



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4240/19

Appeal by Merrion Road Residents Association care of Richard McDonald of 236 Merrion Road, Dublin against the decision made on the 4th day of February, 2020 by Dublin City Council to grant subject to conditions a permission to 1 Merrion Land Limited care of McGill Planning Limited of 45 Herbert Lane, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the following: the demolition of the existing two number car showroom buildings circa 1,069 square metres, construction of one number apartment block up to six storeys above basement with a total of 63 number dwelling units comprising: 17 number one-bedroom apartments (ranging in size from circa 51 square metres – circa 61 square metres), 34 number two-bedroom apartments (ranging in size from circa 74 square metres – circa 102 square metres) and 12 number three-bedroom apartments (ranging in size from circa 95 square metres – circa 122 square metres). All units have a terrace/balcony facing north/south/east/west. All associated site development works, services provision, circa 45 number car parking spaces at basement level, circa four number motorcycle spaces and circa 84 number cycle parking (at basement

level), bin stores, plant stores, open space, vehicular/pedestrian access, landscaping and boundary treatment works all on a site of circa 0.221 hectare located at 'The Gowan Motors Site', 143 Merrion Road, Dublin. The site is located south of Merrion Road and west of Herbert Avenue on a corner site.

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

In coming to its decision, the Board had regard to the following;

- the Dublin City Development Plan 2016-2022, according to which the location is subject to the Land-Use Zoning Objective Z1: 'to protect, provide and improve residential amenities',
- 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,

- the National Planning Framework issued by the Department of Housing Planning and Local Government according to which new residential development in cities should be directed into locations within the existing built up serviced areas,
- the location within a well serviced, inner suburban area in close in proximity to the city centre, public transport facilities and a good local road network, and a wide range of community and social facilities,
- to the size and configuration of the site which has the capacity to accept a stand-alone development of individual character and higher density that is compatible with the established development in the area and,
- to the site layout, footprint, scale, mass, height and design of the proposed development,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or the residential amenities in the vicinity, would be acceptable in terms of traffic and pedestrian safety and convenience, would not endanger public health 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 agreed with the conclusion of the planning authority and was satisfied that the proposed development, would not be incongruous in terms of its design, bulk and form and represented a positive and innovative architectural response to the site context, would not seriously injure the character with the streetscape and would, therefore, be acceptable in terms of the visual amenities 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 8th day of January, 2020, 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 of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Opaque glazing to perpendicular balconies and ground floor terraces shall be implemented as indicated in the further information submitted to the planning authority on the 8th day of January, 2020.

Reason: In the interests of privacy and residential amenity.

4. Prior to demolition, a full site appraisal shall be undertaken by a specialist contractor to determine the possibility of hazardous material such as asbestos and any necessary mitigation measures as indicated in the Outline Construction Management Plan submitted with the application. Any asbestos containing materials identified shall be removed by a licence waste contractor.

Reason: In the interest of public health and to ensure a proper standard of development.

5. The following requirements shall be provided for and adhered to in the development:
 - (a) The basement level car parking spaces shall be for the sole use of residents, and visitor parking and shall not be sold, sublet or leased to third parties.
 - (b) Alterations to the public road and footpath including the interface between the footpath and private landing shall be in accordance with the requirements of the Environment and Transportation Department.
 - (c) All repairs to the public road and services that may be required shall be carried out to the satisfaction of the planning authority at the applicant's expense.

Reason: In the interests of clarity, public safety and amenity.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

7. 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.

8. Communal waste storage areas within the basement shall be designed and managed in accordance with the proposals within the Outline Operational Waste Management Plan lodged with the planning application. Waste materials shall be transferred to the designated surface level space on the day of collection only.

Reason: In the interests of residential and public amenities.

9. The landscaping scheme shown on the Landscape General Arrangement Plan drawing number PP-01, as submitted to the planning authority on the 18th day of October, 2019, shall be carried out within the first planting season following substantial completion of external construction works. 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.

10. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

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. 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.

12. Hours of work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of surrounding properties and in the interest of clarity.

13. 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 section 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 of the area.

14. 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.

Paul Hyde

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

Dated this day of 2020.