

Hughes Planning & Development Consultants
85 Merrion Square
Dublin 2
D02 FX60

**NOTIFICATION TO GRANT PERMISSION
PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Final Grant Order No.:	0125	Date of Final Grant:	03-Feb-2023
Decision Order No.:	1611	Date of Decision:	16-Dec-2022
Register Reference:	SD22A/0035	Date:	30-Nov-2022

Applicant: St. Marys Medical (Tallaght) Ltd.

Development: (a) Construction of a 4 storey nursing home building consisting of: (i) 106 bedrooms (with ensuite); (ii) associated residents welfare facilities; (iii) administration areas and staff facilities; (iv) multi-function space and pharmacy proposed at ground level; (b) construction of 60 one bed independent living units in 3 blocks as follows: (1) Block A, a 4 storey building comprising 11 one-bed units; (2) Block B, a part 4/part 5 storey building comprising 35 one-bed units; and (3) Block C, a 5 storey building comprising 14 one-bed unit. Each unit will be provided with a private open space in the form of a balcony terrace (6sq.m.) (c) The development will include communal open space and landscaping (including new tree planting and tree retention), 30 car park spaces (including 3 limited mobility parking spaces; 3 EV parking and 1 car sharing spaces); and 52 bicycle parking spaces (d) The development will be served by a new pedestrian and vehicular access from Old Greenhills Road through existing boundary wall. Material from the removed wall will be repurposed within the landscape areas; and (e) The development includes landscaping, boundary treatments (including wells and railings to southern and western boundaries), and ESB Substation SuDs drainage, road infrastructure and all ancillary site works necessary to facilitate the development.

Location: Lands within St Marys Priory, Old Greenhills Road, Tallaght, Dublin 24

Time extension(s) up to and including:

Additional Information Requested/Received: 04-Apr-2022 / 30-Nov-2022

A Permission has been granted for the development described above, subject to the following conditions.

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 30/11/2022, 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. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

(a) Block B is to be omitted. There is a concern regarding the daylight that would be received through the eastern windows of Block B, as result of the proximity to the boundary wall and the tree planting in this area.

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

3. Schedule of Materials

A Schedule of materials and finishes shall be provided as although details are provided on the drawings it is considered that the final palette of materials and finishes for the entire development should be submitted, thereby confirming final material finishes and colours. This shall include full details on materials and finishes for all elements and samples and images should be provided. This is to be agreed with the Planning Authority prior to the commencement of development.

Reason: To ensure the proposed development is of high quality, reflects the overall design ethos detailed in the modified design and that material finishes and colour are cohesive with the adjoining Protected Structure site.

4. Method Statement

With regard to the proposed new entrance off Old Greenhills Road. A Method Statement for the demolition of the section of wall shall be submitted. Where the section of wall is removed the existing boundary wall shall be made good using traditional methods and materials, details of which shall be included in the methodology. Salvage stone should be considered for reuse within new boundary elements for the proposed development. This shall be agreed with the Planning Authority prior to the commencement of development.

REASON: To ensure the original boundary wall is made good in accordance with good conservation practice.

5. South and West Boundary Treatments

Details of the boundary treatments confirming final design and materials along the south and west of the site where the development adjoins the Priory Lands shall be agreed with the Planning Authority prior to the commencement of development.

Reason: To ensure the appropriate boundary treatment is provided adjoining a Protected Structure site

6. Roads issues.

Prior to the commencement of development the following details shall be submitted to the Planning Authority for written agreement:

1. a revised layout of not less than 1:200 scale showing;
 - a. road and footpath widths
 - b. parking space dimensions
 - c. reversing distances behind perpendicular parking spaces
 - d. swept path analysis showing turning movements of emergency and refuse vehicles
 - e. visibility splay at entrance junction

REASON: In the interests of the proper planning and sustainable development of the area

7. Roads, Parking, Lighting and Management

A. Prior to the commencement of development, the applicant shall provide greater detail in

relation to the allocation of car parking, and car parking management, for the agreement of the Planning Authority.

B. EV charging shall be provided in all residential, mixed use and commercial developments and shall comprise a minimum of 20% of the total parking spaces provided as per section 12.7.5 of the SDCC Development Plan 2022-2028. The applicant shall provide a minimum of 5 no. EV charging spaces.

C. Prior to development and for the written agreement of the Planning Authority the applicant shall submit a revised site layout showing a minimum bicycle parking provision of 49 no. spaces.

D. Prior to the commencement of development, 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.

E. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed. All Road items to be Taken in Charge are to be in accordance with Appendix 6 of the Taking in Charge Standards

F. Prior to commencement of development a developed Construction Traffic Management Plan shall be agreed with the roads department. This plan shall include on site worker car parking and material storage areas. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

G. Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.

REASON: In the interest of the proper planning and sustainable development of the area

8. Implementation of Landscape Plans

a. The submitted Landscape Plans (Landscape Plan LP-01-PP & Planting Plan PP-01-PP) prepared by Doyle & O'Triothigh Landscape Architecture shall be implemented in full, within the first planting season following completion of the development.

b. All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan, planting plan and association detailed plans and specifications.

c. The applicant shall provide:

i) Implementation timetables.

ii) Detailed proposals for the future maintenance/management of all landscaped areas

d. 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).

e. 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.

f. 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.

g. The landscape proposals shall ensure no net loss of existing tree cover within the subject site to which the development applies.

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 the CDP 2022-2028.

9. Retention of Landscape Architect & Certificate of Effective Completion

The appointed Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works will not compromise the agreed and approved landscape development, to ensure adequate protection of the existing trees approved for retention and to supervise the implementation of the landscape plans from start to finish. A certificate of effective completion for the agreed and approved landscape scheme shall be submitted to the Planning Authority upon completion of the landscape works, such certificate to be prepared by the qualified Landscape Architect for the project.

REASON: To ensure the provision of a reasonable standard of landscape in accordance with the approved designs and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and to assimilate the development into its surroundings, in accordance with the policies and objectives contained within the CDP 2022-2028.

10. Landscape Maintenance and Management

Prior to any occupation of the development, a scheme for the maintenance and management of the landscape scheme for the lifetime of the development shall be submitted to the Planning Authority for approval. All works shall be maintained in accordance with the agreed scheme.

The scheme shall include the following:

- i) methods for the proposed maintenance regime;
- ii) detailed schedule;
- iii) details of who will be responsible for the continuing implementation
- iv) details of any phasing arrangements

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 of the County Development Plan 2022-2028.

11. Retention of Arborist during Construction Works

The Project Arboriculturist shall be retained by the developer for the duration of the project, to pay periodic site visits as appropriate to ensure that construction works will not compromise the agreed and approved tree protection, to ensure general strict adherence of the developer with all recommendations laid out in the Arborists report and to offer any further advice to the developer on the matter of trees as may be required from time to time.

REASON: In the interest of the tree protection, retention and preservation, biodiversity and amenity in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 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 to implement the permission 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 relevant policies and objectives of the CDP

2022-2028.

13. Tree Protection Measures

The applicant shall submit details of the tree protection measures to be employed in order to ensure to protection and retention of the trees to be retained on site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, for the approval of the Planning Authority. The tree and hedgerow protection measures shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance in accordance with relevant policies and objectives of the CDP 2022-2028.

14. 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 €78, 386.52 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 relevant policies and objectives of the CDP 2022-2028.

15. Green Space Factor (Minimum Score Not Achieved)

The applicant has not achieved the appropriate Green Space Factor of 0.5 for the site and is contrary to GI5 Objective 4. In cases where proposed development does not meet the minimum required score and the Council agree that the minimum score is not achievable on the site; the Council will engage with the applicant to help determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements a developer will

be permitted to provide alternative GI interventions or contributions to make up for this shortcoming, see below. Those GI measures ultimately chosen will be dictated by the site-specific context and will be subject to agreement with Council. The applicant shall therefore contact the Public Realm Section to agree alternative GI interventions or contributions to make up for this shortcoming.

REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with policy GI5 Objective 4 and other relevant policies of the CDP 2022-2028

16. Green Infrastructure

In accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028, the applicant shall submit information as necessary to demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant shall provide a green infrastructure plan showing connections through the site and connections to wider GI network.

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028

17. SUDS

A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features are compliant with Council policies and are designed in line with the Councils Sustainable Drainage Guidance. This shall include the removal of all underground attenuation from Public Open Space Areas. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.
- A drawing to show how surface water shall be attenuated to greenfield run off rates.
- Development should seek to maximise the use of permeable surfaces, as well as opportunities for stormwater attenuation and storage through SuDS and limit the use of underground attenuation and storage; underground attenuation will only be considered as a last resort when all other above ground natural SUDS measures have been explored and exhausted however they are not permitted under any Public Open Space Areas.
- Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drains, bio-retention tree pits, rains gardens, swales or other such SuDS.
- SUDS Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.
- The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.
- Suds measures across the south of the site shall be implemented in the first phase of the development to mitigate the impacts of the construction activity on the site.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with the policies and objectives of the County Development Plan 2022-2028.

18. Biodiversity Management Plan

Given the numerous policies and objectives regarding Green Infrastructure in the County Development Plan 2022-2028 an overarching Biodiversity Management Plan shall be submitted by the applicant prior to the commencement of development. The plan shall indicate how biodiversity and green infrastructure is to be enhanced and developed on this site during construction and into the future, taking into account matters that include the following:

- i. Protection of existing trees and woodland plantations on site
- ii. Protection and enhancement measures for bats
- iii. The use of SUDS and Climate Adaption Measures

REASON: To protect and enhance areas of biodiversity, in accordance with relevant policies and objectives of the CDP 2022-2028.

19. Bat Assessment

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

REASON: To encourage wildlife on the site in accordance with relevant policies of the CDP 2022-2028

20. Boundary Treatments

Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the submitted details and maintained as approved.

REASON: In order to ensure high quality landscaping for the boundaries of the site in the interests of visual amenity and to safeguard the residential amenity of neighbouring occupiers, in accordance with relevant policies of the CDP 2022-2028.

21. Surface Water Drainage

Prior to the commencement of development the applicant shall submit the following details to the Planning Authority for written agreement:

- A. a drawing showing where all surface water attenuation is provided and how much attenuation in m³ is proposed for the development. The initial surface water attenuation proposed of 348m³ is 30% undersized for a 1 in 30 year storm event and undersized by 42% for a 1 in 100.
- B. a report showing revised surface water attenuation calculations for the development and explain what is meant by positively drained areas? Where are the positively drained areas in the development. Show the surface types and areas of same in m² for proposed development.
- C. Examine if any surface water pipes can be replaced with swales to convey surface water above ground use SuDS (Sustainable Drainage Systems). Submit a revised drawing showing additional SuDS where this is possible

REASON: In the interests of the proper planning and sustainable development of the area.

22. Irish Water

A. Water

Where the applicant proposes to connect to a public water network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

B. Foul

Where the applicant proposes to connect to a public water network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Reason: In the interest of public health and to ensure adequate water and waste water facilities.

23. Tallaght District Heating

Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority, proposals detailing how the scheme can connect to the Tallaght District Heating System and such agreed details shall be implemented in full and include future proofing of the heating of the proposed development in the event that Heat Net is no longer available at some point in the future.

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

24. Council Housing Strategy.

That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2022-2028, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2022-2028.

25. Archaeological Monitoring

Monitoring by a qualified archaeologist shall be carried out during any excavation works and that further mitigation measures may be required should any features be discovered subject to the approval of the National Monuments Service. Prior to the commencement of development, the applicant must inform the Planning Authority of details relating to the monitoring of the site, including details of the archaeologist responsible, for written agreement.

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

26. Crane Operation

Due to the proximity of the site to Casement Aerodrome and Tallaght Hospital the operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before.

REASON: To ensure safety during the construction phase of development.

27. Operational Waste Management

An Operational Waste Management Plan shall be submitted to the Planning Authority, for written agreement, prior to occupation of the development.

REASON: In the interest of long term waste management

28. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €665, 156.22 (Six Hundred and Sixty Five Thousand One Hundred and Fifty Six Euros and Twenty Two 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.

NOTES :

NOTE: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto www.localgov.ie and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.

M. Crowley

03-Feb-2023

for Senior Planner