



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2412/19

Appeal by Brendan Tangney and Others care of 11 The Crescent, Donnybrook, Dublin against the decision made on the 22nd day of August, 2019 by Dublin City Council to grant subject to conditions a permission to Pembroke Partnership Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of structures on site (1,166 square metres gross floor area) other than the chimney stack (Protected Structure RPS 8713; a two-storey building located at the south-eastern corner of the site identified as Building 03 on the Architects' drawings) (390 square metres gross floor area); and number 17 The Crescent (an existing two-storey terraced dwelling) (115 square metres gross floor area), and construction of a residential scheme arranged in three number new three-four storey blocks with habitable attic accommodation (identified as Buildings 01, 02 and 04 on the Architects' drawings) (3,966 square metres gross floor area) over basement (1,910 square metres) and within the refurbished and adapted existing Building 03 (659 square metres gross floor area) (with interventions to Building 03 including: provision of openings within the eastern, southern and

western elevations to provide new windows and access points; and provision of a new roof) providing 44 number apartments (comprising 11 number one-bedroom apartments, 27 number two-bedroom apartments, five number two-bedroom duplex apartments and one number three-bedroom duplex apartment). The proposed development will also consist of the provision of: ancillary floor areas over all floor levels (ancillary space includes areas such as circulation cores (lifts and stairs) and plant areas throughout the building); a central atrium (including circulation areas at all floor levels) with a glazed roof; a roof garden on Building 02 (153 square metres; private (including terraces and balconies), communal and public open space areas; residents' storage facilities; waste storage facilities; vehicular and pedestrian access/egress and associated circulation routes (including a ramp to basement level); 46 number car parking spaces (including three number accessible spaces) at basement level; 80 number bicycle spaces; two number motorbike spaces; electric vehicle changing points; an ESB substation and switchroom; boundary treatments (including sections of new boundary wall); widening and improvement of the existing vehicular entrance to the property from The Crescent; revised car parking arrangement and landscape design to the front of number 17 The Crescent; provision of artwork; lighting; all hard and soft landscaping; the provision of Sustainable Urban Drainage systems (SUDs); and all other associated site excavation, infrastructural and site development works above and below ground, including changes in level and associated retaining features, boundary treatment and associated site servicing (foul and surface water drainage and water supply), all on a site of approximately 0.26 hectares at the site of the former Donnybrook Laundry at The Crescent, Donnybrook, and number 17 The Crescent, Donnybrook Road, Dublin. (A Protected Structure is located within the site a chimney stack (RPS reference 8713) under the Dublin City Development Plan 2016-2022). The site is principally bounded by the residential development 'Donnybrook Manor' and other terrace dwellings to the north; 'The Crescent' Laneway (formerly known as Church Lane), a graveyard and Donnybrook Garda Station to the east; and by the lands associated with Saint Mary's Convent to the south and west.

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 location of the development, to the pattern of development in the area, to the provisions of the Dublin City Development Plan 2016-2022, and to the nature, scale, layout and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide for a strong and architecturally appropriate building on this site, would not seriously injure the visual or residential amenities of the area or of adjoining property 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 26th day of July 2019, 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. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed development and the boundary wall treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. (i) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.

- (ii) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Arts, Heritage and the Gaeltacht. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

- (iii) All existing original features, in the vicinity of the works (windows and associated joinery, staircase, trusses, cast iron columns and ironwork and chimney – protected structure) shall be protected during the course of the refurbishment works. Particular care shall be taken to avoid any damage to the medieval and other historic walls to the adjacent cemetery on Donnybrook Crescent during the construction process including restriction of construction traffic to the wider part of the laneway only.

- (iv) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. Full repair and reinstatement schedules (condition surveys, specifications and methodologies) shall be submitted to the planning authority to avoid loss or damage to original fabric and ensure that the character of this structure is not altered.

- (v) If there is a shortfall in the reinstatement of the existing natural slates on the building retained within the scheme, replacements shall be Bangor Blue slates to match the existing size and thickness. Rainwater disposal shall be by cast iron – this shall be indicated on drawings and submitted to the planning authority.

- (vi) Investigative works shall be carried out to determine the foundation of the chimney in advance of demolition works commencing.
- (vii) A full architectural drawing and photographic survey shall be provided to the planning authority of all buildings and structures to be demolished, colour-coded to indicate their chronology, so that a complete record of the former building is placed in the Irish Architectural Archive for posterity.
- (viii) Where possible, salvaged and sound material from the 19th century building (timber trusses, natural slates, sound walling materials) shall be reused in the subject site if possible, in conservation repairs/landscaping.

Reason: To ensure that the integrity of this protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric and to ensure a proper record is made of the building in light of its historic and social significance.

4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, 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: In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. The developer shall comply with the requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
 - (a) All the proposed car parking spaces shall be for occupants of the residential units and shall be sold with the units and not sold separately or let independently from the residential development.
 - (b) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (c) The roads layout at the vehicular entrance, parking areas, footpaths, kerbs, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the planning authority for such road works.
 - (d) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

- (e) each of the proposed parking spaces shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and sustainable transportation.

- 9. Site development and building works shall be carried out only between the hours of 0700 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.

- 10. 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 inter alia: details and location of proposed construction compounds, 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.

11. 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.

12. 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 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 interest of protecting the environment.

13. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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 for occupation of any apartment.

Reason: In the interests of amenity and public safety

15. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

16. 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. No advertisements/marketing signage relating to the name 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 proper planning and orderly development.

17. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

18. 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 of the area.

19. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

20. 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.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.