



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2038/18.

WHEREAS by Order dated the 8th day of January, 2019, An Bord Pleanála, under appeal reference number ABP-302344-18, granted subject to conditions a permission to MKN Property Group care of Downey Planning of 1 Westland Square, Pearse Street, Dublin for development comprising 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 building's 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:

AND WHEREAS condition number 21 attached to the said permission required the developer prior to the commencement of development to 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:

AND WHEREAS the developer and the planning authority failed to agree on the above details in compliance with the terms of the said condition and the matter was referred by the developer to An Bord Pleanála on the 15th day of August, 2019 for determination:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the form and amount of the security required under condition number 21 of planning permission register reference number 2038/18 (An Bord Pleanála appeal reference number ABP-302344-18) is a €30,000 (thirty thousand euro) bond.

Reasons and Considerations

Having regard to the limited information provided by the Council, the lack of any substantial justification for a €130,000 bond, the lack of information on how such large trees are to be transported, and the lack of any substantial justification for the requirement of such mature trees in the context of potential failure to thrive, the Board considered a bond in the amount of €130,000 to be excessive. Having regard to the foregoing, the Board also considered the applicant's proposal, and justification of same, to be plausible and reasonable in this instance.

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.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.