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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3174/18**

**Appeal** by Anne and Daniel Jackson of 50 Ferndale Avenue, Dublin against the decision made on the 26<sup>th</sup> day of October, 2018 by Dublin City Council to grant subject to conditions a permission to Beneavin Contractors Limited care of GI Martin Architects of 50 Tullyard Road, Lisburn in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a single three-storey dormer roofed apartment block with associated play area and all ancillary site works, including landscaping. The accommodation proposed consists of 10 number apartments (four number three bed and six number two bed) each with private open space in the form of patios on the ground floor and balconies on the first and second floors (ground and first floors to hold four number units and two number units proposed on second floor), all to the rear of Beneavin Nursing Care Facility, Beneavin Road, Glasnevin, 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 the 'Z15' Institutional and Community land-use zoning objective for the site, as set out in the Dublin City Development Plan 2016-2022, to the scale and nature of the nursing care facility adjoining the site and to the design, height, nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not conflict with the provisions of the development plan, would enhance the Institutional and Community land use objectives for the nursing care facility, would integrate in a satisfactory manner with existing development in the area, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development 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 2<sup>nd</sup> day of October 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 in writing 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 apartments shall only be occupied by staff of Beneavin Nursing Care Facility and their immediate family members, and shall not be used, occupied, sold, let or leased for events and functions independent of the nursing care facility. The apartments shall not be used as independent self-contained permanent residential units or student accommodation.

**Reason:** To ensure that the development would accord with the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

3. The proposed development shall be amended as follows:
  - (a) obscure glazing and/or screening of a minimum of 1.8 metres shall be fitted to the southside of the balconies serving units numbers 6, 7, 9 and 10.

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 interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development, 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. The landscaping scheme, as submitted on the plans and details to the planning authority, shall be carried out within the first planting season following substantial completion of external construction works and before occupation of the units.

The areas of open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority.

Details of the playground area, including equipment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity and to ensure the satisfactory development of the open space areas, and their continued use for this purpose.

6. The trees identified for retention in the Arboricultural Assessment shall be protected during construction in accordance with the tree protection measures outlined in the submitted plans and particulars. All service pipes shall be so routed as to avoid the root spreads of the trees identified for retention.

**Reason:** In the interest of orderly development, and to prevent damage to those trees identified to be retained, having regard to the policies set out in the current development plan for the area.

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

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

9. Proposals for a 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, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

10. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

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

11. 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.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

13. 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 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.

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

**Dated this            day of            2019.**