

7.5.2. **Encroachment/Structural Integrity of Properties in the Vicinity:** In relation to the Appellants concerns that the subject proposal may give rise to structural integrity issues for property in the area, it is my view, that any instances of damage to, or interference with, property's attributable to the proposed development would essentially be a civil matter for resolution between the parties concerned and in this respect. I also again refer to the Section 34(13) of the Planning and Development Act, 2000, as amended.

7.5.3. **Section 48:** Section 48 financial contributions are applicable.

## 8.0 **Appropriate Assessment Screening**

8.1.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an ecological and/or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

## 9.0 **Recommendation**

9.1. I recommend that permission be **granted**.

## 10.0 **Reasons and Considerations**

10.1. Having regard to the provisions of the current Dún Laoghaire-Rathdown County Council Development Plan, 2022-2028, the location of the site in an established residential area and its zoning for residential purposes, the pattern of development in the area and to the modest 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, and it would be acceptable in terms of pedestrian and vehicular safety. The proposed development would be in accordance with the proper planning and sustainable development of the area.

## 11.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 11th day of October, 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. The development shall be revised to provide a solid screen of a minimum 1.8m height at the landing area of the proposed external stairs on the eastern side of this landing area. This screen shall comprise of opaque glazing or other solid material. The developer shall agree such details in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of residential amenities.

3. (a) Prior to undertaking any works to be carried out on the public road/footpath, the Applicant shall obtain a Road Opening Licence from DLRCC Municipal Services Department - Road Maintenance & Roads Control Section.

(b) The Applicant shall provide one general car parking spaces as an Electric Vehicle Charging Space in accordance with the current Development Plan, Section 12.4.11 Electrically Operated Vehicles.

(c) In addition to the proposed short stay (visitor) cycle parking spaces, the Applicant shall provide secure, covered long stay (staff) cycle parking spaces (1 No. per 5 No. Staff) in accordance with the requirements of Dun Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018) Section 4.2. of the current Development Plan.

(d) The Applicant shall provide a drying room or clothes rack which would allow for walkers and cyclists travelling significant distances to work to hang up and dry their clothes, shoes, jackets, gloves, and helmets before travelling home at the end of the day in accordance with DLR's 'Standards for Cycle Parking and associated Cycling Facilities for New Developments', (January 2018).

(e) All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction traffic/activities and traffic/road users,

particularly pedestrians and cyclists, on Arkendale Road, during construction works.

(f) The Applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.

**Reason:** In the interest of orderly development.

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

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, 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 property in the vicinity.

6. (a) Prior to commencement of development, a Materials Source and Management Plan shall be submitted to and agreed in writing by the Planning Authority (Environmental Enforcement Section), identifying type of materials/proportion of re-use/recycled materials and future maintenance to support the implementation of Government and EU circular economy policy.

(b) Records relating to construction waste shall be maintained and made available for inspection on site demonstrating tracking of all waste generated to final destination.

(c) Prior to commencement of development, an appropriate rodent/pest control plan to be implemented for the duration of the works on site shall be submitted to and agreed in writing by the Planning Authority (Environmental Enforcement Section).

(d) Prior to commencement of development, a Public Liaison Plan for the construction stage shall be submitted for the written agreement of the Planning Authority (Environmental Enforcement Section) and shall include - Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns - Keeping local residents informed of progress and timing of particular construction activities that may impact on them - A procedure for dealing with complaints arising during the construction process, to include the maintenance of a complaints log.

(e) Prior to commencement of development, a Noise Management Plan shall be submitted to and agreed in writing by the Planning Authority (Environmental Enforcement Section), which shall demonstrate a selection of construction methodology and implementation of mitigation measures to minimise nuisance affecting adjoining properties and design of building services, such as external heat pumps, to avoid creation of nuisance affecting adjoining residential areas.

(f) Prior to commencement of development, an Operational Waste Management Plan shall be submitted to and agreed in writing by the Planning Authority (Environmental Enforcement Section), which shall show the designation of waste storage and collection areas within the curtilage of the development.

**Reason:** In the interests of orderly development and residential amenities, and the proper planning and sustainable development of the area.

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

**Reason:** In the interest of visual amenity.

8. During the construction and/or demolition phase of the development, Best Practicable Means, shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open Sites and British Standard B.S. 6187 Code of Practice for demolition.

**Reason:** In the interest of public health and residential amenity.

9. The construction of the development shall be managed in accordance with a Demolition and 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 a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction and demolition waste, protection measures for the adjacent open space and trees.

**Reason:** In the interests of public safety and residential amenity.

10. 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.

**Advisory Note 1:** The applicant is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

*I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.*

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Patricia-Marie Young  
Planning Inspector

6<sup>th</sup> day of September, 2023.