

Comhairle Chontae Atha Cliath Theas

PR/0709/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0232 **Application Date:** 20-Aug-2021
Submission Type: Clarification of **Registration Date:** 12-May-2022
Additional
Information

Correspondence Name and Address: Holmes Miller Architects 89, Minerva Street,
Glasgow, Scotland, G3 8LE

Proposed Development: 3-4 storey nursing home building to consist of 111 bedrooms (with ensembles) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens. The protection and preservation of Newbrook House (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home. Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works. Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema. Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home. 24 short and long stay cycle parking spaces. 5 new 3 storey dwellings with associated parking landscaping and services.

Location: Lands to the south of Taylor's Lane, Ballyboden within the cutilage of Newbrook House

Applicant Name: Luxcare Limited

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.6388 Hectares on the application.

Site Visits: 9th and 23rd of September 2021

Site Description

The subject site is located on the south side of Taylor's Lane and contains a Protected Structure RPS No. 300 Newbrook House, which is a two storey house. The house currently sits vacant along with a number of other derelict structures on the site. The site has an existing vehicular

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access from Taylor's Lane at the east, next to the adjoining filling station and has hardstanding areas in the eastern part of the site. The remainder of the site is vegetated with mature trees and a watercourse (mill race) along the south-eastern part which then goes underground. The site slopes up from the front (north) boundary to the rear (south) boundary. The site adjoins existing residential development of two storey semi-detached and terraced housing to the west and south. It also adjoins a vehicle yard and a filling station to the east.

Proposal

Permission is being sought for the following works:

- **3-4 storey nursing home building** to consist of **111 bedrooms** (with ensembles) and associated staff and resident welfare facilities, amenities and including extensive landscaped gardens.
- The **protection and preservation of Newbrook House** (a protected structure-Ref No 300) and incorporation with the construction of the new 3-4 storey nursing home.
- Formation of new vehicular access and pedestrian site access off Taylors Lane and associated landscaping works.
- Communal open space as well as other facilities open to the public such as hair salon, function suite and cinema.
- Provision of 18 parking spaces including 2 accessible spaces and 2 EV charging bays to service the nursing home.
- 24 short and long stay cycle parking spaces.
- **5 new 3 storey dwellings** with associated parking landscaping and services.

Zoning

The subject site is subject to zoning objective RES – *'To protect and/or improve residential amenity'*.

Consultations

Roads Department – further information requested.

Water Services – further information requested.

Waste Management – no report received.

Water Pollution – no report received.

Public Realm – no objections subject to conditions.

Heritage Officer – verbal report received on the 6th of October 2021.

Housing Department – report received. Part V applies to 5 units.

Architectural Conservation Officer – further information requested.

County Architect – no report received.

H.S.E. Environmental Health Officer – no report received.

Irish Water – further information requested.

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Inland Fisheries – no report received.

Failte Ireland – no report received.

Heritage Council – no report received.

Department of Housing, Local Government & Heritage – no report received.

An Taisce – observation received.

An Comhairle Ealaion – no report received.

SEA Sensitivity Screening – the site consists of RPS No. 300 Newbrook House, Taylor's Lane Detached Two-Storey House.

Submissions/Observations /Representations

A number of third party submissions were received, and include the following main concerns in summary:

Architectural Conservation

- Submitted Conservation Report concentrates on the house with little attention to its curtilage. Whether curtilage of the house (gardens) could be restored. Remnants of the paper mill and mill race exist on site.
- Impact of development, by reason of its form, height and building line, on Protected Structure Newbrook House. The development would prevent views of the House. Excessive in scale and would impact the character and setting of Newbrook House.
- Reference Ballyboden Village Plan.
- Car parking proposed to the front of Newbrook House and hard landscaping around it would detract from it.
- Principle of refurbishing and adaptive use of Newbrook House welcomed.

Parking & Traffic

- Proposed number of car parking spaces is not sufficient and could lead to overspill onto the surrounding road network. Provision of car parking for hair salon, function suite and cinema.
- Traffic from the development will operate on a 24 hour basis and have noise impacts on adjoining residential properties.
- Vehicular access to proposed dwellings is located in very close proximity to adjoining petrol station. No information on modifications to existing entrance.
- No details of car parking assessments or evidence of the workability of the proposed car parking layout. Ambulance parking or set down areas have not been identified. Use of access to proposed dwellings for deliveries will result in traffic hazards.
- Proliferation of vehicular entrances for multiple uses.

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- Cycle parking spaces for hair salon, cinema and function room.
- Not clear how internal bicycle parking could be easily accessed.

Impact on Residential Amenity

- Impact of proposed development on neighbouring residential properties through overshadowing, overlooking and being visually dominant.
- Building line is too close to the edge of the road. Would result in poor visual amenity, loss of opportunity for street trees and impact of noise on occupiers. A reduction in height at the north elevation combined with a set back of the building would address concerns.
- By reason of design, layout, size, height, mass and scale amounts of overdevelopment of the site. Visually dominant and result in an adverse impact on existing residential properties. Overdevelopment of site.
- The proximity of the development to adjoining residential development, the excessive scale, form and design, would seriously injure the residential and visual amenities of adjoining properties, dominant appearance of overshadowing of adjoining residents at Kingston Court, Palmer Park and Pearse Brothers Park.
- Contrary to Section 11.2.7 the 3 storey development is significantly less than 35 m from the adjoining two storey dwellings.

Application Material

- Application should be made invalid due to insufficient description of development in notices, location of notices on site location plan, principal dimensions on drawings, insufficient drawings on demolition and Protected Structure, inaccuracies in application form, and Ardpoint Report references a development of a different size.
- The applicant appears not to hold title to a significant part of the site. The legal title of portion of the site is yet to be determined.

Proposed Development

- Whether the proposed hair salon, cinema and function room fit within the use classes permitted in principle or open for consideration in RES zoning.
- Design Statement refers to the provision of community resources – library and café which are not referenced in the notices.
- Absence of detail in relation to boundaries and inter-dependency between the proposed nursing home and proposed dwellings.
- Query the suitability of the site for a nursing home due to proximity to a busy road and note a Noise Assessment was not submitted.

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- No justification report for the nursing home and how it meets best practice standards for such facilities.
- Insufficient assessment on proposed dwellings. Do not comply with housing standards such as internal storage and private open space.
- Earth removal will compromise the integrity of the boundary wall.
- Community facilities be included, such as a coffee shop, to ensure a sustainable community.

Landscape & Ecology

- No Arborist Report submitted.
- No ecological assessment. Appropriate Assessment fails to assess the impact on the Owendoher River and its connectivity to Natura 2000 sites in Dublin Bay.
- Risk of contamination as chemicals have not been removed from the site.
- Proposed landscaping takes little cognisance of the protected wildlife on site and ask that the Mill Stream remain in its current state and suitable mature trees and shrubs provided along the Southern boundary.
- Winter roosting survey of Newbrook House required.

An observation was also received from An Taisce which states while they approve of nursing homes in general, they object to the subject application for the following reasons:

- The Conservation Report submitted by the applicant does not provide adequate assessment of the overall effect of the development of the Protected Structure.
- The Floor Plan 1, which shows the new layout of Newbrook House, does not appear to relate to the Survey of the Existing Newbrook House Layout drawing. It does not include any of the existing internal partitions, including the curved feature partitions, nor does it show the thick rear wall of the original house that are shown on the Survey Drawing.
- The future of the stairs and the whole of the first floor portion is unclear as it is not shown on Floor Plan 2 of the Nursing Home.
- Also object to the whole of the space in front of Newbrook House being used as a car park and they note that there is no CGI of the front of the house.

These submissions are noted and have been taken into consideration in the assessment of the proposed development.

Relevant Planning History

Subject Site

None traced to subject site.

Adjacent and surrounding sites

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Adjoining service station

SD03A/0120 Store room extension to an existing retail shop building including ancillary works.

Permission granted.

Site to the east of the service station

SD14A/0020 Use the existing site for proposed car valet service with all associated site work.

Permission granted.

SD17A/0426 Modifications to existing single storey car service workshop building as follows: increase area by 23.4sq.m; remodel with external metal cladding, including apex roof (4m high).

Permission granted.

Houses at Kingstown Court

Part 8 Application SD078/0015 A nine unit infill housing project: on lands at Taylors Lane, Rathfarnham, Dublin 16, with five units on lands at Kingston Court and four units on lands at junction of Taylors Lane & Glendoher Drive. **Part 8 application approved.**

Relevant Enforcement History

None recorded for subject site according to APAS.

Pre-Planning Consultation

PP112/20

90 bedroom nursing home over 3 floors. Newbrook House - Protected Structure Ref No 300 is located on the west side of the development site and shall be carefully retained, protected and incorporated into the nursing home facility.

Relevant Policy in South Dublin County Council Development Plan 2016 – 2022

2 Housing

Section 2.1.2 Housing for Older People

Policy H 3 Housing for Older People

It is the policy of the Council to support the provision of accommodation for older people in established residential and mixed use areas that offer a choice and mix of accommodation types to older people (independent and semi-independent living) within their communities and at locations that are proximate to services and amenities.

H3 Objective 1:

To support housing that is designed for older people (including independent, semi-independent or nursing home accommodation) in residential and mixed use areas, at locations that are

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proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.

H9 Building Heights

It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

H9 Objective 1:

To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.

H9 Objective 2:

To ensure that higher buildings in established areas respect the surrounding context.

H9 Objective 3:

To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).

Section 2.2.0 Sustainable Neighbourhoods

Section 2.3.0 Quality of Residential Development

Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites

6 Transport and Mobility

Section 6.4.4 Car Parking

Policy TM 7 Car Parking

7 Infrastructure & Environmental Quality

Policy IE 1 Water & Wastewater

Policy IE 2 Surface Water & Groundwater

Policy IE 3 Flood Risk

Policy IE 5 Waste Management

Policy IE 7 Environmental Quality

8 Green Infrastructure

Policy G1 Overarching

Policy G5 Sustainable Urban Drainage Systems

9. Heritage, Conservation & Landscapes

Policy HCL 1 Overarching

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Policy HCL 3 Protected Structures

HCL3 Objective 1:

To ensure the protection of all structures (or parts of structures) and the immediate surroundings including the curtilage and attendant grounds of structures contained in the Record of Protected Structures.

HCL3 Objective 2:

To ensure that all development proposals that affect a Protected Structure and its setting including proposals to extend, alter or refurbish any Protected Structure are sympathetic to its special character and integrity and are appropriate in terms of architectural treatment, character, scale and form. All such proposals shall be consistent with the Architectural Heritage Guidelines for Planning Authorities, DAHG (2011) including the principles of conservation.

Policy HCL 12 Natura 2000 Sites

11 Implementation

Section 11.2.7 Building Height

Section 11.4.1 Bicycle Parking Standards

Table 11.22 Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23 Maximum Parking Rates (Non-Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.5.2 Protected Structures

Section 11.6.0 Infrastructure and Environmental Quality

Section 11.6.3 Environmental Hazard Management

Section 11.6.5 Waste Management

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

- Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).
- Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).
 - Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.
- Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).
- Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).

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- Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Land Ownership;
- Part V;
- Architectural Conservation;
- Residential and Visual Amenity;
- Landscape;
- Access and Parking;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The subject site is located within zoning objective RES – ‘*To protect and/or improve residential amenity*’. Nursing Home is Permitted in Principle under this zoning objective. A proposed nursing home is therefore consistent in principle subject to the RES zoning objective and in accordance with the relevant provisions of the County Development Plan and Government policy.

Having regard to the nature of the proposed development, it is considered Policy H3 and H3 Objective 1, pertaining to Housing for Older People, applies in this instance:

Policy H 3 Housing for Older People

It is the policy of the Council to support the provision of accommodation for older people in established residential and mixed use areas that offer a choice and mix of accommodation types to older people (independent and semi-independent living) within their communities and at locations that are proximate to services and amenities.

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H3 Objective 1:

To support housing that is designed for older people (including independent, semi-independent or nursing home accommodation) in residential and mixed use areas, at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.

The site is located along Taylors' Lane with a pedestrian path to the front. There are bus services along Taylor's Lane. There is a service station adjoining the site and some local facilities and services along Ballyboden Road to the north-west of the site and in Edmondstown to the south of the site. It is considered that the principle of the nursing home in land use zoning terms and compliance with Policy H3 is acceptable at this location. The proposed facilities further help contribute to the proposal's compliance with Policy H3 and H3 Objective 1.

The development description states that there would be facilities open to the public such as hair salon, function suite and cinema. Shop-Neighbourhood (i.e. hair salon) and Cultural Use (i.e. cinema) are Open for Consideration under the 'RES' zoning objective. Within Newbrook House would be an approx. 35.7sq.m hair salon and a visitor café approx. 26.6sq.m at ground floor. The proposed 24sq.m cinema is located within the Level 0 of the proposed nursing home and the approx. 79.4sq.m dining/function suite at ground floor. It appears that if these uses were to be open to the public the only access is internally within the nursing home. The Planning Authority has concerns in regard to the accessibility of these uses. The applicant should be requested to clarify whether these uses are open to the public and, if so, how they would appropriately operate.

Ballyboden Village Plan

A Ballyboden Village Plan was completed in July 2006, on foot of a Specific Local Objective (SLO) in the SDCC Development Plan 2004-2010. The plan is a non-statutory plan and is publicly available on www.sdcc.ie. The Plan has not been revoked by South Dublin County Council. The Planning Authority has limited regard to the content of the Plan as it acknowledges that given the level of changes in national and regional policy since 2006, in particular but not limited to the National Planning Framework, the Regional Economic and Spatial Strategy and Section 28 Guidelines, the Plan is largely superseded.

Land Ownership

Third parties have queried the ownership of the site and stated that the applicant does not have ownership for the whole site. A letter of consent was submitted with the application; however, **the applicant is requested to clarify the ownership of the site and consent to submit the application by way of a request for further information.** It is noted that, in any event, under

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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.

Part V

The five dwellings proposed are subject to Part V of the Planning and Development Act 2000, as amended (including the amendments from the Affordable Housing Act 2021). The Housing Department has provided a report stating that a Part V condition should apply in the event of a grant of permission. The report states the following:

South Dublin County Council's preference in respect of Part V is to acquire units on site. The Council is bound by the planning permissions granted. Therefore, South Dublin County Council can only agree in respect of the actual permitted development. In the event of the granting of planning permission the unit nos., types, location and costings in respect of Part V requirement to be agreed with Housing Department subject to approval of the Department of Housing, Planning, Community and Local Government. These negotiations will commence following any grant of planning permission. Please note that the Council would require a fully completed Part V submission prior to commenting on costs.

This report is noted and a condition to this effect would be recommended in the event of a grant of permission.

Architectural Conservation

The site includes Protected Structure RPS No. 300 Newbrook House, Taylor's Lane Detached Two-Storey House. The proposed development would involve the retention of this structure and its use as part of the nursing home with an area of surface car parking to the front. A link would be constructed between the house and the proposed building. The proposed works to this structure would involve new materials including restored render finish, replacement windows and new aluminium cills. The proposed link would be made of zinc and fibre cement cladding and structural glazing. A new glazed lobby is proposed to the front of Newbrook house. No floor plans have been provided in regard to what is proposed at first floor level, and this should be **requested as Additional Information.**

The retention and incorporation of Newbrook House into the proposed development is welcomed. However, the Planning Authority considers further information is required in regard to the impact on Newbrook House. It is considered that insufficient information has been provided in regard to the proposed works to the Protected Structure. Facilities described as public are proposed within the structure, including a hair salon, however, it is unclear if these facilities are connected with the operation of the nursing home. It would be desirable that the longevity of the uses within the structure can be ensured as much as possible to promote its

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active reuse. The applicant has also not indicated any phasing of works, and it is vital that Newbrook House be included in any first phase.

The Architectural Conservation Officer has reviewed the proposed development and requests further information:

The proposed development will provide a new 111 bed nursing home, and a terrace of 5 townhouses. Each bedroom in the nursing home will have its own high quality en-suite bathroom and will be located in small self-contained communities. Each community will benefit from its own day room, dining area and quiet room. The proposed care home layout is simple in form, with each self-contained community accessed off a central core. Each day room will be provided with an external terrace. A green landscaped corridor has been designed to allow for the watercourse that runs to the rear of Newbrook House, this area will allow green areas for the enjoyment of residents and visitors. This will also allow circulation space around the Protected Structure thereby ensuring there is a sense of space and setting, given the position of the new build adjoining the protected structure separation and circulation space is particularly important.

A number of pre-planning meetings have taken place between the applicant/agents and the Planning Authority including the undersigned. A number of different concepts and designs have been discussed at pre-planning meetings. The most recent meeting took place during February 2021. On foot of pre-planning meetings/discussions the overall design and type of development and impacts on the Protected Structure were highlighted.

The main issue is finding a suitable new use for the Protected Structure and its fully incorporation into the proposed nursing home development. There were a few design issues which the undersigned raised at the pre-planning stage and advised on revisions to some elements and materials etc, but the general consensus was that the overall use was suitable in principle. The overall use and incorporation of the Protected Structure into the overall development was highlighted at pre-planning meetings and discussions. It is extremely important for the longevity of the Protected Structure and viability of use that this is given full consideration.

Newbrook House is a Protected Structure (RPS Ref. 300) as detailed above. The proposed Care Home facility is proposed within the curtilage of Newbrook House and the existing house is to be incorporated into the overall development. A Conservation Report has been completed and submitted as part of the planning application which provides details on the historic development of the site and existing house, along with highlighting the required upgrading and restoration works required to the house to allow its use as part of the overall development. However, it lacks

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details and specifications for same and in particular an Architectural Impact Assessment should have been included to identify how the new adjoining elements and the new build within the curtilage would impact and be addressed in order to minimise any negative impacts.

It is considered that a Schedule of Works and Method Statement is required detailing the level of repair, conservation and new elements. It is proposed to replace the original windows, this is deemed unacceptable and the applicant should be reminded that all original architectural features should be repaired and any replacement of features will have to be justified and replacement like with like will only be acceptable in agreement with the Councils Architectural Conservation Officer based on full details and specifications for the replacement elements.

The main entrance to the nursing home will be via the restored Newbrook House, which sits a storey height above Taylor's Lane. The overall design rationale and site context with regard to levels at Taylor's Lane has been used to reduce the overall height of the building by stepping the roof line down towards the road. This allows the ancillary functions to be located at the lower level of the site for services etc and allows the main entrance and residents and visitors a great level of external space. Newbrook House will be connected via a glazed link with the Nursing Home. It is proposed to insert a glazed entrance to the principal façade of the protected structure in order to provide a new entrance which will act as the main access point.

It is considered that not enough detail has been provided for the two proposed new elements. Detailed drawings showing how these elements will be inserted and abut the original fabric have not been provided along with specifications for the fixings and materials etc. All new works that directly impact on the original built fabric of the protected structure needs to be detailed and provided as part of a Schedule of Works and Method Statement along with design detail (including drawings and images), including all new openings and new additions.

Recommendations

Based on the above assessment, it is considered that following Additional Information is required in order to address the items listed:

1. *It is considered that a Schedule of Works and Method Statement is required detailing the level of repair, conservation and new elements as part of the proposed works required to ensure the sensitive reuse of the Protected Structure as part of the proposed Care Home. It is proposed to replace the original windows, this is deemed unacceptable and the applicant should be reminded that all original architectural features should be repaired and any replacement of features will have to be justified and replacement 'like with like' will only be acceptable if deemed necessary.*

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The Method Statement should include specifications for all repair and conservation works and any replacement where necessary that is deemed to be completely beyond repair should be clearly provided. Where any replacement features/elements are considered justified, this should be clearly identified and details provided with regard to design, profile and materials.

2. *Safety measures should be put in place during the proposed works on site. A Safety Statement should be provided detailing how the existing structure will be protected during the proposed site works. A safety statement should be submitted as part of the Method Statement for the Protected Structure. Appropriate measures should be detailed with regard to safeguarding and protection of the Protected Structure and all associated architectural features.*

3. (i) *Details of the proposed glazed link from Newbrook House (Protected Structure Ref. 300) to the new Care Home building should be provided. Specifications on how the glazed link will be inserted and the required works to the original built fabric of the protected structure at this location should be fully detailed.*

(ii) *Details of the proposed front glazed entrance to Newbrook House (Protected Structure, Ref. 300) should be provided along with specifications for this element and its insertion and the required work to the original built fabric at this location in detailing minimal intervention and justification for the insertion of this new element and design ethos to support same. It is considered that not enough detail has been provided for the two proposed new elements above. Detailed drawings showing how these elements will be inserted and abut the original fabric have not been provided along with specifications for the fixings and materials etc. All new works that directly impact on the original built fabric of the Protected Structure needs to be detailed and provided as part of a Schedule of Works and Method Statement along with design detail (including drawings and images) to include all new openings and new additions.*

4. *As part of the overall design rationale details should have include an Architectural Impact Assessment in identifying the overall visual and physical impacts on the Protected Structure (Newbrook House). It is considered that an Architectural Impact Assessment should be provided assessing the overall impacts of the proposed development within the curtilage of the Protected Structure and in particular assessing how the new elements which impact directly on the original built fabric will be carried adhering to minimal intervention and best conservation and design practice.*

5. *A photomontage should be included showing the front elevation and front site of the protected structure alongside the proposed new development. In particular the area where the Protected Structure links to the new build. A full front elevation image is required to show the Protected Structure in context with the overall development and proposed new landscaping and front entrance.*

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The report from the Architectural Conservation Officer is noted. **The above items should be requested as Additional Information. Also included should be a request for a proposed first floor plan for Newbrook House.**

Residential and Visual Amenity

The existing buildings on the site, aside from Newbrook House, are proposed for demolition. Plans and elevations of these buildings have not been provided. The development description also does not specify the demolition of the existing buildings. **The applicant should be requested to revise and advertise statutory notices to include the demolition of buildings. Floor plans and elevational drawings of the existing buildings for demolition will also be requested.**

Third party submission raise concerns in regard to reference to areas of proposed works in the application form. The total proposed works is stated as 5825sq.m and the retention of Newbrook House is 158sq.m, totalling a 5983sq.m development. This breaks down to 5268sq.m as the nursing home and 715 for the proposed housing. These calculations would appear to be correct on the application form. Any update to these areas as part of a response to any forthcoming additional information request should be provided.

Proposed Nursing Home – Separation Distance, Height and Building Line

The proposed nursing home would comprise of the existing Newbrook House connected to a new building to its east. This proposed nursing home building would be a 'C' shaped building centrally located on the site. The building would be setback approx. 3.1m to 4.3m from the front boundary, approx. 7.7m to 13.3m from the boundary with service station, approx. 11.5m to 12.9m from the rear boundary, and approx. 22.0m and 25.7m from the western boundary. Balconies are proposed at rear elevation and side west elevations. It is considered that the separation distance and building heights are key considerations in the protection of residential and visual amenity.

The proposed heights of the building would be three storeys at front then increase to four storeys moving towards the rear and decrease again to three storeys where the site slopes up. The overall height of the building would be approx. 12m when viewed from both the front and rear elevations due to the difference in ground level across the site. The building would therefore be viewed as three storeys at the Taylor's Lane frontage and from the rear boundary. The step up in height would be evident from the sides. The approach to changing the height with the ground level is welcomed and is in response to the site context.

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The majority of buildings in the area are two storeys in height with some three storey buildings. The proposed building would be located less than 35m from existing housing on the western and southern boundaries. On the western boundaries the building would be approx. 26.1m to 29.9m from housing at Kingston Court. On the south (rear) boundary the building would be largely over 35 m from the housing on Palmer Park apart from No. 16 with an approx. separation distance of approx. 30.0m.

Section 11.2.7 of the Development Plan outlines that varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area.

Development proposals that include 'higher buildings' that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building.

Proposals for higher buildings of over three storeys in residential areas should be accompanied by a site analysis (including character appraisal) and statement that addresses the impact of the development (see also Section 11.2.1 – Design Statements).

The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

It is noted that Section 11.2.7 is implementation for Building Height. The primary objective in relation to residential building height is Policy H9 which states 'It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.'

The following objectives in relation to residential building height are also relevant:

H9 Objective 1:

To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.

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H9 Objective 2:

To ensure that higher buildings in established areas respect the surrounding context.

H9 Objective 3:

To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).

In principle, it is considered that 4 storey development at the subject site is in accordance with the County Development Plan and the separation distances of less than 35m are not considered a material contravention of the Development Plan. The 35m separation distance referred to in Section 11.2.7 is one of a number of criteria to inform Policy H9. It is considered that the height strategy proposed is in accordance with Policy H9 and represents an appropriate gradual change in height in proximity to existing housing.

It is considered that the proposed separation distances from the proposed development to adjacent dwellings is an appropriate response to the site context and will not adversely impact on the residential amenity of the applicants. Some concerns remain with respect of the relationship of proposed ground levels and the existing ground levels of adjoining dwellings. The applicant shall be requested to provide cross sections and a more comprehensive site layout plan fully showing the adjacent dwellings.

In terms of impact on Taylor's Lane the front building line of the proposed building would be forward of the existing fragmented front building line to along this side of Taylor's Lane at this location. This would mean the proposal would be highly visible from the streetscape and surrounding area. The CGIs provided as part of the application are not considered sufficient to analyse the full visual impact of the proposal on the surrounding environment. There would also be part of a gable end of the rear element of the building facing Taylor's Lane, which is not desirable. The applicant should be requested to submit additional CGIs taken further back from the site on Taylor's Lane. A contextual elevational drawing of the site along Taylor's Lane should also be submitted. The applicant should be requested via Additional Information to revise the proposed front building line, boundary position and design of the proposal facing Taylor's Lane (including addressing the gable end). The revised building line and boundary treatment at the front shall incorporate an improved public realm area to the front of the site, providing for the widening of the footpath to c2m.

The proposed materials would be a render (off white) and fibre cement cladding at top level. There would be vertical projecting sections of stone cladding. The building would have a hipped roof with concrete roof tiles with parts of flat roof. The materials and finishes of the proposed building are considered to complement the existing residential development in the area. The use

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of different materials and vertical elements add interest to the facades of the building and are therefore considered acceptable.

Amenity of Residents

The applicant should be requested to confirm if the areas of the proposed nursing home comply with the relevant space requirements in regard to nursing homes. The standards of accommodation for nursing homes are not specified in the County Development Plan, however, there would be other requirements/guidance that applies (i.e. Health Information and Quality Authority). In general, the provision of amenity space for residents is welcomed.

No plans for signage associated with the nursing home have been submitted. In the event of a grant of permission this should be addressed by way of condition.

Proposed Dwellings

The proposal would provide five three storey terraced dwellings in the eastern part of the site. These terraced dwellings would be in a staggered formation facing north. The design would include pitched roofs with front and rear dormer projections. The proposed materials are brick, render and precast cladding. The dormers would have zinc cladding. The pitched roofs would have concrete roof tiles. The proposed materials and finishes are considered acceptable and would complement the proposed nursing home and surrounding development. There would be a blank side elevation facing nursing home. This is not considered visually acceptable and dual frontage should be provided for given its visibility within the site. **The applicant should be requested to address this via Additional Information.**

In terms of the standard of accommodation the proposed dwellings would be approx. 142.9sq.m GIA in size, which complies with the County Development Plan. The bedrooms would comply with the minimum floorspace requirements. The dwellings floor to ceiling heights would be approx. 2.15m and 2.41m at third floor level. In the event of a grant of permission a note should be attached stating that in order to use the attic for habitable space it must comply with the Building Regulations. The houses would have rear gardens located to the south, however, it is not clear what the sizes of these gardens would be. The minimum storage requirement for a house this size under the 2007 Quality Housing for Sustainable Communities is 5sq.m and it is not clear that this has been provided for. **Further information should be requested in regard to the size of the rear gardens, boundary treatments between them and internal storage provision.**

The proposed dwellings would be located approx. 22.1m and 18.9m from the dwellings to the rear, facing Palmer Park. Where there are directly opposing dwellings (the eastern most proposed dwelling) and existing dwellings at Palmer Park, the separation distance is approx. 20.2m. It is

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considered a greater setback distance should be sought in compliance with the County Development Plan. The proposed dwellings would have two storeys with front and rear dormer projections at second floor level. A minimum separation distance of 22m should therefore apply. **The applicant should be requested to address this via Additional Information.**

It is not clear if the proposed dwellings would be associated with the nursing home in any way. **The applicant should be requested to clarify this and the proposed tenure for the houses.** Depending on how the proposed dwellings relate to the nursing home further information is required on how the two uses would interface on the site. It should be clarified what access those living or visiting the dwellings would have to the remainder of the site, including the amenity areas.

Landscape

The proposed landscape plan shows landscaping throughout the site including an area of landscaping along the relocated watercourse (mill race), courtyard for the nursing home and open space associated with the proposed dwellings. As discussed above it would need to be clarified what accessibility those living and visiting the proposed dwellings, and the general public, would have to these spaces.

Public Open Space

Policy H12 states that it is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

Section 11.3.1 of the Development Plan outlines implementation text in relation to Public Open Space. It states that the Planning Authority will require public open space to be provided as an integral part of the design of new residential and mixed use developments.

Apart from RES-N zoning where 14% is relevant, Section 11.3.1 outlines that in all other zones all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space. The Plan includes that this includes community led housing for older people in established areas on lands designated with Zoning Objective 'OS' (To preserve and provide for open space and recreational amenities).

The balance of this issue is the consideration of a nursing home as a residential development or not. Given the specific inclusion of reference to mixed use developments and community led housing for older people in Section 11.3.1 of the Development Plan and the inclusion of residential units as part of the development, it is considered that public open space provision of 10% is relevant.

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Public Realm Section

The Public Realm Department has reviewed the proposed development and states the following in terms of their assessment:

The Public and communal open spaces for the proposed development should be designed to all relevant qualitative standards, in addition public and communal open spaces should be designed to be usable and functional within the overall proposed development.

Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with existing housing and contiguous lands.

The aim of the landscape design proposals should be to create a distinctive, energetic and a well-functioning landscape as well as public, communal and private open space which is usable, functional and visually pleasing.

The urban network of public spaces should be clearly delineated. Further consideration and/or justification should be given to the design and treatment of the public open spaces to ensure that they are appropriate and have sufficient animation. In addition, the proposed public open spaces within the proposed development should represent a significant planning gain.

1. Public Open Space Provision

The applicant is required to provide a minimum of 10% of the proposed development site as designated public open space under the South Dublin County Development Plan 2016-2022. It is not clear from the information provided if the applicant has met the relevant open space requirements for this development.

2. Open Space and Landscape Design

The quality of the spaces between buildings is as important as the buildings themselves. Public spaces are streets, squares, and other spaces that are open to all. They are the setting for most movement. The design of a public space encompasses its siting and integration into the wider network of routes as well as its various elements. These include areas allocated to different users – cars, cyclists and pedestrians – for different purposes such as movement or parking, hard and soft surfaces, street furniture, lighting, signage and public art.

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The landscape plan provided lacks sufficient detail and is not acceptable to the Public Realm Section. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include hard and soft landscape details, including levels, sections and elevations, detailed design of SUDs features including swales and integrated tree pits. The landscape proposals to be prepared by a suitably qualified landscape architect.

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The applicant shall submit the following required detailed information in terms of a landscape scheme and landscape rationale for the proposed development:

- i. Detailed Landscape Masterplan*
 - ii. Detailed Planting Plan*
 - iii. Detailed Cross Sections/Elevations through the landscape proposals*
 - iv. Hard & Soft Landscape Details/Specifications*
 - v. Details of proposed natural SUDS features to be used*
 - vi. A comprehensive SUDS Management Plan*
- 3. Existing Trees and Hedgerows*

There are concerns with the lack of information submitted in relation to existing trees and hedgerows within the site. The applicant is requested to submit a detailed tree and hedgerow survey report for the trees within the subject site area. This tree survey should be undertaken by a suitably qualified arborist. The report should provide detailed information on the condition and health of the existing trees and it should also clearly detail what impacts the development will have on the trees and hedgerows but also potentially the tree roots.

3. SuDS and Green Infrastructure

The Landscape proposals shall include site-specific enhancements to achieve biodiversity net gains. Green corridors can be used to extend and enhance existing ecosystems. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site measures. The development proposals shall include a network of multifunctional green space, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. The landscape proposals should include features designed to reduce flood risk, which are built to receive surface water run-off, such as constructed tree pits, permeable surfaces, retention ponds, green roofs and swales.

A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The SuDS features proposed should provide intrinsically attractive features and focal points within the landscape and have added ecological value; by incorporating these features into open public spaces members of the public can enjoy a variety of diverse ecological features. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDS features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system. The applicant should have cognizance of the broader green/blue infrastructure network within the local area and how the landscape proposals for this development will interconnect with the wider existing green/blue infrastructure and proposed GI network contained within the Tallaght Town Centre Local Area Plan 2020-2026.

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Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as natural swales, bio retention areas, rain gardens, detention basins, filter drains, green roofs, integrated tree pits, permeable paving etc. In addition, the applicant should provide the following:

a) *Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*

4. Planting Proposals

- Planting should be predominantly native and pollinator friendly where possible, street trees to be minimum 18-20cm girth and open space trees to be 20-25cm girth, specimen/feature trees should ideally be 30-35cm girth. Street trees where possible should contain SUDS features and be planted within the public realm.*
- The applicant should have suitable tree pits that attenuate water within hard surface areas. The applicant should clearly outline how SuDS features within the tree pits will function. Details of constructed/bio retention tree pits to be used to be provided.*
- The applicant is requested to submit a fully detailed Planting Plan for the entire development.*
- The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- Planting material where possible should be Irish Grown Nursey Stock and the importation of foreign planting material should be avoided within the proposed planting schemes.*

5. Accessibility

The appointed Landscape architects for the proposed development should apply universal design principles to create more inclusive spaces within the landscape proposals.

In their report the Public Realm Department states that if permission is to be granted the following conditions are recommended:

1. Landscape Design Proposals

The applicant shall submit a landscape design rationale and comprehensive and detailed proposals, prepared by a qualified Landscape Architect, for the written agreement of the Public Realm Section. Such proposals shall include a scaled landscape plan(s) with cross- sections, showing the layout and hard and soft treatment of all boundaries, features, external areas and green spaces. The proposals shall be accompanied by specifications for materials, workmanship and maintenance, together with proposed design details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and

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spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause.

REASON: To ensure that the development makes provision for hard and soft landscaping which contributes (i) to the creation of a high quality, accessible, safe and attractive public realm and (ii) to the enhancement, creation and management of biodiversity with relevant policies in the CPD 2016-2022

2. *Public Open Space Requirement*

As per South Dublin County Council's Development Plan 2016-2022; A minimum of 10% of the gross site area shall be dedicated for use as public open space within the proposed development which shall be of a high quality and integrated into an overall interconnected network of public open space and green routes. The applicant shall provide in Table Format a detailed breakdown of the percentage of public, communal and private open space being provided within the proposed development. In accordance with the standards, the developer would therefore be expected to make provision for the following: Public Open Space 0.6388 ha x 10% = .06388 ha

REASON: The Planning Authority will require public open space to be provided as an integral part of the design of new residential and mixed-use developments in accordance with relevant policies in the CPD 2016-2022.

3. *Tree Survey*

No work shall be commenced until a detailed tree survey of the site comprising a plan and schedule indicating the precise location, species, spread, height and condition of each tree accurately plotted and showing those trees to be retained and those to be felled with a reason for felling has been submitted to and approved in writing by the Local Planning Authority.

CONDITION

REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

4. *Arboricultural Impact Assessment*

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

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location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA. CONDITION

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

5. Ecological Impact Assessment

The applicant shall implement all recommendations and mitigation measures contained with the submitted Ecological Impact Assessment prepared by Panther Environmental Solutions Ltd.

CONDITION

REASON: To ensure the protection of the natural Heritage of the site in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022

6. Bats

The applicant shall implement all recommendations and mitigation measures contained with the submitted Bat Survey Report prepared by Panther Environmental Solutions Ltd. CONDITION

REASON: To ensure the protection of bats and their roosts in accordance with European and national legislation and in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

7. Landscape Management

Prior to commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted and agreed in writing with the Planning Authority. The development shall be carried out in accordance with the approved management plan. CONDITION

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

8. Retention of Landscape Architect

To ensure full implementation of the proposed landscape design, the applicant/developer is required to retain the services of a Landscape Architect throughout the life of the site development works. A completion certificate is to be signed off by the Landscape Consultant when all works are completed and in line with the submitted original landscape drawings.

CONDITION

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REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

9. SUDS

A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. The applicant shall demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development. CONDITION

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

10. Taking in Charge

All areas proposed for taking in charge shall be to a taking in charge standard that ensures ease of maintenance. The applicant should provide a map outlining the areas of public open space proposed to be taken in charge by SDCC and should also include any phasing provisions which will apply to the public open space. CONDITION

REASON: To ensure that designs, materials and specifications shall meet with the requirements of the Local Authority and the Development Agency and in the interests of proper planning and sustainable development.

The report from the Public Realm Department is noted. **However, it is considered that further information should be requested in regard to public open space provision, arboricultural impact assessment and tree survey, and SuDS.**

Ecology

The submitted bat survey report states that bat activity levels of the site are low, and the proposed development is not expected to create more than short term minor impacts on the local bat population. The report makes recommendations including in regard to type and location of lighting, trees along the southern boundary provide foraging areas and some connectivity in the local area and recommends that these should be retained and supplemented with the planting of native spaces, and consideration to incorporating purpose-built bat boxes. If renovation works on Newbrook House have not commenced by November 1st, 2021, a winter roost survey of the interior is recommended. If works not commenced by May 1st, 2022, new bat surveys of the house required.

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An Ecological Impact Assessment was also submitted, which confirms that the hedgerows and treelines are likely to be utilised by bats for foraging and commuting. In the event of a grant of permission the recommendations and mitigation measures outlined in the Bat Survey report and Ecological Impact Assessment would be conditioned. However, it is noted that there would be a number of mature trees and vegetation along the southern boundary being removed as part of the development. No arborist assessment or tree survey has been submitted although the application material does refer to one being undertaken. In addition, the number of proposed trees is not considered sufficient, and the proposed lighting plan is a concern in regard to impact on bats. **The applicant should be requested to revise the landscape proposal and lighting plan to address these concerns. A tree survey and arboricultural impact assessment should also be submitted. The recommendations from this assessment may be implemented into the proposed development.**

Access and Parking

The development would provide 18 car parking spaces for the nursing home, including 2 accessibility spaces and 2 with EV charging points. Seven car parking spaces including 1 accessibility space would be provided for the proposed dwellings. The Planning Authority, as does the SDCC Roads Department, considers that the site is located within Zone 1 in terms of car parking standards under the County Development Plan. The maximum rates under this zone for a nursing home is 1 space per 4 residents and for a three bedroom house 2 spaces. It is also noted that if there are to be facilities open to the public a level of car parking provision for these may be required. **The applicant should be requested to address this by way of Additional Information.**

The proposed development would provide 24 bicycle parking spaces for the nursing home. Bicycle parking would be provided within the curtilage of the proposed houses. The bicycle parking for the nursing home would be located outside Newbrook House and within the proposed nursing home building at Level 0. The internal bicycle storage is located close to an external access to the courtyard, which is acceptable in this instance.

The Roads Department has reviewed the proposed development and requests further information:

Access: The applicant has proposed two vehicular accesses at the proposed development the primary vehicular access is proposed at north western corner of the site leading up to Newbrook House. The main entrance to the nursing home is proposed to be through restored Newbrook House. The applicant has proposed a secondary vehicular access which is the existing access at the north eastern corner of the site close to Circle K fuel station as this vehicular access will provide access to service vehicles for the nursing home and vehicular access to the proposed 5

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no. residential 3 bedrooms houses which are proposed at the south eastern corner of the development.

SDCC Roads Department has concerns with two proposed accesses onto Taylors Lane particularly the existing vehicular access in close proximity to filling station vehicular access, this existing vehicular access can lead to a potential intensification of the access and increase vehicular movements, which will increase the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard. Also, Proliferation of accesses on Taylors Lane would introduce traffic hazard.

The applicant shall submit a revised layout showing one vehicular access provided for the proposed development at north western corner of the site onto "Taylor's Lane" road. The second vehicular access at the north eastern corner of the site in close proximity to Circle K fuel station shall be eliminated.

Traffic & Transport Assessment: A total of 2 key junctions were assessed in the TTA. The effects of this and committed development was assessed. The conclusion was that the proposed development will have an insignificant effect on the local road network.

Internal Roads Layout: Two Swept path analysis drawings have been submitted to show an Ambulance access and egress from the north western vehicular access point and the second drawing showing HGV access and egress from the north eastern access point close to Circle K fuel station.

Fire tender and HGVs cannot access at the north western access to the main entrance of the proposed development.

Car Parking Provision: The applicant has submitted following table for the proposed car parking provision at the proposed development.

Description	Quantum		SDCC Maximum Parking Rate		Proposed Parking Provision	
			Parking Required	Maximum Parking to be Provided	Residential Parking	Visitor Parking
Nursing home	111	Bedrooms	1 space per 10 residents	1 space per 5 staff	18	18
Townhouses	5	Houses	1.5 space per house		8	7
Total					26	25

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The applicant has proposed a total of 25 of car parking spaces in the proposed development including 3 of car parking spaces are mobility impaired. A total of 18 of spaces will be allocated to nursing home within the development, with 7 of spaces being allocated to the residential homes.

The parking provision numbers are not in accordance with Table 11.24. SDCC roads consider this area as Zone 1 location. It is not well served by Public Transport and amenities. The maximum provision for a Zone 1 Nursing Home development is 28 spaces, maximum for a Zone 1 residential home is 10 spaces.

SDCC roads department consider the car parking provision is too low.

The applicant shall provide 10 more car parking spaces for the proposed development the total parking should be 35 car parking spaces for the proposed development.

Note: (25 car parking spaces for care home and 10 car parking spaces for residential houses)

Roads Department is concerned that the significant under provision of car parking that is proposed as part of this development will not be generally acceptable and may result in parking and traffic issues both within the development and on the surrounding public road network. SDCC Roads Department have concerns that the current receiving environment for this development will promote car usage and will result in illegal or dangerous parking practices in the immediate area, which may result in hazardous walking or cycling conditions for vulnerable road users that are associated with the development.

The Roads Department considers that this parking provision is not sustainable and does not mitigate against future potential changes of residential use/market within the development, which may result in the requirement for additional car parking. The Roads Department considers that the trip generation figures should be reworked to take account of a car parking provision which is based more closely on the maximum standards as set out in the current SDCC County Development Plan, which will mitigate against additional future car parking limitations which may results in illegal/dangerous parking within the development and on the surrounding public road network.

Bicycle Parking Provision: The minimum SDCC bicycle parking provision requirements are in table 11.22 of the County Development Plan. Based on these guidelines the minimum spaces required is 18 spaces. The proposal is for 24 spaces. This provision is satisfactory and in line with the SDCC County Development Plan 2016-2022 Guidelines.

All bicycle parking spaces must be covered to protect bicycles for inclement weather.

CWMP: The applicant must provide some level of onsite construction worker parking provision and material storage areas in their construction management plan.

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Mobility Management Plan: A preliminary mobility management plan has been submitted within the Transport Report. A developed mobility management plan shall be submitted within 6 months of the opening of the facility.

Public and Site Lighting: A site lighting design and layout has been submitted by the applicant. The applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.

Roads recommend that additional information be requested from the applicant:

1. *The applicant shall submit a revised layout showing one vehicular access provided for the proposed development at north western corner of the site onto "Taylor's Lane" road. The second vehicular access at the north eastern corner of the site close to Circle K fuel station shall be eliminated.*

2. *The applicant shall submit a revised layout, showing a detailed design of the vehicular access points at north western corner of the site onto "Taylor's Lane" road, including a swept path analysis showing how Emergency Vehicles can access egress the proposed site from the main road.*

3. *The applicant shall submit a revised layout to provide a total of 35 car parking spaces to cater for visitor, staff, residential homes parking requirements.*

Note: (25 car parking spaces for care home and 10 car parking spaces for residential houses).

4. *The applicant shall submit a revised layout showing a redesign for the north western vehicular access as main access to the proposed development, the proposed design shall incorporate visibilities splay in both directions, and removal/relocating of the utility pole away from the access to a suitable location. The redesigned access shall incorporate a continuous pedestrian footpath along the frontage that connects the neighbouring footpaths. A 2.0m wide footpath shall be maintained along the frontage.*

5. *The applicant shall provide information with regards to their proposed bin/waste collection arrangement and bin storage and collection locations, including auto track analysis showing how bin truck can access and egress the site safely.*

6. *The applicant shall submit revised layout showing covered/sheltered surface bicycle parking spaces.*

7. *The applicant shall submit detailed retaining walls designs for the proposed development.*

The report from the Roads Department is noted. The Planning Authority concurs with the provision of an increased width to the public footpath and has noted same earlier in this report. Consequential building line and boundary positioning amendments may be required.

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The Planning Authority has significant reservations in relation to the request to reduce the number of vehicular entrances to one. There is an existing entrance to the site adjacent to the Circle K and the proposal would provide some intensification of the use of this entrance to accommodate 5 units and the service vehicles. The principle of a new entrance to the front of the protected structure is welcomed. The dual entrances to Taylors Lane appear to be a central part of the design approach of the proposal and the change to one would require significant redesign of the proposal or potential omission of the 5 dwellings. The consideration by the Roads Section that a 2nd entrance would result in a traffic hazard is noted and the issue shall be included as an item of further information to enable the applicant to outline amendments, measures and works to alleviate the traffic movement concerns.

As part of any revisions to the site the applicant should ensure the easy access of the internal bicycle store to those entering the site. The Roads Department also requests that the external bicycle parking outside Newbrook House is covered. Any structure proposed here should have full cognisance of the Protected Structure.

Services and Drainage

The existing watercourse (mill race) would be moved into a new 1 by 1m open channel prior to being culverted. The culverted watercourse would extend along the southern boundary then turn northwards to run along the proposed eastern access, and then turn westwards to join with an existing culvert line under Taylor's Lane. The proposed building would be setback 10m from the relocated watercourse.

Water Services has reviewed the proposed development and requests further information in regard to this watercourse and to surface water:

1.1 It is unclear what quantities of water flow through Mill Race passing through Site. Submit a report showing a hydrological assessment and flow details in dry and wet periods for the site Mill Race.

1.2 Submit a drawing showing what areas upstream of site are draining to existing Mill Race passing through Site.

1.3 Depending on details submitted in 1.1 and 1.2 above water services will assess if proposed Mill Race can be diverted.

1.4 If water services accept diversion of Mill Race (this has currently not yet been agreed) then

- proposed channel diverting mill race would require a setback distance from proposed development of 10m to edge of channel. Proposed culvert setback distance would require a 6m setback distance from outside diameter of 1m diameter culvert to proposed development.*

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- Right angle bends of diverted surface water channel would need to be removed and replaced with 45 degree bends.

1.5 Submit a drawing showing what SuDS can be included in development such as green roofs and other such SuDS.

1.6 Submit a report showing surface water attenuation calculations for proposed development. The report should show:

The surface water attenuation required in m3

The surface water attenuation provided in m3

The site area in Ha or m2

The area in m2 of each surface type such as buildings, green roofs if any, roads pathways, permeable paving, green areas and their respective run off coefficients.

Qbar rate in litres/ second for the site.

1.7 Submit a drawing showing a cross section of area between proposed building and proposed surface water channel.

1.8 Submit a drawing showing the location of surface water attenuation systems and their surface water attenuation capacity in m3.

The report from Water Services is noted. **As stated, further information is needed in regard to the level of water currently running through the watercourse.**

The Planning Department discussed the diversion of the stream during pre-planning. Having regard to the extent of existing culverting, the constraint of the existing stream path and balancing the benefit of the land use proposed and the reuse of the protected structure, the Planning Department is satisfied that the diversion and culverting is in the interest of the proper planning of the area in this instance.

Irish Water has reviewed the proposed development and requests further information in the form of a pre-connection enquiry and subsequent letter of confirmation of feasibility from Irish Water in regard to new connections to public water supply and foul water infrastructure. **This shall be requested via Additional Information.**

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

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Screening for Appropriate Assessment

The applicant has provided an Appropriate Assessment Screening Report. This report states that the site is hydrologically linked to the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. The report states that the site would not be considered to impact upon the listed habitats and species due to deleterious effects on water quality, owing to the type of proposed development and the drainage system put in place. The Planning Authority requires further information on the watercourse (mill race) and surface water before a screening determination can be made.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- the established character of the area,
- the nature of the protected structure on site and
- the scale, design and standard of the proposed development,

it is considered that **Additional Information** is required in relation to:

- Impact on protected structure;
- Potential traffic hazard of two vehicular access points;
- Design and impact of dwellings;
- Landscaping;
- Public Footpath width/ building line;
- Land Ownership;
- Servicing;
- Existing buildings to be demolished; and
- Operation and integration of proposed uses;

Recommendation

Request Further Information.

Further Information

Further Information was requested on the 14th of October 2021.

Further Information was received on the 17th of December 2021.

It was deemed that the information received contained significant further information and therefore new statutory notices were required.

Revised statutory notices were published and submitted to SDCC on the 19th of January 2022.

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Further Information Consultations

Roads Department – clarification of further information requested.

Water Services – clarification of further information requested.

Waste Management – no report received.

Water Pollution – no report received.

Public Realm – no objection subject to conditions.

Heritage Officer – no report received.

Housing Department – email received 7th of February 2022.

Architectural Conservation Officer – no objection subject to conditions.

County Architect – no report received.

H.S.E. Environmental Health Officer – no report received.

Irish Water – no objection subject to conditions.

Inland Fisheries – no report received.

Failte Ireland – no report received.

Heritage Council – no report received.

Department of Housing, Local Government & Heritage – no report received.

An Taisce – observation received.

An Comhairle Ealaion – no report received.

Further Information Submissions/Observations

Period for submissions/observations on significant further information closed on the 1st of February 2022.

No third party submissions were received.

An observation was received from An Taisce stating that they are disappointed to note that the open space in front of the Protected Structure, Newbrook House, is still entirely occupied by a car park. They also note that no effort appears to have been made to preserve the remains of the old mill building and incorporate it into the scheme as this is part of the heritage of Ballyboden Village.

This observation has been reviewed in full and taken into consideration in the assessment of the further information received.

Assessment

Item 1 Requested

The SDCC Architectural Conservation Officer requests that the following items be submitted:

(a) It is considered that a Schedule of Works and Method Statement is required detailing the level of repair, conservation and new elements as part of the proposed works required to ensure

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the sensitive reuse of the Protected Structure as part of the proposed Care Home. It is proposed to replace the original windows, this is deemed unacceptable and the applicant should be reminded that all original architectural features should be repaired and any replacement of features will have to be justified and replacement 'like with like' will only be acceptable if deemed necessary.

The Method Statement should include specifications for all repair and conservation works and any replacement where necessary that is deemed to be completely beyond repair should be clearly provided. Where any replacement features/elements are considered justified, this should be clearly identified and details provided with regard to design, profile and materials.

(b) Safety measures should be put in place during the proposed works on site. A Safety Statement should be provided detailing how the existing structure will be protected during the proposed site works. A safety statement should be submitted as part of the Method Statement for the Protected Structure. Appropriate measures should be detailed with regard to safeguarding and protection of the Protected Structure and all associated architectural features.

(c) (i) Details of the proposed glazed link from Newbrook House (Protected Structure Ref. 300) to the new Care Home building should be provided. Specifications on how the glazed link will be inserted and the required works to the original built fabric of the protected structure at this location should be fully detailed.

(ii) Details of the proposed front glazed entrance to Newbrook House (Protected Structure, Ref. 300) should be provided along with specifications for this element and its insertion and the required work to the original built fabric at this location in detailing minimal intervention and justification for the insertion of this new element and design ethos to support same.

It is considered that not enough detail has been provided for the two proposed new elements above. Detailed drawings showing how these elements will be inserted and abut the original fabric have not been provided along with specifications for the fixings and materials etc. All new works that directly impact on the original built fabric of the Protected Structure needs to be detailed and provided as part of a Schedule of Works and Method Statement along with design detail (including drawings and images) to include all new openings and new additions.

(d) As part of the overall design rationale details should include an Architectural Impact Assessment in identifying the overall visual and physical impacts on the Protected Structure (Newbrook House). It is considered that an Architectural Impact Assessment should be provided assessing the overall impacts of the proposed development within the curtilage of the Protected Structure and in particular assessing how the new elements which impact directly on the original built fabric will be carried adhering to minimal intervention and best conservation and design practice.

(e) A photomontage should be included showing the front elevation and front site of the protected structure alongside the proposed new development. In particular the area where the Protected Structure links to the new build. A full front elevation image is required to show the Protected Structure in context with the overall development and proposed new landscaping and front entrance.

(f) A floor plan of what is proposed to the first floor of Newbrook House.

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Assessment:

The SDCC Architectural Conservation Officer (ACO) has reviewed the further information submitted and states the following:

AI Request Item 1(a) –

Response: In response to the AI an Architectural Impact Assessment Report has now been provided. The Architectural Impact Assessment includes a Condition Assessment, Works Schedule and Works Specification. Details on the scope of proposed works required to the existing protected structure in order to allow the structure to be restored and reused as part of the proposed development at Newbrook House is included. It has been clarified in the report that the original gothic timber windows to the original part of the house are in good condition and will be repaired adhering to good conservation practice.

Details on the proposed interventions have been provided within the Architectural Impact Assessment under 'Adaptive restoration design' in particular how the existing protected structure will be incorporated into the overall design and the works required to allow Newbrook House to become the Main entrance and public face of the building. The proposed new entrance lobby, glazed link and rear single-storey extension is also detailed in the assessment report, providing full and proper details thus allowing a proper assessment of the required works as part of the proposed development.

AI Request 1 (b) –

Response: An Architectural Impact Assessment report has been submitted and details on the proposed safety measures have been included in the assessment and in the AI response statement. It is considered that the safety statement provided should be adhered to during demolition on site, site clearance and during construction. Specific details on how the Protected Structure will be safeguarded during the phases of the development and during conservation repairs should be submitted to the Councils Architectural Conservation Officer for agreement and formal approval.

AI Request 1 (c) –

Response: Additional details have been provided in relation to the proposed glazed link from Newbrook House to the new Care Home as part of the Architectural Impact Assessment. It states that "a physical link is required between the two buildings. It is important that the two buildings are read as two distinct pieces of architecture.....the link is to be limited to a single storey – connecting the ground floor of Newbrook House with the first floor of the care home – and to be constructed from minimally visible materials. The walls are to be full height double-glazed units. Each glass wall is either to be constructed from a single unit of glass or, if from multiple units, the units are to be butt jointed using clear silicon sealant".

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The reason, justification and design rationale for the glazed link was already fully understood as previously advised by the Councils Architectural Conservation Officer with regard to providing a clear link to the Protected Structure allowing Newbrook House to be physically linked to the new build ensuring the existing building was central to the overall development. The AI request related to how the link would be attached to the existing building and what level of intervention and loss of original built fabric would be required to facilitate the link. It is considered that specifications for the installation and work required to allow the proposed link from the Protected Structure and the new build shall be submitted for formal agreement.

In relation to the proposed entrance lobby it is stated that "the design of the care home proposes to use the existing house as the primary entrance which enhances the status of the historic building...It is also proposed to use the house interior as communal public space and as such a draught lobby is needed at the entrance". Detail has now been submitted in order for the required clarification for this item as required. The design rationale and justification for the need of this new addition has also been provided.

It is confirmed that the existing front door will be repaired and retained and the proposed lobby will act as the new access arrangement for visitors. It will be constructed using minimal materials and there will be minimal impact with the original built fabric. It will clearly read as a new addition and is a design feature which is easily removed in the future if required. It is considered that the design elements, materials, dimensions and fixtures of the new glazed link and new glass entrance lobby should be submitted to the Councils Architectural Conservation Officer for agreement and approval.

It is considered that the responses to sub-items (d), (e) and (f) have been assessed as part of the ACO's report. An Architectural Impact Assessment, CGI views and a contextual front elevation showing the structure have been submitted as part of the further information. The applicant has also submitted a proposed first floor plan of Newbrook House showing that this floor would be used for storage. The proposed drawings of Newbrook House are labelled 'existing'. In the event of a grant of permission it should be **conditioned** that revised drawings with correct labelling are submitted.

Overall, the SDCC Architectural Conservation Officer considers the information submitted to be satisfactory and therefore recommends a grant subject to the following conditions:

1. *It is considered that the proposed works should be carried out in accordance with the details provided in the Architectural Impact Assessment Report submitted as Additional Information. In particular in accordance with the Method Statement, Specifications and Schedule of Works included as part of the Architectural Impact Assessment Report.*
 - *In the event that additional works or interventions are required which were unforeseen full details should be submitted to the Councils Architectural*

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Conservation for assessment and formal agreement prior to any such works being carried out.

- *Specifications and methodology for the repair and conservation for the following specific elements should be provided for approval in addition to works methodology included in the Architectural Impact Assessment;
Repair of original gothic timber windows and repair to original timber front door,
Repairs to roof and rainwater goods,
Repairs to decorative plasterwork, interior joinery and original staircase,
Repairs to original fabric and finishes – internal plaster and external render.*

Reason: To ensure works are carried out in accordance with the particulars provided and methodology. Adhering to conservation principles and best conservation practice.

2. *Safety measures should be put in place during the proposed works on site. A Safety Statement should be provided detailing how the existing structures will be protected during demolition works and site clearance/excavation and construction. A safety statement should be submitted for written agreement with the Councils Architectural Conservation Officer prior to the commencement of development.*

Reason: To ensure that Newbrook House is safeguarded during the proposed development and appropriate safety measures are put in place to prevent any possible damage to original built fabric or architectural features.

3. *It is considered that the design elements, materials, dimensions and fixtures of the new glazed link and new glass entrance lobby should be submitted to the Councils Architectural Conservation Officer for agreement and approval.*

Reason: To ensure new additions to the Protected Structure do not cause a direct negative impact or directly affect the original built fabric.

4. *A Schedule of materials and finishes should be provided for the proposed new additions and rear extension to the Protected Structure as well as the final palette of materials and finishes for the new build. This should be submitted prior to commencing development by way of confirming final material finishes and colours. This should include full details on materials and finishes for all elements of the proposed development.*

Reason: To ensure the proposed new addition, new extension and new glazed link and entrance lobby is of high quality and reflects the overall design ethos detailed in the proposal.

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The above conditions should be submitted to the Councils Architectural Conservation Officer (Ms. Irenie McLoughlin) for agreement and written approval prior to the commencement of development.

This report is noted and should be **conditioned** as such in the event of a grant of permission. The observation from An Taisce is noted in regard to this item. The activation and use of the Protected Structure as part of the overall development is important. The Planning Authority therefore welcomes the use of this structure as the main entrance to the nursing home. However, the car parking in front of this structure could benefit from further planting to visually improve this space. This can be addressed by way of **condition**. Spaces could be provided by grasscrete. It is therefore considered that this item has been fully addressed. The Planning Authority needs to ensure that the Protected Structure works are commenced first or in tandem with the entire development rather than being left to the end. This should be secured by a **phasing condition**.

Item 2 Requested

The applicant is advised that the SDCC Roads Department has serious reservations about traffic safety on Taylors Lane by reason of the provision of two entrances. The Roads Section recommends that one vehicular access be provided and requests the omission of the access at Circle K. It is the view of the Planning Department that the applicant be afforded the opportunity to address the concerns and demonstrate, if possible, that the two entrance approach will not create a traffic hazard.

Assessment:

The applicant has submitted a technical note prepared by AECOM regarding this item. This states that the use of the eastern access is acceptable given the following:

- The proposed development would be a significant improvement to the existing situation by improving visibility through the removal of the boundary wall and required visibility splay met.
- The site and this access currently have consent for a non-retail use which would generate significantly higher volume of trips and vehicles than the proposed.
- Use of this access would be limited to the 4 no. houses, 3 no. parking spaces for the care home and deliveries to the care home.
- The access is adjacent to the exit from a petrol station and not a standard junction with a street. The nature of the petrol station is such that vehicles would exit sporadically, but generally large gaps between them. Vehicles would be travelling very slowly as they approach Taylor's Lane.

The Roads Department has reviewed the further information received and requests clarification by a revised layout showing one vehicular access for the proposed development:

SDCC Roads department is not satisfied with the applicant submission and consider that the creation of additional accesses to/from (Taylors Lane) District Distributor Road

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could lead to a traffic hazard due to proliferation of multiple accesses at the proposed development.

Roads Department Recommend Clarification of Additional Information:

1) The applicant shall submit a revised layout showing one vehicular access for the proposed development.

The Roads report is noted. It is noted that the eastern access, that is requested to be omitted, is existing. The new access proposed is that at the western side of the site. This western access would form the main entrance to the nursing home. Whereas the existing eastern access would be used for the 4 no. dwellings, and 3 no. parking spaces and deliveries associated with the nursing home.

Given that the eastern access is existing, and that the adjoining petrol filling station's accesses were permitted after the creation of this access, the Planning Authority does not agree that this access should be omitted to prevent proliferation of entrances onto Taylors Lane. It is therefore considered that the response from the applicant is sufficient. Any further details on the design of this access can be addressed by way of **condition**. This item has therefore been fully addressed.

Item 3 Requested

The Planning Authority has concerns regarding the design of the proposed nursing home. In this regard the applicant is requested to submit the following information:

(a) The CGIs provided as part of the application are not considered sufficient to analyse the full visual impact of the proposal on the surrounding environment. There would also be part of a gable end of the rear element of the building facing Taylor's Lane, which is not desirable. The applicant is requested to submit additional CGIs taken further back from the site on Taylor's Lane. A contextual elevational drawing of the site along Taylor's Lane should also be submitted. The applicant is also requested to revise the proposed front building line, boundary position and design of the proposal facing Taylor's Lane (to address the gable end) in order to provide an increased public footpath of c2m and to reduce the visual prominence of the front of the building.

(b) The development description states that there would be facilities open to the public such as hair salon, function suite and cinema. The proposed 24 sq.m cinema is located within the Level 0 of the proposed nursing home and the approx. 79.4sq.m dining/function suite would be at ground floor. It appears that if these uses were to be open to the public the only access is internally within the nursing home. The Planning Authority has concerns in regard to the accessibility of these uses. Within Newbrook House would be an approx. 35.7sq.m hair salon. The applicant is requested to clarify whether these uses are open to the public and if so how they would appropriately operate. The longevity of the uses within Newbrook House should be ensured as much as possible to promote its active reuse. Depending on the openness of the proposed uses to

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the public the applicant is requested to address car and bicycle parking provision for these as appropriate.

(c) The applicant is requested to confirm if the proposed areas of the nursing home comply with the relevant space requirements in regard to nursing homes.

Assessment:

(a) Revised and additional CGIs of the proposed development have been submitted, including from views further back on Taylor's Lane. The proposed development has been revised to be further setback from the front boundary by approx. 1.0 m. The projecting bays from the front elevation has been reduced in depth. This setback allows for the footpath along the front of the site to be increased to 2 m in width and for additional planting along the frontage. The existing front boundary wall would be replaced. However, the ACO notes that this is not the original boundary wall so is not of historic significance. The applicant states that the north-east gable has been rotated away from the road. The Planning Authority considers that these changes improve the visual impact of the proposal when viewed from Taylor's Lane. Part of a gable end would still be facing Taylor's Lane. However, this is not considered to have a significant visual impact on the streetscape and surrounding area.

(b) The applicant has advised that the facilities proposed as part of the development would not be open to the public. They would be available to residents, their families and visitors. They also advise that the nursing home operator would endeavour to create a community connection, which would involve offering the facilities to small community clubs. The Planning Authority therefore finds the locations of these facilities within the development acceptable.

(c) The applicant confirms that the proposed areas of the nursing home would comply with the relevant space requirements for nursing homes, in particular the '*Relevant Standards National Standards for Residential Care Settings for Older People in Ireland (2016)*'. The minimum bedroom floorspace being provided would be approx. 16.1 sq.m (minimum 12.5 sq.m required). The communal area per resident would be 7.7 sq.m (minimum 4 sq.m per resident required).

Item 4 Requested

The Planning Authority requests the following information in regard to the proposed five dwellings onsite:

(a) There would be a blank side elevation facing nursing home. This is not considered visually acceptable and dual frontage should be provided for given its visibility within the site. The applicant is requested to submit revised drawings showing a redesign of this elevation to improve its visual impact.

(b) Further information is required in regard to the size of the rear gardens, boundary treatments between these and whether sufficient internal storage can be provided. A schedule demonstrating compliance with the standards of the County Development Plan shall be submitted.

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(c) A greater setback distance between the proposed dwellings and existing dwellings at Palmer Park is required in compliance with the County Development Plan. The proposed dwellings would have two storeys with front and rear dormer projections at second floor level. A minimum separation distance of 22 m is therefore requested.

(d) It is not clear if the proposed dwellings would be associated with the nursing home in any way. The applicant is requested to clarify this and the proposed tenure for the houses. Depending on how the proposed dwellings relate to the nursing home further information is required on how the two uses would interface on the site. It should be clarified what access those living in or visiting the dwellings would have to the remainder of the site, in particular amenity areas.

Assessment:

(a) The proposed dwellings have been reduced from 5 no. to 4 no. and reorientated so that they face west. This means that the dwellings would now face the nursing home, thereby engaging with the overall site. The dwellings have been redesigned so that they have the same front and rear building lines, as opposed to being stepped as originally proposed. The revised layout and design of the proposed dwellings is considered to be acceptable and address the Planning Authority's concerns.

(b) The revised proposed site plan shows the areas of the rear amenity spaces for the proposed dwellings. This confirms that these areas would meet the minimum requirements for a three bedroom dwelling under the County Development Plan. The dwellings would have sufficient internal storage to comply with the 2007 Quality Housing for Sustainable Communities. The site plan shows that boundary treatments would be provided between the rear amenity spaces of the dwellings. However, it is not clear what this treatment would entail. This should be addressed by way of **condition**.

(c) The proposed dwellings have been reorientated so that their closest (side) elevation is now setback approx. 10.9 m to 15.8 m from neighbouring dwellings to the south at Palmer Park. There would be no windows on the side elevation of the southernmost proposed dwelling. Therefore it is considered that the proposed dwelling would not have an overlooking impact on these neighbouring dwellings.

(d) The applicant advises that the dwellings would be private dwellings, however, the nursing home operator has shown interest in purchasing them to offer as rental properties for the staff of the nursing home. The Planning Authority notes that given that this is not certain, the dwellings should be assessed as being completely separate to the nursing home.

The dwellings would have a separate vehicular and pedestrian access to the main access to the nursing home (albeit used for some parking and deliveries for the nursing home). The footpath has been revised so it is continuous along the accessway, on the opposite side to the nursing

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home, which is to be welcomed. The proposed site plan shows that the site would be fenced from the south-east corner of the nursing home to the rear boundary effectively excluding the dwellings from easily utilising the amenity space to the south of the nursing home.

The proposed site plan also shows there would be a fence from the north-east corner of the nursing home to the front boundary. Although, this is not shown on other drawings. The users of the dwellings would have access to the central courtyard of the nursing home. Access to this space can be managed via appropriate boundary treatments. Details of boundary treatments should be addressed by way of **condition**.

In regard to Part V, it is noted that since the number of houses has reduced to 4 a Part V condition does not apply, should the applicant seek a Certificate of Exemption. No application for a Certificate of Exemption has been submitted for the revised development. **The applicant's Part V obligations should be addressed by way of clarification of additional information.**

Item 5 Requested

The applicant is requested to submit:

(a) cross sections to include the adjoining dwellings to the north, south and west. The cross sections should outline the existing ground levels on adjacent property and show the proposed and existing levels for the subject site.

(b) a more comprehensive site layout plan that fully shows the adjacent dwellings on all sides. The site plan should detail the separation distances of the proposed development from the existing buildings.

Assessment:

(a) The applicant has submitted a revised site sections that include the neighbouring dwellings to the north, south and west and the change in ground levels. These demonstrate that the houses at Palmer Park would sit higher than the nursing home building and dwellings in overall height. The proposed dwellings would sit higher than the adjoining petrol station. However, given the nature of this neighbouring use this is considered to be acceptable.

(b) A revised proposed site plan has been submitted showing separation distances to neighbouring dwellings. The nursing home building has been moved southwards so that the separation distance with the closest housing at Palmer Park would reduce from approx. 30.0 m to 29.5m. Due to its orientation, this existing dwelling would not directly face the nursing home. Otherwise, the nursing home would be largely over 35m from the remainder of housing on Palmer Park. The separation distances with houses across Taylor's Lane to the north would be increased to approx. 28.6m and 29.1m. On the eastern boundary the nursing home (excluding Newbrook House) would be approx. 25.6m from the closest neighbouring house at Kingston Court.

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The separation distances of the proposed dwellings to existing has been assessed under the response to Additional Information Item 4(c). The Planning Authority finds the proposed layout and separation distances of the proposed development to be acceptable. It is not considered that the proposal would have a significant negative impact on the residential amenity of adjoining sites. It is therefore considered that this item has been satisfactorily addressed.

Item 6 Requested

The applicant is requested to submit a revised landscape plan and proposal that includes the following:

(a) A provision of 10% public open space on the site. The accessibility of open spaces should be clearly identified in terms of private, semi-private or public.

(b) The landscape plan should be revised to reflect the recommendations and mitigation measures of the Bat Survey report and Ecological Impact Assessment, particularly in regard to the retention of mature trees along the southern boundary for foraging bats. A tree survey and arboricultural impact assessment should be submitted and any recommendations from this assessment incorporated in the proposals.

(c) A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. The applicant shall demonstrate through information and a drawing how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.

Assessment:

The applicant has submitted further information in relation to this item including landscaping and tree documentation and drawings. The Public Realm Section have reviewed the further information submitted and state the following:

1. Public Open Space Provision

The applicant is required to provide a minimum of 10% of the proposed development site as designated public open space under the South Dublin County Development Plan 2016-2022. It is still not clear from the additional information provided if the applicant has met the relevant open space requirements for this development. The applicant shall make available in Table Form the % and area in m2 of Open Space provided within the proposed Development. In areas that are designated Zoning Objective RES-N all new residential development shall be required to incorporate a minimum of 14% of the total site area as public open space; In all other zones all new residential development shall be required to incorporate a minimum of 10% of the total site area as public open space.

2. Tree Survey and Arboricultural Impact

As per the submitted Tree Survey Report and Arboricultural Impact assessment prepared by Lawlor Landscapes Ltd. 9 no individual trees and 10 no. trees which were not tagged were

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surveyed in total. Of the 9 trees surveyed; 4 no. were of moderate quality and 5 no. were considered to be of low quality. The arboricultural impact of the proposed development will result in the loss of 6 no. trees (individually tagged) which is a loss of over 66% of the existing trees on site. The Public Realm Section welcomes the fact that 3 no. trees in close proximity to the proposed swale, along with a group of 7 no. trees located along the southern boundary will be retained.

3. Tree Protection

To ensure the protection of trees to be retained with the site the applicant shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Tree Survey and Tree Protection and in accordance with BS 5837: 2012. 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.

4. SuDS and Green Infrastructure

The proposed swale located within the open space to the south of the development is welcomed. However, a SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The SuDS features proposed should provide intrinsically attractive features and focal points within the landscape and have added ecological value; by incorporating these features into open public spaces members of the public can enjoy a variety of diverse ecological features. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDs features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system. The applicant should have cognizance of the broader green/blue infrastructure network within the local area and how the landscape proposals for this development will interconnect with the wider existing green/blue infrastructure network. The applicant should be requested to:

4.1 Demonstrate how the proposed SUDS features in addition to reducing runoff rates, volumes and frequency, reducing pollutant concentrations in stormwater, within the development contribute to contributing to amenity, aesthetics and biodiversity enhancement and how additional natural SUDS features can be incorporated into the design of the proposed development.

5. Tree Planting

The applicant has proposed planting sizes for heavy standard trees of between 120-150cm and for woodland boundary planting of between 60-80cm and 100-120cm. The sizes of the proposed

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tree planting is not deemed sufficient and is not acceptable to the Public Realm Section. See below Public Realm Requirements in relation to proposed tree planting within Developments:

- *Proposed tree planting sizes for open space and features trees shall be a mixture of 18-20cm, 20-25cm and 30-35cm girth to create a mature setting for the development, Planting should include use of native species and pollinator friendly planting.*
- *Proposed tree planting sizes for the woodland boundary planning shall be a mixture of 8-10cm, 10-12cm and 14-16cm girth should be predominantly mixed Irish native hedgerow species.*
- *tree planting in or adjacent to hard surfacing to include SUDs measures.*
- *All lighting columns should be located a minimum of 3m away from any tree.*
- *Planting material where possible should be Irish Grown Nursey Stock and the importation of foreign planting material should be avoided within the proposed planting schemes.*

Revised proposals to be provided by the applicant in this regard.

The Public Realm Section recommends that permission be granted subject to conditions addressing these points plus conditions such as a detailed landscape proposal. This is noted; however, the Planning Authority is not satisfied with the response in relation to open space. It is not clear from the documentation submitted what the breakdown and quantity of open spaces would be.

The applicant states in the further information response letter that public open space would be provided in the south west corner of the site and to the south west of the proposed dwellings. It appears that the only public access to the south western area would be via a narrow access to the side of Newbrook House. The remainder of the open space to the south of the nursing home appears to be fenced off.

The applicant should be requested to submit further detail on open space including its compliance with the County Development Plan. If sufficient quality public open space cannot be provided onsite the applicant should submit information to justify this. This should be addressed by way of **clarification of additional information.**

Item 7 Requested

The SDCC Roads Department requests the following items:

(a) The applicant shall submit a revised layout, showing a detailed design of the vehicular access

points at north western corner of the site onto 'Taylor's Lane' road, including a swept path analysis showing how Emergency Vehicles can access egress the proposed site from the main road.

(b) The applicant is advised that the Planning Authority considers there is scope to increase the

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carparking to provide a total of up to 35 car parking spaces to cater for visitor, staff, residential homes parking requirements. (Note: 25 car parking spaces for care home and 10 car parking spaces for residential houses).

(c) The applicant shall submit a revised layout showing a redesign for the north western vehicular access as main access to the proposed development, the proposed design shall incorporate visibilities splay in both directions, and removal/relocating of the utility pole away from the access to a suitable location. The redesigned access shall incorporate a continuous pedestrian footpath along the frontage that connects the neighbouring footpaths.

(d) The applicant shall provide information with regards to their proposed bin/waste collection arrangement and bin storage and collection locations, including auto track analysis showing how bin truck can access and egress the site safely.

(e) The applicant shall submit revised layout showing covered/sheltered surface bicycle parking spaces. Any shelter structure to the bicycle parking spaces located to the front of Newbrook House should have full cognisance of any impact on the Protected Structure. Any changes to vehicular accesses should consider access to internal bicycle storage.

(f) The applicant shall submit detailed retaining walls designs for the proposed development.

Assessment:

The Roads Department has reviewed the further information submitted and states the following:

(a) Roads Department is satisfied with applicant submission.

(b) The applicant submitted revised layout showing a redesign of the proposed car parking layout at the south-eastern corner. SDCC Roads department have concerns with the proposed car parking layout in particular to the most southern parking location within 3 no. parking spaces provided for nursing home and 2 no. of separate parking spaces for the proposed dwellings as the proposed parking spaces layout have no turning room provided and therefore there will be a difficult reversing movement required during exiting the proposed parking spaces.

(c) The applicant submitted revised layout showing a redesign for the proposed north-western vehicular access with visibility splay of 4.5m x 80m in both directions. Submitted visibility splay towards west on Taylors Lane Road is restricted by the height and position of existing boundary wall this wall is proposed to be maintained by the applicant. The applicant shall submit a revised layout showing an unobstructed sightline at the north-western proposed access.

The applicant has proposed 2.0m wide pedestrian footpath all along the frontage of the proposed development, Roads Department is satisfied with the proposal.

(d) Roads Department is satisfied with applicant submission.

(e) Roads Department is satisfied with the applicant proposed location for the bicycle parking location. All surface bicycle parking spaces must be covered.

(f) Prior to commencement of the development, the applicant shall submit detailed design of the proposed retaining wall structural stability report. Detailed design shall include:

o fully dimensioned drawing

o foundations including sub-base specification

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- o steel reinforcement arrangement, concrete specifications*
- o loadings post construction (dead, live, hydraulic, etc)*
- o drainage/groundwater management*

The Roads Department requests clarification of further information in relation to the following items (item 1 addressed previously in this report):

- 2) *The applicant shall submit a revised layout showing an unobstructed sightline at the north-western proposed access.*
- 3) *The applicant shall submit a revised layout showing, a revised car parking layout with the minimum clear distance to the rear of a perpendicular parking space to be 6.0m, and also allow for short reversing manoeuvres, particularly the most southern car parking location within 3 no. parking spaces provided for nursing home and 2 no. of separate parking spaces for the proposed dwellings.*

SDCC's Architectural Conservation Officer has advised that the existing western boundary wall, that the Roads Department refer to as blocking part of the visibility splay from the western access, is of historic significance. Should part of the wall need to be lowered to provide for an unobstructed visibility splay, the ACO requests that a low stone wall is left to delineate the property, and that no formal entrance be inserted at this location. These items should be addressed via **clarification of additional information.**

Item 8 Requested

Insufficient information has been provided in regard to the proposed watercourse (mill race) running through the site. The SDCC Water Services section requests the following further information:

- (a) It is unclear what quantities of water flow through Mill Race passing through Site. The applicant is requested to submit a report showing a hydrological assessment and flow details in dry and wet periods for the site Mill Race.*
- (b) A drawing showing what areas upstream of site are draining to existing Mill Race passing through site.*
- (c) Detail demonstrating that the proposed channel diverting mill race would have a setback distance of 10m from proposed development to edge of channel. Proposed culvert setback distance would require a 6m setback distance from outside diameter of 1m diameter culvert to proposed development.*
- (d) Right angle bends of diverted surface water channel removed and replaced with 45 degree bends.*
- (e) A report showing surface water attenuation calculations for proposed development. The report should show:*
 - The surface water attenuation required in m3*
 - The surface water attenuation provided in m3*
 - The site area in Ha or m2*
 - The area in m2 of each surface type such as buildings, green roofs if any, roads pathways,*

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permeable paving, green areas and their respective run off coefficients.

Qbar rate in litres/ second for the site.

(f) drawing showing a cross section of area between proposed building and proposed surface water channel.

(g) drawing showing the location of surface water attenuation systems and their surface water attenuation capacity in m3.

Assessment:

The applicant has revised the mill race to a drainage swale in accordance with the revised flood risk assessment. The applicant states that there is no flow through the mill race with the route having been historically cut off west of the site. Water Services have reviewed the further information submitted and request a clarification as follows:

- 1.1 All catchment areas that flow into the former millrace have not been taken into consideration for attenuation calculations. For example where does the surface water generated from areas West and South west of proposed development drain to. Examples include Palmer Park numbers 25 to 32 and the new primary health care development south west of proposed development Plan Reference SD13A/0222.*
- 1.2 It is still unclear what quantities of water flow through Mill Race passing through Site because all areas have not been considered. Submit a report to show surface water flows through former mill race channel for both dry and wet periods.*
- 1.3 There no report showing surface water attenuation and greenfield runoff rate calculations for each of the attenuated areas on site. Submit a report to show the surface water attenuation and greenfield runoff rate calculations for each separate catchment area being attenuated on site. The report shall show the catchment area, areas of buildings, green roofs, roads, pathways, permeable paving and grass in m2 and their respective run off coefficients. Show what attenuation is required and what is provided in m3. Show the site area in Hectares.*
- 1.4 Show what SuDS (Sustainable Drainage Systems) are provided. Examples of SuDS include Green Roofs, Permeable Paving, Swales, Tree Pits, Rain Gardens and other such SuDS.*
- 1.5 Prior to resubmission of above information contact water services (South Dublin County Council) to discuss revised submission and verification of surface flow route onsite with Council Official and Inspector.*

The report from Water Services is noted and should be requested via **clarification of additional information.**

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Item 9 Requested

The applicant is requested to submit a pre-connection enquiry with Irish Water in regard to water supply and foul water connections. The applicant is requested to obtain and submit a letter of confirmation of feasibility from Irish Water for the proposed development.

Assessment:

The applicant has submitted a letter from Irish Water confirming that they have reviewed the proposal for connection(s) and have no objection to the proposal. It is therefore considered that this item has been satisfactorily addressed.

Item 10 Requested

The ownership of the subject site has been queried. A letter of consent was submitted with the application. However, the applicant is requested to clarify the ownership of the site and consent to submit the application. It is noted that, in any event, under 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.

Assessment:

The applicant has submitted a letter of consent confirming that the full owners of the site give their consent to the applicant to make the planning application. It is therefore considered that this item has been satisfactorily addressed.

Item 11 Requested

The existing buildings on the site, aside from Newbrook House, are proposed for demolition. Plans and elevations of these buildings have not been provided. The development description does not specify the demolition of the existing buildings. The applicant is requested to revise and advertise statutory notices to include the demolition of buildings. Floor plans and elevational drawings of the existing buildings for demolition are requested.

Assessment:

The applicant states that these structures are not proper buildings and are partial constructions of basic blockwork. Photographs are submitted of these structures. Based on this and the site visit conducted by the Planning Authority it is considered that this response is acceptable. It is therefore considered that this item has been satisfactorily addressed.

Conclusion

It is considered that **Clarification of Additional Information** is required in relation to:

- Roads items,
- Part V provision,
- Open space provision and
- Surface water.

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Recommendation

Request Clarification of Additional Information.

Clarification of Additional Information

Clarification of Additional Information was requested on the 15th of February 2022.

On the 24th of March 2022 the additional information period was extended up to and including the 8th of July 2022.

Clarification of Additional Information was received on the 12th of May 2022 (not deemed significant).

Clarification of Additional Information Consultations

Roads Department – no objection subject to conditions.

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Public Realm – no objection subject to conditions.

Assessment

Item 1 Requested

As part of the response to Additional Information Item 4, the number of proposed dwellings has been reduced from 5 to 4. Section 96 of the Planning and Development Act 2000, as amended, does not apply if there is a granted Section 97 Certificate of Exemption for the site. It is noted that there is no granted, nor application in for, a Certificate of Exemption for the site. The applicant is requested to address this.

Assessment:

A Section 97 Application for Certificate of Exemption has been submitted with the response. It is therefore considered that this item has been satisfactorily addressed.

Item 2 Requested

It is still not clear from the additional information provided in response to Item 6 if the proposal would meet the relevant open space requirements for this development. The applicant is requested to submit in table form the percentage (%) and area in sq.m the of the proposed private, semi-private and public open space provision within the site. The applicant should demonstrate compliance with the South Dublin County Development Plan 2016-2022 in relation to open space. If sufficient quality public open space cannot be provided onsite the applicant should submit information to justify this.

Assessment:

The applicant states that over 10% of open space would be open to the public. They state that the space behind Newbrook House would be open and available at all times and would not be closed

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off in any way. A drawing and table have been submitted showing the breakdown of open spaces.

The Public Realm Section have reviewed the information submitted and find it to be in principle acceptable subject to conditions. These conditions include the implementation of the landscape plan, retention of a landscape architect during works, arboricultural method statement, implementation of tree protection measures, tree bond, implementation of the measures in the Ecological Impact Assessment and Bat Survey Report, provision of bird and bat boxes, provision of SUDS and detail on taking in charge. This report is noted and should be **conditioned** as such.

The Planning Authority is still of the opinion that the proposed public open would not be overly usable as public open space due to its location and accessibility. However, it is considered that given the nature of the development and proximity to existing areas of public open space, the proposed development is acceptable in this respect. It is therefore considered that this item has been addressed subject to conditions.

Item 3 Requested

The Roads Department requests clarification of additional information in relation to the following items under Additional Information Item 7:

(a) A revised layout showing an unobstructed sightline at the north-western proposed access. SDCC's Architectural Conservation Officer has advised that the existing western boundary wall, that the Roads Department refer to as blocking part of the visibility splay from the western access, is of historic significance. Should a small extent of the western boundary wall need to be lowered to provide for a unobstructed visibility splay, a low stone wall shall be left to delineate the property. Full details of the amends to the western boundary to be provided.

(b) A revised layout showing, a revised car parking layout with the minimum clear distance to the rear of a perpendicular parking space to be 6.0m, and also allow for short reversing manoeuvres, particularly the most southern car parking location within 3 no. parking spaces provided for nursing home and 2 no. of separate parking spaces for the proposed dwellings.

Assessment:

The proposed development has been revised so that the western boundary wall has been reduced in height. Drawing No. 4801-HML-XX-00-DR-A-12001 shows that approx. 3m of the western boundary wall would be reduced to a max of 900mm in height above the access road to provide for sightlines. The applicant states that the amended wall would be finished to match the existing wall.

The southern car parking areas has also been revised to allow for a clear 6m behind all parking spaces. This has not resulted in a change in the no. of proposed parking spaces.

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The Roads Department have reviewed the information submitted and state that the response is satisfactory. They therefore recommend the following conditions in the event of a grant of permission:

- 1. The boundary walls at both vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 2. Any gates shall open inwards and not out over the public domain.*
- 3. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
- 4. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

This report is noted and should be **conditioned**. The condition relating to vehicles exiting the site in a forward direction is not considered enforceable and should therefore not be included. It is therefore considered that this item has been addressed subject to conditions.

Item 4 Requested

Water Services request clarification of additional information in relation to the following items under Additional Information Item 8:

- (a) All catchment areas that flow into the former millrace have not been taken into consideration for attenuation calculations. For example where does the surface water generated from areas West and South west of proposed development drain to. Examples include Palmer Park numbers 25 to 32 and the new primary health care development south west of proposed development Plan Reference SD13A/0222.*
- (b) It is still unclear what quantities of water flow through Mill Race passing through Site because all areas have not been considered. Submit a report to show surface water flows through former mill race channel for both dry and wet periods.*
- (c) There no report showing surface water attenuation and greenfield runoff rate calculations for each of the attenuated areas on site. Submit a report to show the surface water attenuation and greenfield runoff rate calculations for each separate catchment area being attenuated on site. The report shall show the catchment area, areas of buildings, green roofs, roads, pathways, permeable paving and grass in m² and their respective run off coefficients. Show what attenuation is required and what is provided in m³. Show the site area in Hectares.*
- (d) Show what SuDS (Sustainable Drainage Systems) are provided. Examples of SuDS include Green Roofs, Permeable Paving, Swales, Tree Pits, Rain Gardens and other such SuDS.*
- (e) Prior to resubmission of above information contact water services (South Dublin County Council) to discuss revised submission and verification of surface flow route onsite with Council Official and Inspector.*

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Assessment:

The applicant has submitted a Drainage Impact Assessment Report (calculations and IE Technical Report appended to this), CCTV Survey Report and engineering drawings. The applicant states that they engaged with SDCC's Water Services regarding this item. The survey confirms that the mill race drainage channel has a residual connection to the site. Proposed SUDS measures include a swale, Stormbloc systems, permeable paving, and filter drains.

Water Services have reviewed the information submitted and have no objection subject to conditions including:

1.1 Prior to commencement of development submit a revised drawing showing a petrol interceptor at entrance to attenuation system for both car parking areas. The discharge rate from the overall site shall be 2 litres/second which shall be shown on revised drawing.

1.2 Prior to commencement of development submit a revised drawing showing increased SuDS (Sustainable Drainage Systems) such as tree pits, rain gardens, planter boxes and other such SuDS.

1.3 Prior to commencement of development submit a drawing showing a cross-section of all swales and filter drains and tree pits.

1.4 Prior to commencement of development submit a drawing showing green or blue roofs in proposed development. Submit a cross-section of such Green roof/ blue roof SuDS systems.

This report is noted and should be **conditioned** as such. Further SUDS as outlined by Water Services should be provided. This can be addressed via **condition**. It is therefore considered that this item has been addressed subject to conditions.

Development Contributions

Nursing home 5,110sq.m

4 no. houses 576.8sq.m

SEA monitoring

Building Use Type Proposed: Nursing home and residential development.

Floor Area: 5,686.8sq.m.

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.6388 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of

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property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, 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 condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

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 conditions set out hereunder in the Second Schedule is hereby 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 as amended by Further Information received on the 17th of December 2021 and Clarification of Further Information received on the 12th of May 2022, 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. 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.
3. 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) A revised drawing showing a petrol interceptor at entrance to attenuation system for both car parking areas. The discharge rate from the overall site shall be 2 litres/second

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which shall be shown on revised drawing.

(b) A revised drawing showing increased SuDS (Sustainable Drainage Systems) such as tree pits, rain gardens, planter boxes and other such SuDS.

(c) A drawing showing a cross-section of all swales and filter drains and tree pits.

(d) A drawing showing green or blue roofs in proposed development. Submit a cross-section of such Green roof/ blue roof SuDS systems.

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.

4. Drainage

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(c) 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, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

5. Roads

(a) Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with SDCC's Roads Department, the detailed design of the eastern vehicular access to the site.

(b) The boundary walls at both vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(c) Any gates shall open inwards and not out over the public domain.

(d) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

REASON: In the interest of traffic and pedestrian safety and the proper planning and sustainable development of the area.

6. Architectural Conservation

(a) The proposed works shall be carried out in accordance with the details provided in the Architectural Impact Assessment Report submitted as Additional Information, in particular in accordance with the Method Statement, Specifications and Schedule of Works included as part of the Architectural Impact Assessment Report.

- In the event that additional works or interventions are required which were unforeseen,

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full details shall be submitted to the Councils Architectural Conservation for assessment and formal agreement prior to any such works being carried out.

- Specifications and methodology for the repair and conservation for the following specific elements shall be provided for approval in addition to works methodology included in the Architectural Impact Assessment;

Repair of original gothic timber windows and repair to original timber front door,

Repairs to roof and rainwater goods,

Repairs to decorative plasterwork, interior joinery and original staircase,

Repairs to original fabric and finishes – internal plaster and external render.

(b) Safety measures shall be put in place during the proposed works on site. A Safety Statement shall be provided detailing how the existing structures will be protected during demolition works and site clearance/excavation and construction. A safety statement shall be submitted for written agreement with the Councils Architectural Conservation Officer prior to the commencement of development.

(c) The design elements, materials, dimensions and fixtures of the new glazed link and new glass entrance lobby should be submitted to the Councils Architectural Conservation Officer for agreement and approval.

(d) A Schedule of materials and finishes should be provided for the proposed new additions and rear extension to the Protected Structure as well as the final palette of materials and finishes for the new build. This should be submitted prior to commencing development by way of confirming final material finishes and colours. This should include full details on materials and finishes for all elements of the proposed development.

REASON: To ensure works are carried out in accordance with the particulars provided and methodology. Adhering to conservation principles and best conservation practice, that Newbrook House is safeguarded during the proposed development and appropriate safety measures are put in place to prevent any possible damage to original built fabric or architectural features, that new additions to the Protected Structure do not cause a direct negative impact or directly affect the original built fabric and is of high quality and reflects the overall design ethos detailed in the proposal.

7. Phasing.

Occupation of the proposed Nursing Home shall not be permitted until works proposed to the Protected Structure Newbrook House are completed.

REASON: To ensure that the Protected Structure is not left in a state of disrepair and in the interest of the proper planning and sustainable development of the area.

8. Boundary Treatment

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority proposed boundary treatments, including the boundary treatment between the rear amenity spaces of the proposed dwellings.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

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9. Landscape Design Proposals

The submitted landscaping scheme shall be implemented in full, within the first planting season following completion of the development, in addition:

(a) Prior to the commencement of development the applicant/developer shall submit revised landscape proposals for the written agreement of the Planning Authority showing further planting in the car park to the front of Newbrook House.

(b) All hard and soft landscape works shall be completed in full accordance with the submitted plans.

(c) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS: 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

(d) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.

(e) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

(f) Details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development to be provided. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first three years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

10. Implementation of landscaping.

All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part 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 Planning Authority gives its written consent to any variation.

REASON: To ensure the longevity of the landscaping scheme, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and

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Landscape Setting 2 of the CDP 2016-2022.

11. Retention of Landscape Architect

To ensure full implementation of the proposed landscape design, the applicant/developer is required to retain the services of a Landscape Architect throughout the life of the site development works. A completion certificate is to be signed off by the Landscape Architect when all works are completed and in line with the submitted original landscape drawings.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

12. Arboricultural Method Statement

The applicant shall submit a detailed Arboricultural Method Statement (AMS). The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

13. Tree Protection

All tree protection measures outlined in the submitted Tree Survey and associated Tree Protection plan prepared by Lawlor Landscapes shall be implemented in full by the applicant. In addition, no development shall commence on site, including works of demolition or site clearance until:

a) All trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction;

b) Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi mature trees of the same or similar species.

c) No excavations for services, storage of materials or machinery, parking of vehicles,

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deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

e) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

f) A meeting with the Project Landscape Architect, Site Foremen, the appointed Arborist and a Parks Superintendent from the Public Realm Section shall take place on-site to inspect that:

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

ii) that the protective fencing has been erected as per the submitted Tree Protection Plan.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

14. Tree Retention

No trees within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Public Realm Section. Any trees removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees of similar size and species until the Local Planning Authority gives written consent to any variation.

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

15. Tree works

All works shall be carried out in accordance with BS5837:2012 Trees in relation to design, demolition and construction. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. A written schedule shall be submitted to and approved in writing by the Planning Authority.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4

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Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

16. Tree Bond and Arboricultural Agreement

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 €20,204.64 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.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

17. Ecological Impact Assessment

The applicant shall implement all recommendations and mitigation measures contained with the submitted Ecological Impact Assessment prepared by Panther Environmental Solutions Ltd.

REASON: To ensure the protection of the natural Heritage of the site in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

18. Bats

The applicant shall implement all recommendations and mitigation measures contained with the submitted Bat Survey Report prepared by Panther Environmental Solutions Ltd.

REASON: To ensure the protection of bats and their roosts in accordance with European and national legislation and in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the

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19. Bird and Bat Boxes

Prior to the occupation of the buildings a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

REASON: To encourage wildlife on the site.

20. SUDS

A comprehensive SUDS Management Plan shall be submitted to the Planning Authority for written agreement to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. The applicant shall demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

21. SUDS Implementation

The proposed SUDS drainage scheme for the development shall be implemented in full by the applicant and thereafter managed and maintained in accordance with the approved details.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

22. Taking in Charge

(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) A map delineating those areas to be taken in charge by the Local Authority and details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility shall be submitted to, and agreed in writing with, the Planning Authority before any of the residential or commercial units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

REASON: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

23. Restrictions on Signage.

Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs

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(including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission.

REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

24. 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.

25. 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.

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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.

26. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €413,524.13 (four hundred and thirteen thousand five hundred and twenty four euros and thirteen 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 contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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 requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with

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the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

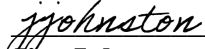
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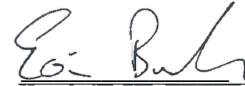
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REG. REF. SD21A/0232

LOCATION: Lands to the south of Taylor's Lane, Ballyboden within the cutilage of Newbrook House




Jim Johnston,
Senior Executive Planner



Eoin Burke,
Senior Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 8th June 2022



Mick Mulhern,
Director of Land Use, Planning &
Transportation