



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3725/18

Appeal by Lise Underwood care of Niall Phelan Architects of 14 Birchfield Park, Goatstown, Dublin and by Minoa Limited of 18-19 The Seapoint Building, Clontarf Road, Dublin against the decision made on the 15th day of January, 2019 by Dublin City Council to grant subject to conditions a permission to O'Callaghan Collection care of McCutcheon Halley of Kreston House, Arran Court, Arran Quay, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of: The demolition of the existing Merrion Building (Morrissey's) with a building height of 9.61 metre and a gross floor area (GFA) of circa 362 square metres and the construction of a new commercial development comprising a five-storey office building (setback at third and fourth floor levels) with a maximum building height of 17.83 metres and a gross floor area (GFA) of circa 1,232 square metres, all on a site of circa 544 square metres. The application also includes proposals to retain the existing access off Merrion Street Lower to ensure continued access to adjoining properties, numbers 1, 2 - 3, and 4 Merrion Square North. The proposed five-storey office development is comprised of the following:

Ground floor level includes office accommodation (158 square metres) consisting of office floor space, entrance lobby, ancillary WC facilities, and circulation areas; first floor level includes office accommodation (312 square metres) consisting of office floor space, WC facilities and circulation areas; second floor level includes office accommodation (330 square metres) consisting of office floor space, meeting room, WC facilities and circulation areas; third floor level includes office accommodation (239 square metres) consisting of office floor space, WC facilities and circulation areas; and fourth floor level includes office accommodation (193 square metres) consisting of office floor space, WC facilities and circulation areas. The development also includes at ground floor level, an under-croft area to the rear for retention of existing access to adjoining properties, numbers 1, 2 - 3, and 4 Merrion Square North and three number car parking spaces, 20 number cycle parking spaces, new Electricity Supply Board substation/switch room and waste collection area. The development also includes, connections to drainage and water services, hard and soft landscaping and all ancillary site development works; all at Merrion Building (Morrissey's), Merrion Street Lower, 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 zoning objective for the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or the residential amenities of property in the vicinity, would not detract from the character of protected structures, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 2018, 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. Details, including samples of the materials, colours and textures of all external finishes to the proposed office building, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

3. 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.

4. The applicant or developer shall enter into water and/or wastewater connection agreements with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

5. Site development and building works shall be carried out only between the hours of 0700 and 1800 hours from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of property in the vicinity.

6. 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.

7. 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.

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. Details of the storage, presentation and collection of commercial waste during the operational phase shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure sustainable waste management practices.

10. The applicant shall undertake to implement all the measures set out in the Mobility Management Plan and to ensure that all future tenants of the proposed office development comply with the objectives of the Plan. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.

Reason: In the interest of sustainable transport provision.

11. Cycle parking to be provided on site shall be secure, sheltered and well lit. Details of the proposed cycle parking to be provided shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To facilitate more sustainable forms of transportation.

12. No additional development shall take place above roof parapet level including the provision of 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 visual amenities of the area.

13. 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.

14. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (Saint Stephen's Green to Broombridge Line) 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, 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2019.