



An
Bord
Pleanála

Board Order ABP-314226-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3932/22

Appeal by Powerscourt Residents' Association care of Alan Corrigan of 70 Powerscourt, Off Lower Mount Street, Dublin and by Residents of Verschoyle Court care of Kenneth Duffy of 74 Verschoyle Court, Dublin against the decision made on the 4th day of July, 2022 by Dublin City Council to grant subject to conditions a permission to Hibernia REIT plc care of Brady Shipman Martin of Canal House, Canal Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the former Scruffy Murphy's Public House and the construction of two- to six-storey (height of 18.9 metres to parapet and 19.7 metres to top of roof plant) residential development consisting of 15 number units (five number studios, six number one-beds, four number two-beds). The residential units' area located on all floors with the primary access from Verschoyle Place. The 15 number units are provided as five number studios, six number one-beds, four number two-beds. Three of the two-bed units area provided as maisonette units provided over ground and first floor with own door access from the street. External balconies and/or terraces are provided for all units on all elevations from first to fourth floor levels. Bike storage and bin storage is provided at ground level with a single level basement provided for plant. The development will also include for upgrades to the public realm treatment of existing small plaza between Verschoyle

Place and Power's Court and associated surrounding footpaths. The proposed development also includes for the provision of green roofs, plant at roof level, PV panels at roof level, building signage, associated site servicing (foul and surface water drainage and water supply) and all other associated site excavation and site development works above and below ground, all on a site of 0.052 hectares at Former Scruffy Murphy's Public House, 1/2 Power's Court, Dublin 2. The site is bounded by Verschoyle Place to the north, Power's Court and Warrington Place to the south-east and the existing Verschoyle Court residential development to the west and south.

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 the zoning of the site, the nature and scale of the proposed development, and the provisions of the Dublin City Development Plan 2022-2028, the Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024), the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023) and the Urban Development and Building Heights – Guidelines for Planning Authorities (2018), it is considered that, subject to compliance with the conditions set out below, the proposed development would provide an appropriate use, building height, density, design and layout for this site, would respect the character and setting of the area, would not seriously injure the amenities of the area or of property in the vicinity, would provide appropriate drainage, provide satisfactory access for pedestrians, cyclists and emergency vehicles, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The permitted apartments shall not be used for short-term letting purposes, unless permitted by a separate grant of planning permission.

Reason: In the interest of control and the protection of residential amenity.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority the following:
 - (a) Details of the materials, colours and textures of all the external finishes to the proposed development.
 - (b) Details of a maintenance strategy for materials within the site boundary.

Reason: In the interest of visual amenity and orderly development.

4. 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 and surface water management.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

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

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

7. Details of all cycle parking, including the provision of on-street cycle parking spaces, shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development. Such details shall provide adequate security measures for the residential cycle store facility.

Reason: To ensure that adequate bicycle parking facilities are permanently available to serve the proposed development.

8. 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.

Reason: In the interest of visual and residential amenity.

9. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducting or other external plant, telecommunications antennas, antenna 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.

10. (a) Prior to commencement of development, the developer shall delineate on a map those areas that are to be taken in charge for the written agreement of the planning authority.
- (b) All areas not intended to be taken in charge by the planning authority shall be maintained by a legally-constituted management company.
- (c) Details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the proposed units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of communal areas.

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

11. Details of the proposed public realm upgrading works within the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details shall include paving materials, seating, street lighting and landscaping, and samples shall be provided where appropriate. Works shall be undertaken by, and at the expense of, the developer and shall be completed prior to the occupation of the development.

Reason: In the interest of the amenities of the area.

12. The following balcony details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and the agreed details shall be strictly adhered to thereafter in the proposed development:

- (a) Balustrading to balconies shall be a minimum height of 1.1 metres.
- (b) Appropriate revisions of design/materials to balcony surrounds to provide privacy/screening for residents.
- (c) Balcony floors shall be solid and self-draining.

Reason: In the interest of safety, privacy and residential amenity.

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 shall facilities for each apartment unit 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: In the interest of residential amenity, and to ensure the provision of adequate waste storage.

14. The demolition of the existing building and construction of the development shall be managed in accordance with a final Construction and Demolition Waste Management Plan and a final Construction and Environmental Management Plan, both of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These plans shall provide, inter alia, details and location of proposed construction compounds, details of intended construction practice for the development, including noise management measures, dust and vibration management measures, construction traffic logistics, parking, mobility and access during the construction phase for workers, emergency vehicles and occupants of adjacent residential and commercial premises, and off-site disposal of construction/demolition waste and/or by-products.

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

15. 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 or public holidays. Deviation from these times shall 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. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records, including for waste and all resources, pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

17. 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 operations (including demolition of the existing building, hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably qualified archaeologist prior to 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.

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 in order to:
- (a) secure the reinstatement of that part of the site owned by the planning authority that is in the control of for the purposes of the application, and
 - (b) secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of any watermains, drains, and other services required in connection with the development, coupled with an agreement empowering the planning 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.

19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities including a contribution in lieu of the public open space requirement 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.



Stewart Logan

Member of An Bord Pleanála

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

Dated this 10th day of July 2024.