

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3963/15

An Bord Pleanála Reference Number: PL 29S.246102

APPEAL by Sally Corcoran of 34 Morningside Road, Ranelagh, Dublin and by Others against the decision made on the 7th day of January, 2016 by Dublin City Council to grant subject to conditions a permission to Original Point Limited/Oakmount care of Manahan Planners of 38 Dawson Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: This development will consist of the following elements. The demolition of the existing two-storey buildings to the front and the large, two-storey industrial unit to the rear, which extends to Morningside Road. The construction of a new three-storey over basement building with a setback, penthouse top floor. The building will have five floors including basement and will have a total floor area of 1,868 square metres. The new building generally follows the massing and volume of the five storey mixed use building approved under planning permission granted under planning register reference numbers 3113/07 and 6054/07. The use of the building is to be a boutique hotel comprising of a reception area with a bar and restaurant at ground floor, a total of 41 guest bedrooms on the first and second floor levels and a roof-top restaurant at the penthouse level, set back from both the Ranelagh and the Morningside Road facades with associated roof terrace. No public access is proposed to the rear flat roof facing Morningside Road, except for general maintenance. The hotel basement is to contain one small 'art-house' screening room seating approximately 50 people, projection room, toilet facilities, a meeting room, storage and plant rooms. The building will also contain services and all other ancillary works to service the hotel. The lane linking Morningside Road to Ranelagh will be retained for pedestrian use and enhanced. The front door to the hotel will be from Ranelagh, all on a site at 117 – 119 Ranelagh, extending to Morningside Road, Ranelagh, 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.

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 site in an area for which the Z4 zoning objective is to provide for and improve mixed service facilities” as set out in the Dublin City Development Plan 2011 - 2017, the planning history of the site, the high standard of the design solution proposed and the site context within close proximity to the centre of Ranelagh and access to high quality public transport links, it considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the vitality and viability of the area, would not set an undesirable precedent, would not constitute a traffic hazard and 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 the proposed development by reason of its design and layout, would not seriously injure the residential amenities of the adjoining properties and would not constitute overdevelopment having regard to the Z4 zoning objective of the site.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 29th day of February, 2016, 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. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

3. (a) Cycle parking to comply with the standards as set out in the current Dublin City Development Plan consisting of at least four parking spaces, shall be provided to serve the development. Shower, changing, drying and storage facilities shall be provided for employees of the development.
- (b) Details of the proposed upgrade of the pedestrian lane to the east of the site and any hard landscaping areas to be taken in charge including all materials and public lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All materials shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council.
- (c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

- (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

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

4. 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.

Reason: In the interest of public health.

5. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest residential dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. The 4th floor of the building hereby permitted shall be used as a restaurant and shall not be used as a nightclub.

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

7. The hours of operation of the proposed rooftop restaurant shall be restricted to between 0700 and 2330 hours.

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

8. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. 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.

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

Dated this day of 2016.