



An
Bord
Pleanála

Inspector's Report

ABP-306386-20

Development	RETENTION: retention of a temporary car parking area, comprising 64 spaces, to be used as an overflow parking area serving St. Vincent's University Hospital Staff.
Location	Gowan Motor Compound, 169-177 Merrion Road, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4241/19
Applicant(s)	1 Merrion Land Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	1 Merrion Land Limited
Observer(s)	Richard McDonald
Date of Site Inspection	18 th March 2020

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.2125 hectares, is located on the south western side of Merrion Road. The appeal site is currently occupied by an open tarmacked area currently in use as staff parking for staff of St. Vincents Hospital. The previous use of the site was as a compound for storing vehicles for Gowan Motors. The site is defined by high boundary walls along its western boundary and south eastern boundary. To the west of the site is Elm Court, which is a four-storey apartment block. To the south and south east is the grounds of St. Vincent's Hospital. There are 2 no. single-storey dwellings adjacent the vehicular entrance to the site and 2 no. two-storey dwellings located to the north of the site along Merrion Road. To the south east are two-storey dwellings (175 and 177 Merrion Road) and a terrace of 3 no. single-storey dwellings (179-183 Merrion Road).

2.0 Proposed Development

- 2.1. Permission is sought for retention of a temporary car parking area, comprising of 64 spaces serviced by an existing vehicular access via Merrion Road, Dublin 4. The temporary car park will continued to be used as an overflow parking area servicing St. Vincent's University Hospital Staff while construction works take place.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. The development to be retained would encourage commuting by private car and would set and undesirable precedent for similar such development. It is considered that the proposed use would be contrary to the policies and objectives set out in the Dublin City Development Plan 2016-2022, which promote sustainable travel and the control of car parking in the city. In particular, the proposed development would be contrary to Policy MT2 and MT13, which seeks to promote sustainable forms of transport and to implement the initiatives contained in the Government's 'Smarter Travel-A Sustainable Transport Future and the NTA's Transport Strategy for the

Greater Dublin Area 2016-2035, and would contravene Policy MT15, which seeks to discourage commuter car parking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development to be retained is located in an area zoned Z1- to protect and/or improve residential amenity, under the current Dublin City Development Plan. The use would, by reason of noise and traffic generation, seriously injure the residential amenities of property in the vicinity and would, therefore, be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (10/12/19): The proposal was considered to be contrary Development Plan policy regarding commuter parking and modal shift. The proposal was also considered to be injurious to residential amenities and contrary zoning policy.

3.2.2. Other Technical Reports

Drainage Division (19/11/19): No objection.

Transportation Planning (04/12/19): Refusal recommended due to encouraging commuter traffic and being contrary policy MT2, MT13, MT15 and MT16 of the City Development Plan.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1 Two submissions

Richard McDonald, 263 Merrion Road, Ballsbridge, Dublin 4.

Eamon O'Flynn, 179 Merrion Road & David Burlington 181 Merion Road, Dublin 4.

The issues raised can be summarised as follows...

- The area to the rear of dwelling no.s 179-183 should not be used for parking with a previous proposal for parking at this location refused permission due to impact on residential amenity (ref no. 5129/07). It is noted that the Section 5 referral (RL.2804) determined that the area to the rear of the existing dwellings was not exempted development.
- The issues for refusal relating the ref no. 3241/97 regarding traffic are still relevant and the proposal would be a traffic hazard. With inadequate visibility and no traffic management.
- The NTA should be notified of the proposal and such may impact on the proposed Core Bus Corridor at this location.

4.0 Planning History

4.1 4477/19: Permission for demolition of existing structures on site and construction of 43 dwelling units and associated site works.

4.2 2062/19: Permission refused for 42 apartments.

4.3 29S.RL2804: Section 5 declaration use for commercial storage vehicles declared to be development and is exempted development.

4.4 PL29S.226638: Permission refused for retention of off street parking for 4 no vehicles. Refused for two reasons...

1. Retention of the car parking would result in disorderly and piecemeal development associated with the car parking compound to the rear and would seriously injure and devalue the residential amenity of adjoining properties along the Merrion Road. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Access by vehicles to and from this second entrance off the busy Merrion Road serving the commercial activity to the rear would endanger public safety by reason of traffic hazard.

4.5 3241/97: Permission refused for 10 no. duplex apartments. Refused to due to restricted visibility at the vehicular entrance point/traffic hazard, excessive height and mass, injurious to residential amenities.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z1 with a stated objective 'to protect provide and improve residential amenities'.

MT2: Whilst having regard to the necessity for private car usage and the economic benefit to the city centre retail core as well as the city and national economy, to continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as cycling, walking and public transport, and to co-operate with the NTA, Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives. Initiatives contained in the government's 'Smarter Travel' document and in the NTA's draft transport strategy are key elements of this approach.

MT13: To promote best practice mobility management and travel planning to balance car use to capacity and provide for necessary mobility via sustainable transport modes.

MT15: To discourage commuter parking and to ensure adequate but not excessive parking provision for short-term shopping, business and leisure uses.

MT16: To control the supply and price of all parking in the city in order to achieve sustainable transportation policy objectives.

5.2. **Natural Heritage Designations**

None in the vicinity.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1 A first party appeal has been lodged by Brock McClure Planning & Development Consultants on behalf of 1 Merrion Land Limited. The grounds of appeal are as follows...

- It is noted that the site was part of a larger site and that the established use of the site for car storage has been carried out on site and despite being a non-conforming use was established prior to the planning acts and is not an unauthorised use.
- The purpose of the development is for the continued and temporary use of lands for car parking for St. Vincent's Hospital.
- It is noted that there are policies in the City Development that are relevant including section 6.5.4 promoting temporary use of vacant commercial space. It is noted that the intention is to develop the site as per ref no. 4471/19 and the existing car park is a temporary solution for the hospital.
- The appellants note that the proposal is temporary in nature for the period that construction takes place and has rendered previously available staff parking unavailable. Without the proposal the existing parking provision in the hospital will be put under pressure.
- It is noted that the site has a long history of commercial use with it concluded that use of the larger part of the site for commercial storage of vehicle being development and is exempted development under a Section 5 Declaration determined by the Board.

- It is noted that a car park is noted as ‘open for consideration’ within the Z1 zoning objective.

6.2. Planning Authority Response

6.2.1 No response.

6.3. Observations

6.4.1 An observation has been submitted by Richard McDonald, 263 Merrion Road, Ballsbridge, Dublin 4.

- The proposal would encourage commuting by private car and be contrary Development Plan policy MT 2, MT 13 and MT 15.
- The development is located within the Z1 zoning objective and would be injurious to residential amenity due to noise and traffic generation.

7.0 Assessment

7.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development

Adjoining amenity

Traffic

Appropriate Assessment

7.2 Principle of the proposed development:

7.2.1 Permission is sought for retention of a temporary car parking area, comprising of 64 spaces serviced by an existing vehicular access via Merrion Road, Dublin 4. The temporary car park will continued to be used as an overflow parking area servicing St. Vincent’s University Hospital Staff while construction works take place. The

appeal site is zoned Z1 with a stated objective 'to protect provide and improve residential amenities'. Uses noted as being permissible include 'buildings for the health, safety and welfare of the public'. Uses open for consideration include 'car parks'. The proposal is ancillary element to an existing healthcare facility and would be compliant with the zoning objective, which also indicates that car parks are open for consideration. I would consider that the principle of the proposed development is contingent on a satisfactory impact on adjoining amenities and a satisfactory traffic impact. These element of the proposal are to be explored in the future sections of this report.

7.3 Adjoining amenity:

7.3.1 The proposal is for a temporary staff car park serving the adjoining hospital. The planning history of the site indicates that the last use of the site was as a vehicle storage compound for motor sales. It appears that the extent of the area for parking has been extended to include an area located to the rear of no.s 179-183 Merrion Road that was formerly an area with vegetation that was part of the garden area serving no. 177 (side garden). One of the reasons for refusal indicates that the proposal would have an adverse impact on residential amenity through noise and disturbance.

7.3.2 As noted above the nature of the use proposed is permitted/open for consideration within the Z1 zoning objective. I would consider that the provision of a car parking area adjacent dwellings in an urban area would not be an uncommon occurrence or a scenario that would be out of character with an urban pattern of development. The car parking is serving staff associated with the adjoining hospital and does not appear to generate a significant level of traffic based on the number of parking spaces available (64). I would also note that the traffic movements are likely to be concentrated at certain times coinciding with staff shifts. I would consider that the nature of the use and the activity generated on site is not out of character in an urban area adjoining existing dwellings and that the proposed development is unlikely to cause significant disturbance or disruption adjoining the existing dwellings to the degree it would be injurious to residential amenity.

7.4 Traffic:

7.4.1 The proposal was refused on the basis that development to be retained would encourage commuting by private car and would set an undesirable precedent for similar such development. It was determined to be contrary to Policy MT2 and MT13 of the City Development Plan. It was also determined to be contrary to the objectives of national policy in the form of the Government's 'Smarter Travel-A Sustainable Transport Future' and the NTA's Transport Strategy for the Greater Dublin Area 2016-2035, and would contravene Policy MT15 of the City Development Plan.

7.4.2 The various policies regarding car parking, mobility management and commuting are set out above and encourage the promotion of alternative mobility provision for workers that is not car dependent. In the case of the proposed development, the applicant/appellant notes that the proposal is for a temporary car parking area that replaces existing parking within the St. Vincent's Hospital campus that is not currently available due to existing construction works. I would consider the temporary use of the site for staff car parking in light of the fact that existing construction works has displaced existing staff parking on a temporary basis would be acceptable. The fact that there are existing staff facilities within the hospital campus would mean that the proposal is maintaining an existing arrangement and is not providing additional car parking. I would note that if permitted that such should be for a temporary period and not on a permanent basis, which is not being sought in this case. I would note that the applicant failed to indicate the likely length of period that the temporary car parking is required for. In the event of a grant of permission I would recommend a period of 1 year from the date of grant.

7.4.3 One of the third party submissions notes that the NTA should be notified of the proposal and such may impact on the proposed Core Bus Corridor at this location. In this regard I would note that the proposal entails the construction of no additional structures along Merrion Road and there are a significant number of existing dwellings between the site and the public road with the site having a narrow road frontage coinciding with the long established vehicular entrance. The proposal is for a temporary permission and I would consider that its consideration favourably would

not interfere or cause any issues for future public transport infrastructure or alterations along Merrion Road.

7.5 Appropriate Assessment:

7.5.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the temporary nature of the proposal which is to cater for traffic and car parking displaced for a temporary period due to construction works at the hospital, the fact that proposed use is compatible with the zoning objective, the proposed development would be acceptable in the context of adjoining amenities and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 period during which the use is permitted on site for shall be 1 year from the date of this order. When the temporary period of permission expires the use as staff parking for the hospital shall cease unless extended by a further planning permission.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a temporary time period of the proposed use.

Colin McBride
Planning Inspector

29th April 2020