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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2934/21**

**Appeal** by Clontarf Golf and Bowling Club care of Douglas Hyde Town Planner of 134 Georgian Village, Castleknock, Dublin and by Others against the decision made on the 10<sup>th</sup> day of November, 2021 by Dublin City Council to grant subject to conditions a permission to Vervdev Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the demolition of the existing mixed-use (commercial/office/retail/residential) building extending to two to three number storeys plus set back fourth storey tank room (circa 2,118 square metres) and transmission mast, and the construction of a five to seven number storey mixed use scheme comprising: (A) One retail unit at ground floor level accessed from Collins Avenue East extending to approximately 552 square metres. (B) 67 build-to-rent apartments consisting of 33 number one-bed and 34 number two-bed units at first to sixth floor level, each with private balcony or terrace. The fifth and sixth floors will be set back. (C) Residential amenity space extending to approximately 153 square metres at first floor level comprising of shared work space/media room/games room. External communal open space located at first floor level by way of podium

extending to circa 561 square metres accessed from the southern elevation. (D) Car parking is included at ground floor level beneath the podium comprising 24 number spaces including two number disabled spaces, three number EV charging spaces and one number care share space. Secure bike storage for 156 number bicycles (including 36 number visitor spaces), separate bin storage, ESB sub-station and ancillary retail and residential facilities are also provided at ground floor level. (E) Pedestrian and vehicle access to the proposed development will be via the existing laneway located off Collins Avenue East. Pedestrian access to the northeast elevation will be provided by two number entrances on Collins Avenue East. (F) The proposed development will include signage (four number zones providing 35 square metres of signage on the northeast elevation at ground floor level), roof plant, PV panels, green roof and all associated drainage and infrastructure works, all on a circa 0.19 hectare site located at 63, 65, 65a, 67 and 67a Collins Avenue East, Dublin.

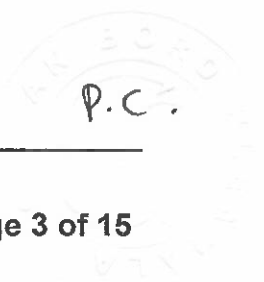
## **Decision**

**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.**

## Reasons and Considerations

Having regard to:

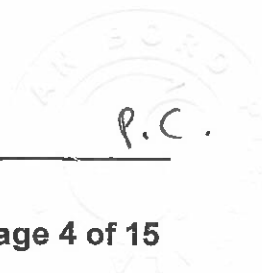
- (a) the Z3 zoning objective for the area in the current Dublin City Development Plan, the objective for which is “to provide for and improve neighbourhood facilities” within which both residential and retail are permitted in principle,
- (b) the National Planning Framework issued by the Department of Housing Planning and Local Government in 2018 according to which new residential development in cities should be directed into locations within the existing built-up serviced areas,
- (c) the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018 in section 5 of which provision is made for purpose-built residential accommodation and associated amenities built specifically for long term rental that is managed and serviced in an institutional manner by an institutional landlord,
- (d) the design, form, height, materials and finishes of the proposed development, the internal layout of the proposed residential units, and access to light, aspect and private open space provision. The extent and range of communal internal and external facilities and amenities available to residents and the established pattern and character of existing development in the area, and
- (e) the location within a well serviced, inner suburban area in close in proximity to the city centre, public transport facilities and a good local road network, and a wide range of community and social facilities,



it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with national strategic policy and local development policies and objectives for the area, as set out in the current Development Plan for the area, would not seriously injure the visual or residential amenities of the area, would not adversely affect the amenities of adjoining property and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites - the South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024), the North Dublin Bay Special Area of Conservation (site code 000206), the North Bull Island Special Protection Area (site code 004006) and the South Dublin Bay Special Area of Conservation (site code 000210) and took into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that by itself or in combination with other plans or projects, the proposed development would not be likely to have significant effects on these European Sites or any other European site, in view of the site's conservation objectives. The Board considered that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not, therefore, required.



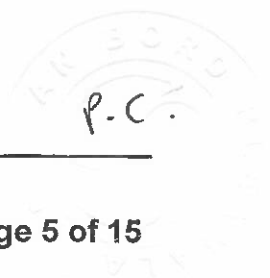
## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged by the application, as amended by the plans and particulars received by the planning authority on the 14<sup>th</sup> day of October, 2021, 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 the 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 67 number build to rent units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the issued by the Department of Housing, Planning and Local Government in March, 2018 and be used for long term rentals only. No portion of this development shall be used for short-term lettings.

**Reason:** In the interest of the proper planning and sustainable development of the area and in the interest of clarity.



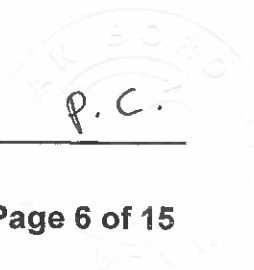
3. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first apartments within the scheme.

**Reason:** In the interest of the proper planning and sustainable development of the area.

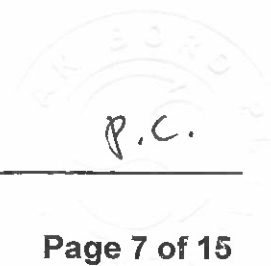
4. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit to, and agree in writing with, the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and of clarity.

5. The development shall be amended as follows:
  - (a) all balconies facing onto Collins Avenue East shall be fitted with opaque glazing,



- (b) 1.8 metres high screens shall be applied to locations where 'screen' is annotated on the floor plans,
- (c) 1.8 metres high opaque glazed screens shall be applied to:
  - (i) the dividing screens between adjoining balconies or patios,
  - (ii) the north western side projecting portions of balconies serving similarly positioned units on all floors as Apartment Number 2.08,
  - (iii) the southern eastern side of the terrace balconies serving Apartment Numbers 5.01 and 5.04 as required, and
  - (iv) the southern eastern and northern western sides of the private open space serving Apartment Number 6.01.
- (d) a minimum of 1.8 metres high opaque treatment or alternatively an external redirectional louvre treatment shall be applied to:
  - (i) the south eastern bedroom ope serving similarly positioned units on all floors as Apartment Number 2.09,
  - (ii) the southern eastern K/D/L ope serving similarly positioned units on all floors as Apartment Number 2.14,
  - (iii) the north west opes serving Apartment Numbers 5.02 and 5.05, and



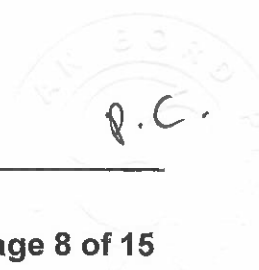
- (iv) the view cones of Apartment Number 6.03's bedroom windows shall be amended so as to also redirect overlooking to the south as per the bedroom opes in Apartment number 5.10.

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 interests of residential amenity.

- 6. Proposals for a building 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 urban legibility.





7. (a) The details of the proposed shopfront shall be submitted to, and agreed in writing, with the planning authority prior to finalising the design of this element of the proposal.
- (b) Notwithstanding the provisions of the Planning and Development Regulations, 2001 or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building, unless authorised by a further grant of planning permission.
- (c) No adhesive material shall be affixed to the windows or the shopfront.
- (d) An external roller shutter shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.

**Reason:** In the interest of visual amenity.

8. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

**Reason:** In the interests of visual and residential amenities of the area.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

10. 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.

11. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

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

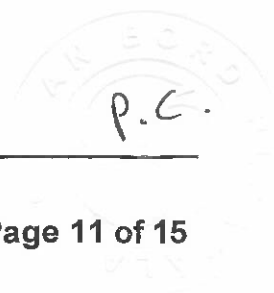
12. (a) A minimum of 10% of all car parking spaces shall be provided with electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points or stations at a later date.
- (b) Electric charging facilities shall be provided for cycle parking and proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development.

Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of facilitating sustainable and active transport modes.

13. 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 interest of protecting the environment.

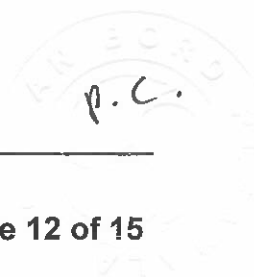


14. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best 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.

15. 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.



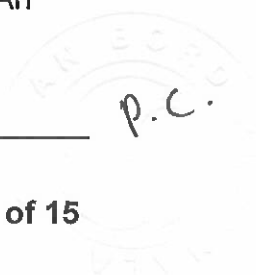
16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

17. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area.

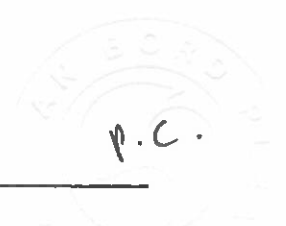
18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection 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.

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 of the area.



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 or 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.

*Patricia Calleary*

**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *23<sup>rd</sup>* day of *June* 2022.

