



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4121/18

Appeal by Merchants Quay Ireland (Homeless and Drug Services) care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 25th day of July, 2019 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Permission is sought for development comprising (1) demolition of existing bathroom block (circa 51 square metres) and reconfiguration of existing services area to provide new off street waiting area at ground floor level on eastern boundary with new access gate off Merchant's Quay and pergola canopy over; (2) new single storey bathroom block (circa 77.5 square metres Gross Floor Area), reconfigured service yard with new escape stairs and new boundary wall to southern elevation and smoking area along eastern boundary; (3) demolition of existing entrance ramp and canopy on front elevation to Merchant's Quay to provide a new single storey enclosed ramp entrance (circa 24.7 square metres) and new entrance doors; (4) the provision of a Medically Supervised Injecting Facility (MSIF) at existing vacant basement level (circa 387 square metres Gross Floor Area). The Medically Supervised Injecting Facility will be accessed via refurbished and covered passage from new gate at ground floor level on western elevation and will

comprise an assessment/intake area, staff space, clinical area (comprising seven number injecting booths), after care area, ancillary bathrooms, plant space and circulation areas; (5) demolition of existing water tank at roof level and redundant chimney and gas skid enclosure at western boundary and (6) new backlit stainless steel signage (circa 5 square metres) on northern and eastern elevation, replacement glazing and general upgrade of materials/finishes on all elevations, all at 13/14 Merchant's Quay (Riverbank Building), 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 area, the pattern of existing and permitted development in the area, the site's inner city location, the range of services already on offer at the subject facility, the monitoring and evaluation proposed and the pilot scheme nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not adversely impact on the residential amenity or character of the area and would be acceptable in terms of public 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 information submitted to the planning authority on the 28th day of June 2019, 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 use of the premises as a Medically Safe Injecting Facility shall cease on or before three years from the date of first operation, unless before the end of that period, permission for the continuance of the use beyond that date shall have been granted.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of residential amenity and public safety.

3. Prior to the commencement of development, the applicant shall submit for the written approval of the planning authority, confirmation that the existing Night Café operated in Riverbank, by Merchants Quay Ireland shall be relocated.

Reason: To reduce the scale and extent of services provided on the subject site.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed basement level of the development shall be restricted to a Medically Safe Injecting Facility (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of clarity.

5. The development shall be managed and operated in accordance with the measures outlined in the Community Engagement and Liaison Plan and the Public Realm and Engagement Plan (October 2018 and June 2019) and the Operations Plan (October 2018 and June 2019).

Reason: In the interest of amenities, public health and safety.

6. 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 to ensure a satisfactory standard of development.

7. 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 amenities of property in the vicinity.

8. 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.

9. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (Saint Stephens 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

Paul Hyde

Member of An Bord Pleanála

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

Dated this day of 2019.