



An
Bord
Pleanála

Board Direction
BD-007443-21
ABP-308336-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/01/2021.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Attach condition number 15

Amend condition number 4 as follows

4. The roof-mounted building services, including Air Handling and Chiller Units, shall be omitted.

Reason: *To protect the residential amenities of adjoining residential units and to ensure orderly development.*

Amend condition number 5 as follows

5. The applicant shall comply with the following requirements of the Planning Authority's Transportation Division;

a) The following shall apply to the subject development.

i. The use of the hardstanding area within the applicant/developer's landholding at surface level to the southeast of the site (immediately north of the car park entrance to the Basement) as a loading/parking area shall cease. This area shall be landscaped, including tree-planting, to match the existing and proposed landscaping along the eastern site boundary, proposals for which shall be submitted for the written agreement of the planning authority prior to the commencement of development.

ii. In accordance with the further plans and particulars received by An Bord Pleanala on the 15th October 2020, the existing car-parking area to the southwest corner of the site shall be replaced with a delivery / loading area and, accordingly, all delivery and service vehicles shall service the building via this space;

iii. The Parking Strategy as submitted on the 12th August 2020 shall be revised to reflect the abovementioned changes to the parking and set down management arrangements, details of which shall be submitted for the written agreement of the planning authority prior to commencement of development. The revised Strategy shall be fully implemented by the relevant personnel/management of the building.

b) A Servicing Management Plan shall be prepared for the development and shall take cognisance of changing traffic, parking and set down/loading management arrangements where arising. The Plan shall be submitted for the written agreement of the planning authority prior to commencement of development.

c) Car parking spaces shall be permanently allocated to the permitted use and shall not be sold, rented or otherwise sub-let or leased to other parties.

d) Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted for the written agreement of Planning Authority and Transport Infrastructure Ireland (TII). This plan shall provide details of intended construction practice for the development, including traffic management, including pedestrian management; Luas infrastructure protection measures; construction vehicle and personnel related access and egress arrangements; hoarding and scaffolding arrangements; hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

e) All costs incurred by Dublin City Council, including any repairs to the public road

and services necessary as a result of the development, shall be at the expense of the developer.

f) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: *To ensure a satisfactory standard of development.*

Reasons and Considerations

Having regard to the pattern and character of existing development in the area, it is considered that the terms of the relevant conditions of the planning authority decision, subject to the modifications as set out above, would not detract from the visual amenities of the area, would not detract from the residential amenity of adjoining properties, and would be acceptable in terms of pedestrian and traffic safety and convenience. The modified conditions would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspectors recommendation to allow the roof mounted units, the board was not satisfied that the conditions attached satisfactorily protected the residential amenities of adjoining properties and undermine the mixed-use zoning objective of the area.

Note : In omitting the rooftop air handling units, the Board considered that the more appropriate location for plant equipment relating to air handling would be the basement level .

Board Member:

Date: 29/01/2021

Paul Hyde