

Holmes Miller Architects
89, Minerva Street
Glasgow
Scotland
G3 8LE

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

Final Grant Order No.:	0001	Date of Final Grant:	03-Jan-2024
Decision Order No.:	0709	Date of Decision:	08-Jun-2022
Register Reference:	SD21A/0232	Date:	12-May-2022

Applicant: Luxcare Limited

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

Time extension(s) up to and including:

Additional Information Requested/Received: 14-Oct-2021/ 19-Jan-2022,
15-Feb-2022/12-May-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 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 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, 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.

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 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, 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 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 CDP 2016-2022.

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 (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.

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 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.

- (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.

Pamela Hughes 04-Jan-2024
for Senior Planner