

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
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Steve Barry,
CEA Engineers & Architects
15, Mill Road
Midleton
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**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 1554	Date of Decision: 02-Dec-2021
Register Reference: SD21A/0212	Date: 05-Nov-2021

Applicant: Oaklands Nursing Homes Ltd.

Development: Demolition of single storey structures attached to the west and north of the existing building; construction of a single storey (53.1sq.m) extension attached to the east of the existing building; two storey (161sq.m) extension attached to the west of the existing building; three storey (189.2sq.m) extension attached to the north of the existing building; the existing structure is a protected structure (SDCC RPS 285); construction to include all associated site works and enabling works.

Location: Sally Park Nursing Home, Sally Park Close, Firhouse, Dublin 24

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 22-Sep-2021 /05-Nov-2021

Clarification of Additional Information Requested/Received:

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 5th of November 2021, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Window - Obscure Glazing.
The window at the first floor on the western elevation of the two storey extension to the west of the existing building onsite shall be glazed with obscure glazing.
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. Architectural Conservation.
Prior to the commencement of development, the following shall be submitted to the Planning Authority for written agreement:
 - (a) The proposed development shall be carried out in accordance with the details and particulars provided. A Schedule of Works and Method Statement shall be provided detailing the proposed works within the Main House (Protected Structure, RPS Ref. 285).
 - (b) All works shall be carried out in accordance with good conservation practice and principles ensuring minimal intervention and no damage or risk to the original built fabric. Those areas being affected by new opes or widening of new opes shall be made good using the appropriate materials and methods.
 - (c) A safety statement shall be submitted for written agreement with the Councils Architectural Conservation Officer prior to the commencement of development. Once works commence on site the Councils Architectural Conservation Officer shall be contacted with regard to inspecting the safety measures put in place to safeguard and protect the Protected Structures to include external and internal features.
 - (d) A schedule of materials and finishes shall be provided for the proposed new

extensions prior to commencing development. Although details of materials and finishes have been indicated there are elements which need to be confirmed ensuring the full and proper execution of these high quality designed elements. This shall include full details on materials and finishes for all elements of the proposed new extensions and links. Images and samples for the timber cladding and treatment of same shall be included. The overall design and location are considered acceptable but further confirmation of finishes is required in order to ensure the proposed design is executed as detailed. REASON: To ensure that any works relating to the Protected Structure are carried out correctly and that it is appropriately safeguarded to prevent any possible damage.

4. Landscaping.

(a) No development shall commence on site until detailed drawings of the layout showing which trees and other natural features (e.g. hedges) are to be retained on the site and which it is necessary to fell have been submitted to and approved in writing by the local planning authority and none of the trees on the site shall be felled or lopped without the prior written consent of the local planning authority.

(b) No development shall take place until a detailed Arboricultural Impact Assessment (AIA) has been submitted and approved in writing by the Local Planning Authority. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.

(c) As per the submitted Arboricultural Assessment prepared by J M McConville & Associates all tree works throughout the site will be carried out by a qualified and experienced tree surgery contractor in accordance with BS3998 (2010) Tree Work - Recommendations before commencement of any other site operations including the erection of protective barriers.

Prior to the commencement of construction works on site, a meeting with the Project Landscape Architect, Site Foremen, the appointed Arborist and the Parks Supervisor from the Public Realm shall take place on-site to inspect that:

(i) all tree pruning & tree felling has been carried out appropriately.

(ii) that the protective fencing has been erected prior as per the submitted Arboricultural Impact Assessment & Tree Protection Strategy and the Arboricultural Protection Plan (1860_PL_TS_02). This fencing is to remain in place for the duration of the project.

(iii) All measures outlined in the submitted Arboricultural Method Statement are adhered to.

All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work - Recommendations. The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife

Acts 1976 and 2000.

The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

(d) Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €20,578.00 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

(e) Prior to the commencement of any permitted development; a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(f) The proposed recommendations and mitigation measures contained within the submitted Bat Assessment Report prepared by Brian Keeley shall be implemented in full by the applicant.

REASON: To ensure that the trees and species on site are adequately protected and to assimilate the development into its surroundings, in accordance with policies IE7 Objective 5, G2 Objectives 2, 9, and 13, G4 Objectives 2 and 5, G6 Objective 1, HCL15 Objective 3, Section 8.3.0 and Landscape Setting 2 of the CDP 2016-2022.

5. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(a) The surface water attenuation of 38m³ for 1 in 100 year storm event is undersized by approximately 18%. Submit a report to show surface water attenuation calculations that include the site area, area of different surface types in m² such as buildings, roads, pathways, permeable paving grass areas, and their respective run off coefficients. Include the SAAR value and site specific rainfall levels.

(b) A revised surface water layout drawing showing increased surface water attenuation of the proposed development for a 1 in 100 year storm event.

(c) A drawing showing what SuDS (Sustainable Drainage System) are proposed for the development. Show what surface water attenuation capacity proposed SuDS has for the site. Example of SuDS include filter drains, permeable paving, swales, green area detention basins, tree pits, channel rills and other such SuDS.

(d) Include water butts in proposed development as part of SuDS (Sustainable Drainage System).

(e) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(f) All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(g) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

6. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Roads.

(a) A total of 21 car parking spaces shall be provided at the development. These shall include 1 mobility impaired spaces and 2 vehicular parking spaces to be electric vehicle charging ready. The remaining spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points.

(b) Prior to commencement the applicant shall submit a revised layout showing marked pedestrian route layout details, starting from existing pedestrian gate up to the main reception entrance door.

(c) A total of 10 covered, and secure bicycle parking spaces shall be maintained at the development.

(d) Prior to commencement the applicant shall submit a revised layout showing the location of bin storage area at the development.

(e) A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed in writing with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file. REASON: In the interest of sustainable transport.

(f) Prior to commencement of development a Construction Traffic Management Plan shall be agreed in writing with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

(g) Prior to commencement of development, a fully developed Construction Demolition and Waste Management Plan shall be agreed in writing with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate parking provision and traffic safety.

8. Minimise Air Blown Dust.

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 to uphold the Council's policies set out in the South Dublin County Council Development Plan.

9. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health

Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

10. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €26,098.78 (twenty six thousand and ninety eight euros and seventy eight cents), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall 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 and to ensure that any such instances arising are remedied immediately.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Brian Connolly **03-Dec-2021**
for Senior Planner

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations. 200 I should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100