

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Dublin City

Planning Register Reference Number: 4050/09

An Bord Pleanála Reference Number: PL 29N.237222

APPEAL by Patrick and Anne O'Connell of 420 Gracepark Manor, Drumcondra, Dublin and by others against the decision made on the 30th day of June, 2010 by Dublin City Council to grant subject to conditions a permission to Respond Housing Association of High Park, Grace Park Road, Drumcondra, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing two storey derelict building at Martanna House and derelict one, two and three storey buildings to the side and rear of the former convent at High Park, Grace Park Road, formerly used for institutional residential and ancillary usage, the redevelopment of the existing site entrance at Martanna House and construction of a new separate entrance at Grace Park Road. The development of 150 number apartments including three storey high Block A (seven total number to include five number two bedroom apartments and two number one bedroom apartments), three storey high Block B (nine total number to include six number two bedroom apartments and three number one bedroom apartments), five storey high Block C (55 total number to include 20 number two bedroom apartments and 35 number one bedroom apartments), five storey Block D (35 total number to include 15 number two bedroom apartments and 20 number one bedroom apartments), five storey high Block E (44 total number to include 16 number two bedroom apartments and 28 number one bedroom apartments) including balconies and one number Day Centre Facility located at top of Block E, glazed atrium to Blocks C and D interconnected at ground level and other ancillary site development works, new stairs and lifts at south wing of existing Convent building (four storeys high), new single storey glass conservatory connecting the existing Church and Convent building, basement car parking under Blocks A and B and Blocks C and D to accommodate a total of 168 number spaces, cycle parking and bin stores. Redevelopment of the existing former church as a communal facility including the provision of an internal mezzanine structure and site landscaping and parklands, new boundary treatment to Grace Park Road including new railing, walls and gateways and re-routing of exiting site infrastructure and drainage, all at High Park, Grace Park Road, Drumcondra, Dublin, a portion of which may become a protected structure.

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 residential zoning objective for the site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of its impact on the existing protected structures on the site and in terms of traffic safety and convenience and would not give rise to an increased risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to some reduction in the size of Block C to protect the amenity of the existing apartment block to the south, the layout of proposed Blocks C and D would be acceptable and would retain an appropriate setting for the protected structures (chapel and High Park). The Board considered that Block E should be reduced in size to mitigate the impact on the adjoining Highfield Hospital and on existing residential accommodation in High Park, generally as suggested by the Inspector, and that Blocks A and B should be omitted essentially because of the problems identified by the Inspector. The Board considered that the overall standard of amenity for future residents of the proposed apartments would be acceptable, notwithstanding the detailed criticisms by the Inspector of some related factors.

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 3rd day of June 2010, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be modified and reduced in extent as follows and revised drawings incorporating these modifications shall be submitted to the planning authority and agreed in writing before development commences:

(a) Blocks A and B shall be omitted.

Reason: These blocks would, by reason of their location and layout, seriously injure the residential and visual amenities of property in the vicinity.

(b) Block C shall be reduced in extent by omission of the southernmost part containing Units numbers 1, 2 (ground floor.), 10, 11 (1st floor), 19, 20 (2nd floor), 28, 29 (3rd floor) and 37, 38 (4th floor). At basement level, parking bays 1-4 shall be omitted.

Reason: To increase the separation distance to Grace Park Manor in the interest of protecting the amenity of that apartment block.

(c) Living room areas in unit numbers 17, 26, 35 and 44 of Block C and in unit numbers 13, 20, 27 and 34 in Block D shall be provided with direct access to the balcony.

Reason: To improve the residential amenity of these apartments.

(d) Block E shall be reduced in height by the omission of two floors, so that it shall be three floors high, and shall be reduced in length by omission of the northernmost part containing Units numbers 8, 9, 10 and 11 at ground floor level and the equivalent floor areas of the floors above.

Reason: To increase the separation distance to the existing residential accommodation in High Park and to reduce the impact on Highfield Hospital.

(e) Side screens to a height of 1.7 metres shall be provided to the sides of all living room-accessible balconies that adjoin or are directly side-on to other balconies.

Reason: To improve the residential amenity of these apartments.

3. Before development commences, fully detailed drawings and specifications in respect of the works to the chapel shall be submitted to and agreed in writing with the planning authority. These works shall be carried out under the supervision of an architect with conservation qualifications and experience.

Reason: In the interest of protection of architectural heritage.

4. Following consultation with the National Roads Authority, full details of the foundation works for Block E shall be submitted to and agreed in writing with the planning authority before development of that block commences.

Reason: To ensure the integrity of the Dublin Port Tunnel.

5. Details of the materials, colours and textures of all the external finishes to the proposed development, including the roadside railing and wall to Grace Park Road, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Any proposed render finish shall be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interest of visual amenity.

6. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The scheme shall include a timescale for its implementation. 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.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Fully detailed drainage and water main layouts, including the location of any existing public sewers on the site, shall be submitted to and agreed in writing with the planning authority before development commences.

Reason: In the interest of public health.

9. (a) 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. 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 operation (including 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 the commencement of construction work.

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.

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.

Reason: In the interest of sustainable waste management.

12. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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. During construction and demolition works, the development shall be carried out in compliance with British Standard 5228, Noise Control on Construction and Open Sites, Part 1.

Reason: To protect the amenity of property in the vicinity.

14. 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.

15. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

16. 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.

17. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

18. The developer shall pay to the planning authority a financial contribution in respect of Metro North in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2010.