

An  
Bord  
Pleanála

## Board Order ABP-314166-22

---

### Planning and Development Acts 2000 to 2022

**Planning Authority:** Dublin City Council

**Planning Register Reference Number:** 3129/21

**Appeal** by Melmore Management Limited care of Kieran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 27<sup>th</sup> day of June, 2022 by Dublin City Council to grant permission subject to conditions to Gramon Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of: (a) alterations to apartment block known as Errigal House as follows: (i) removal of existing external fire escape and provision of new enclosed fire escape stair core; (ii) provision of new entrance porch; (iii) removal and replacement of all existing glazing and provision of new external insulation to apartment block; (iv) modification of existing apartments to provide each unit with private amenity space in the form of an external balcony/wintergarden; (v) extension of apartment block at second floor level to allow for the provision of two number two-bedroom apartments each served by private balcony/wintergarden; (vi) extension and revision of apartment block at third floor level to allow for the provision of two number two-bedroom apartments, each served by private balcony/wintergarden, and the alteration of the layout of the existing apartment numbers 3.2 and 3.3 and, (vii) provision of one number additional storey to existing four-storey building, comprising one number one-bedroom and three

number two-bedroom apartments each served by private balcony/wintergarden; (b) provision of bicycle parking shed of 28 number spaces, 15 number external bicycle parking spaces and new bin store and (c) all ancillary works, inclusive of landscaping, necessary to facilitate the development. The development will increase the quantum of residential units within Errigal House from 20 number apartments to a total of 28 number apartments and will result in the provision of a five-storey apartment building, all at Errigal House, Errigal Court, Eglinton Road, 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 the zoning of the site for established residential use within the current development plan for the area, the pattern of development in the vicinity, and the serviced nature of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would improve the residential amenity of the existing residential units and provide eight high quality additional residential units and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of height, would be acceptable in terms of pedestrian and traffic safety and convenience and 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 additional information received on the 31<sup>st</sup> day of May 2022, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Bedroom balcony depths for units 2.5 and 3.5 shall be increased to 1.5 metres through projection eastwards beyond the façade of the block. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.

**Reason:** In the interest of residential amenity.

3. Details of the materials, colours and textures of all the external finishes of the block, shall be as submitted for the written agreement of the planning authority, prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. No additional development shall take place above roof parapet level, including 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. Access to roofs shall be for maintenance purposes only.

**Reason:** To protect the visual and residential amenities of the area.

5. In addition to trees 1014, 1015, 1016 and 1017, identified in the Arborist's report the following trees shall also be retained – 1004, 1007 and 1008.

**Reason:** To lessen the visual impact of the extended apartment block in the interest of visual amenity; and to retain the limited screening effect which such semi-mature trees provide between apartment blocks and adjoining property.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann. All development is to be carried out in compliance with Uisce Éireann standards, codes and practices.

**Reason:** In the interest of public health.

7.
  - (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
  - (b) The surface water attenuation tank shall be so positioned on the site as not to impact on the root spread of the semi-mature sycamore trees on the site to be retained – 1014, 1015 and 1016.
  - (c) The outfall from the surface water attenuation tank shall be fitted with a hydrocarbon interceptor of suitable size and design.

**Reason:** In the interests of public health and surface water management.

8. 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.

9. Trees to be removed shall be felled in late summer or autumn – outside bird-nesting season and winter (bat hibernation) period. Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist. Any envisaged destruction of structures or buildings or removal of trees that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service, and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of nature conservation.

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

11. The construction of the development shall be managed in accordance with a Construction Environmental 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:
- (a) location of the site and materials compound(s), including areas identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security-fencing and hoardings,
  - (d) details of on-site car-parking facilities for site workers during the course of construction,
  - (e) a Construction Traffic Management Plan providing details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (f) measures to obviate queuing of construction traffic on the adjoining road network,

- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels,
- (j) details of appropriate mitigation measures for noise and dust, and monitoring of such levels,
- (k) containment of all construction-related fuel and oil within specially constructed bunds, to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface-water sewers or drains, and
- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

12. 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 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

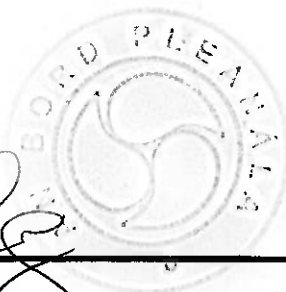
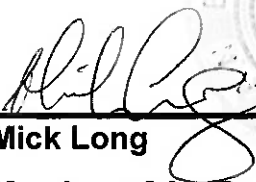
13. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates, shall enter into an agreement, in writing, with the planning authority, in relation to the provision of housing in accordance with the requirements of section 94(4) and 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.



---

**Mick Long**

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

**Dated this 8<sup>th</sup> day of December 2023.**