

An
Bord
Pleanála

Board Order
ABP-310336-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0202

Appeal by Tomose Limited and Blue Whisp Limited care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 29th day of April, 2021 by Dún Laoghaire-Rathdown County Council to refuse a permission to Tomose Limited and Blue Whisp Limited for the proposed development.

Proposed Development: Permission is sought for amendments to the following two permissions (a) Register Reference D15A/0121: Reallocation of car parking spaces by providing 48 designated spaces for the 48 apartments, 20 spaces for 20 apartments on the adjoining Union site, the remaining five spaces for the set down/visitor spaces/car sharing facility, (b) Register Reference D17A/0951: The omission of the approved lower level of basement car-parking and access ramp thereto, containing 59 number parking spaces, the relocation of the bin compounds from lower to upper level, and the reallocation of the remaining 60 number spaces on the upper level by providing 30 number spaces for 30 of the approved apartments and the remaining 25 spaces for the approved public house/restaurant, five spaces for

visitor set down and car sharing and to provide an additional 38 number bicycle spaces. The total underground parking provision for the overall site will be 133 number spaces. A pedestrian link and staircase are to be constructed between the two car parking areas so that they operate as a singled managed unit, all on a site known as Flanagan's, Deerpark Road (backing onto Wilson Road), Mount Merrion, County Dublin and, Union Café and Kennedy's Public House bounded by Deerpark Road, North Avenue and Wilson Road, Mount Merrion, County 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.

Reasons and Considerations

Having regard to:-

- (a) the relevant transport and mobility policies and provisions of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028 which seeks to encourage a modal shift in favour of public transport and other active modes;
- (b) the Council's maximum car parking standards which allow for the deviation from car parking standards using criteria such as proximity to public transport services and level of service and interchange available;

- (c) the policies and provisions of the "Sustainable Urban Housing: Design Standards for New Apartments" - Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2020, which provides for reduced parking provision in areas within reasonable walking distance of high-capacity urban public transport; and
- (d) to the proximity of the proposed development to bus stops and to the N11/Stillorgan Road Quality Bus Corridor,

it is considered that the proposed development, subject to compliance with the conditions set out below, would provide an acceptable quantum of parking for residential and public house/restaurant uses in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022 - 2028. The Board, therefore, concluded that the proposed development would be acceptable in terms of pedestrian and traffic safety and would not seriously injure the residential amenities of the area. 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 plans and particulars submitted to An Bord Pleanála on 26th day of May, 2021, 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 the 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 carried out and completed in accordance with the conditions attached to the permission granted under An Bord Pleanála appeal reference number PL 06D.245755 (planning register reference number D15A/0121), and An Bord Pleanála appeal reference number PL06D.301502 (planning register reference number D17A/0951), except as may otherwise be required in order to comply with the following conditions.

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

3. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by residents and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by a management company for the site. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies, as set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

4. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard, shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The management company shall be responsible for the implementation of the mobility management plan.

Reason: To ensure the satisfactory completion and maintenance of this development.

5. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development:
 - (a) Bicycle parking for the permitted 98 number residential units shall be provided in accordance with the "Sustainable Urban Housing: Design Standards for New Apartments" - Guidelines for Planning Authorities, issued by the Department of Housing, Local Government and Heritage in December 2020). Note that stacked/tier parking is considered acceptable.
 - (b) Bicycle parking for the permitted office and public house/restaurant shall be provided in accordance with the Dún Laoghaire-Rathdown County Council's "Standards for Cycle parking and Associated Cycle Facilities for New Developments" issued in January 2018, unless otherwise agreed with the planning authority.

Reason: To provide safe and convenient facilities for cyclists in accordance with the applicable guidelines.

6. A minimum of 10% of the communal car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the developer shall submit such proposals to be agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

7. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

8. 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 and dust management measures, traffic management arrangements/measures and off-site disposal of construction/demolition waste.

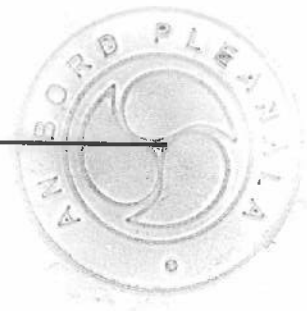
Reason: In the interest of public safety.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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



Dated this 4th day of January 2023.