



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3970/17

Appeal by Raglan Road Residents Association care of James O'Reilly of 1 Raglan Road, Dublin and by others against the decision made on the 24th day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Lordglen Limited care of Stephen Little and Associates of 26/27 Pembroke Street Upper, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a lateral western extension from lower ground floor to 3rd floor levels inclusive and an additional set back 4th floor extension (total extension circa 898 square metres gross floor area), to accommodate an additional 15 number suites and an increase in floor area of four number previously permitted suites, at the aparthotel building permitted under planning register reference number 3391/15 (An Bord Pleanála appeal reference number PL 29S.246002), as amended by planning register reference number 2051/17 at 10 Pembroke Place, this results in 58 number aparthotel suites and a revised floor area of circa 2,904 square metres in total in the proposed and permitted aparthotel building. The construction of two number four-storey residential buildings to accommodate 18 number

apartment units and ancillary amenities from lower ground floor to 2nd floor levels (circa 3,388 square metres gross floor area). Both blocks to each accommodate two number one bedroom units, five number two bedroom units and two number three bedroom units, with associated balconies generally on north, south and east elevations. Ancillary private residential amenities accommodated at lower ground floor levels, including a gym, studio, changing rooms/w.c.'s, media room, recreational space and meeting room and all associated and ancillary site development works, including: the extension and reconfiguration of the basement car park permitted under planning register reference number 3391/15 (An Bord Pleanála appeal reference number PL 29S.246002), as amended by planning register reference number 2051/17, to accommodate an additional 21 number car parking spaces (that is, 38 number in total) and an additional 13 number bicycle parking spaces (that is, 51 number in total) at basement level. 12 number bicycle parking spaces at surface level. Demolition of two number two-storey detached houses at numbers 36 and 38 Herbert Park (circa 720 square metres). Modification of existing vehicular site entrance at number 38 Herbert Park to provide access to the residential car parking spaces at basement level. Closure of existing vehicular site entrance to number 36 Herbert Park. Vehicular access via the permitted basement ramp at 10 Pembroke Place to the aparthotel car parking spaces. An attenuation tank. Associated hard and soft landscaping, lighting and boundary treatment works. All at number 10 Pembroke Place and numbers 36 and 38 Herbert Park Road, Ballsbridge, 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 Z4 District Centre and the Z1 Sustainable Residential zoning in the Dublin City Development Plan 2016-2022 and the policies and objectives, in particular Appendix 16 Aparthotels, 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 and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May, 2009, the location of the existing dwellings and the scale and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area 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 19th day of December, 2017, 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 development shall be amended as follows:

There shall be 5% of the units provided for family accommodation.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that the development would be in accordance with the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

3. (a) The proposed communal entertainment on the ground floors shall be used for purposes and functions connected with the apartment development only, and shall not be used, sold, let or leased for events or functions independent of the apartment use.
- (b) The residential apartments shall not be used for any short-term letting such as internet based tourist accommodation.
- (c) The management and maintenance of the apartment 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.

4. The apart-hotel units shall only be occupied for short-term letting periods of no more than two months and shall operate within the definition of aparthotel as set out in Appendix 16 of the Dublin City Development Plan 2016-2022 and within the terms and conditions of planning register reference number 3391/15. The aparthotel shall be managed by a reception facility on the ground floor with 24-hour reception and security facilities. The aparthotel units shall not be used as independent self-contained permanent residential units or student accommodation.

Reason: To ensure that the development would be in accordance with the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

5. 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.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park, allocation and location of car parking and cycle spaces, shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. The landscaping scheme as submitted on the plans and details to the planning authority shall be carried out within the first planting season following substantial completion of external construction works and before occupation of the units.

The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority.

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 interests of residential and visual amenity and to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. 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.

9. 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: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

10. Site development and building works shall be carried out only between the hours of 0800 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.

11. 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 traffic management measures.

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

12. 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.

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. 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 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 for the area.

15. 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 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 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.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2018.