

An  
Bord  
Pleanála

Board Order  
ABP-310636-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2393/21**

**Appeal** by Kimberley Gilbert of 5 The Mews, Ailesbury Road, Donnybrook, Dublin against the decision made on the 16<sup>th</sup> day of June, 2021 by Dublin City Council to grant subject to conditions a permission to Linmore Health Limited care of OAS Architects of Oran Business Centre, Unit 9A Howley Square, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of a change of use of the existing two and a half storey building from surgery and residential use to ground floor and first floor levels to residential institutional (healthcare) use for the entire building, all at 62 Merrion 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 Z1 zoning objective pertaining to the site in the Dublin City Development Plan 2016-2022, the site's existing land use (surgery and residential) and Policy SN21, as set out in the Development Plan, to facilitate the development or expansion of community-based healthcare facilities in residential areas, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would not seriously injure the residential 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 to the planning authority on the 20<sup>th</sup> 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 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 rear yard area shall not be used for car parking and shall be landscaped. Prior to commencement of development, revised plans, drawings and particulars, including a landscape plan showing the above amendments, shall be submitted to, and agreed in writing with, the planning authority, and such works shall be fully implemented prior to the occupation of the building.

**Reason:** In the interests of orderly development and residential amenity.

3. Site development and building works shall be carried out only between the hours of 0700 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.

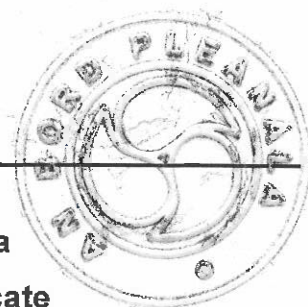
4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

  
Michelle Fagan

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



Dated this 23<sup>rd</sup> day of March 2022.