



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2038/18

Appeal by Gerard Eastwood of 12 Grosvenor Court, Clontarf, Dublin and by Brendan Rogers of 19 Verville Court, Vernon Avenue, Clontarf, Dublin and by MKN Property Group care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 23rd day of July, 2018 by Dublin City Council to grant subject to conditions a permission to the said MKN Property Group in accordance with plans and particulars lodged with the said Council.

Proposed Development: A residential development of 72 number units across four number blocks with a single level basement, consisting of the change of use of the existing Verville Retreat building from nursing home use to residential use and the change of use of the existing former outbuilding to residential use. The overall development will comprise of the following: Block A: Construction of a four-storey building (three storeys with a setback fourth storey) comprising 14 number apartments (12 number two-bedroom units and two number three bedroom units) with balconies/terraces to the north and south elevations. Block B: The change of use of the existing four-storey Verville Retreat building from nursing home use to residential use comprising

nine number apartments (three number one bedroom units and six number two bedroom units). Demolition of later additions and extensions to the existing Verville Retreat building as well as associated modifications to elevations and internal modifications/reconfiguration of the refurbishments to the existing building in order to accommodate the provision of the new apartment units and the construction of a new external stair core at the buildings eastern elevation. Block C: Construction of a four-storey building (three storeys with a setback fourth storey) comprising 48 number apartments (one number studio apartment, 20 number one bedroom units, 21 number two bedroom apartments and six number three bedroom apartments) with balconies/terraces to all elevations and roof garden. Block D: The conversion of the existing single storey outbuilding into one number single storey, two-bedroom mews dwelling with associated internal and external modifications to accommodate the proposed change of use. A basement level comprising a total of 69 number car parking spaces, 80 number bicycle parking spaces, ancillary plant room and refuse storage areas; Revisions and improvements to the existing vehicular entrance to Vernon Avenue. Demolition of the existing single storey block to the north of Verville Retreat, landscaping (including communal and private open space), boundary treatment and all associated engineering and site development works necessary to facilitate the development. All at Verville Retreat (a Protected Structure), Vernon Avenue, Clontarf, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- (a) the residential zoning objective for the subject site,
- (b) the objectives of the National Planning Framework - Project Ireland 2040 issued by the Government in February, 2018, which seeks to pursue a compact growth policy and to deliver a greater proportion of residential development within existing built up areas,
- (c) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, which promotes higher residential densities on residential zoned land in suitable locations,

- (d) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018, which outlines the need for apartment type developments in particular to meet growing demand,
- (e) the location of the site within close proximity of public transport corridors, and
- (f) the pattern of existing and permitted development in the area and wider area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable density and scale in this location, would not detract from the character or setting of the Protected Structure, would not detract from the character or amenities of the Residential Conservation Area or seriously injure the residential amenities of neighbouring property, would be acceptable in terms of pedestrian and traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 26th day of June, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows;
 - (a) The west gable of Block C shall be two-storeys only in height adjacent to the rear boundaries of the dwellings on Grosvenor Court to the west. This shall require the removal of Unit Number 062 with the resulting flat roof accessed for fire escape and maintenance purposes only.
 - (b) The apartments at the northern end of Block C - Units Numbers 024,037 and 050 and the roof terrace at third floor level shall be omitted and the new gable located circa 11 metres south from the elevation of the Protected Structure (Verville House). The northern stair and lift core in Block C shall have a bespoke approach to its exterior treatment to compliment the design of Block C and Verville House. The windows to the living spaces within the apartments which now form the northern gable – Units Numbers 025, 038, 051 and 063 shall have high level windows (minimum 1.6 metres above finished floor level).

- (c) The north facing balcony to Unit Number 049 at first floor level in Block C shall be screened to its west side by an obscured glazed panel to a minimum height of 1.8 metres.
- (d) The stair core windows at first, second and third floors at the north end of the east arm of Block C facing east shall be fitted with obscure glazing. Any new glazing to the north face of the stair/lift core as a result of condition number 2(b) above shall be agreed in writing with the planning authority. The stair core shall not have an opening door at third floor level.
- (e) The stair core to Block C in the 'elbow' of the block adjacent to ground floor Unit Number 028 shall have glazing at first, second and third floors to a scale and dimension to integrate visually with the proposed windows to the apartments on either side.
- (f) The stair cores to Block C on the southern elevation shall have glazing to their southern side of a scale and dimension to integrate visually with the proposed windows to the apartments on either side.
- (g) The east facing windows to bedrooms in Units Numbers 039, 040, 052, 064 and 065 of Block C shall all have angled windows (oriel, box) in which any clear glazed sections have views restricted solely towards the south-east over Grosvenor Court. Each window shall include clear glazing but may also include fixed obscure glazing to the east.

- (h) The external deck access at first and second floors on the south elevation of Block A shall have clear glazed rain screens provided to their southern side to a height of a minimum of 1.4 metres above finished floor level. Each deck shall have a suitable roof which covers all parts of the deck including access from the shared core and which shall be lightweight and in keeping with the materials of Block A.

- (i) The roof of Block D (mews/outbuilding) shall be maintained as a hipped roof on the north gable and the irregular window opes to each gable shall be omitted. Details of the materials and size of the window opes shall be agreed in writing with the planning authority prior to commencement of development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity and to protect the character and setting of the Protected Structure.

3. Car parking space numbers 61, 62, 63, 69, 71 and 72 shall be omitted and the area thus released shall be allocated for remote storage purposes associated with the apartments. Revised drawings showing compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To promote use of alternative methods of transport having regard to the proximity of public transport networks and to provide storage for the apartments.

4. Details of the materials, colours and textures of all the external finishes to the proposed development including samples shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

5. A comprehensive boundary treatment and landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan which shall be designed by a landscaping professional shall include the following:

- (a) Details of all proposed hard surface finishes including samples of proposed paving slabs, materials for footpaths, kerbing and road surfaces within the development.
- (b) Details of the location, number, type and spacing of all species proposed.
- (c) Details of any street furniture including bollards, lighting fixtures and seating.
- (d) Details of proposed boundary treatment at the perimeter of the site, including heights, materials and finishes.
- (e) Play space shall be in accordance with the requirements of the planning authority.
- (f) The boundary treatment and landscaping shall be carried out in accordance with agreed scheme. The approved scheme shall be completed prior to the making available by the developer for occupation of any of the proposed units.

Reason: In the interests of visual and residential amenity.

6. The open space area to the north of Block A shall be divided proportionally and retained for the sole use of each of the ground floor units which open onto this space. The green area at ground floor level adjacent to the south side of Block A shall have perimeter low level planting provided as privacy screening. The area of green space adjacent to the west elevation of Block A shall also have perimeter low level planting as privacy screening for Unit Number 001.

Reason: In the interest of residential amenity.

- 7 A suitably qualified conservation architect shall be employed to manage, monitor and implement works on the Protected Structure and ensure adequate protection of historic fabric during the works. All permitted works shall be designed to cause minimum interference to the building structure or fabric. The works shall be carried out in accordance with best conservation practice as detailed in the 'Architectural Heritage Protection Guidelines for Planning Authorities', issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. Items that have to be removed for repair shall be recorded, catalogued and numbered prior to removal to allow for authentic reinstatement. All original features not part of the works shall be protected during the refurbishment.

Reason: To ensure that the integrity of the Protected Structure is maintained and protected from unnecessary damage or loss of fabric.

8. Water supply and drainage arrangements including the disposal of surface water, which shall be adequately attenuated on site prior to discharge, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interest of public health and to reduce the potential for flooding.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available of occupation of any unit within the scheme.

Reason: In the interests of amenity and public safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be placed underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. No additional development shall take place at roof level including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment.

15. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

16. Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the development name, signs and apartment numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

17. (a) The communal open spaces, including hard and soft landscaping, car parking and access way, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.
- (b) Details of the management company contract and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing with the planning authority, to secure the replacement of any trees within the public realm damaged or removed in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to secure the replacement of any trees within the public realm. The form and amount of security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of trees within the public realm which are damaged or removed arising from the proposed development.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.