An Bord Pleanála

Board Direction
BD-010846-22
ABP-310958-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/06/2022.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to Dublin City Development Plan 2016-2022 according to which the site location is subject to the zoning objective "Z6 to provide for the creation and protection of enterprise and facilitate opportunities for employment creation": to the statutory guidance: "Urban Development and Building Heights: Guidelines for Planning Authorities", 2018"; to the central city location, to the established character and pattern of development in the area it is considered that, subject to compliance with the conditions set out below, the proposed development would accord with national strategic planning policy and local policies and objectives for the area, would not adversely affect the visual amenities of the area or seriously injure the residential amenities of residential properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the central city location and the pattern of development in the area, the Z6 zoning objective which seeks to ensure that the employment element on site should be in excess of that prior to the redevelopment in terms of numbers employed and/or office space, and national and local policy which seek to develop existing urban sites at higher density, and considered that notwithstanding, that there

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would be an impact on the neighbouring buildings with regard to overshadowing, that the cumulative impact would not have undue negative impact, having regard to the built up nature of the site and that the proposed development would, therefore, be in accordance with 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 on the 18th day of May 2021 and by the further plans and particulars received by An Bord Pleanála on the 27th day of July, 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. (a) The development shall have a maximum parapet height of 31.745m O.D, with set back at sixth floor South West and South East as indicated on drawing numbers 1910-(03)-100D, and 1910-(03)-101D.
   (b) The development shall be set back at sixth floor level on the North East elevation by the same dimension as the set back to the sixth floor level South West elevation indicated on drawing number 1910-(03)-100D
   Reason: In the interest of clarity

3. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with the planning authority.
   Reason: In the interest of orderly development and the visual amenities of the area.

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4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
Reason: In the interest of public health.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.
Reason: In the interest of public health.

6. Prior to the commencement of the development, a fully detailed Mobility Management Strategy shall be submitted to, and agreed in writing with the planning authority. The strategy shall provide for incentives to encourage the use of public transport, cycling, and walking by patrons and staff and shall be operated, monitored and reviewed by the operator of the development.
Reason: In the interest of sustainable transportation and travel and the amenities of the area.

7. Prior to commencement of development the developer shall submit, and agree in writing with the planning authority to, a plan for the management of waste within the development, including details of proposals for separation, facilities for storage, and arrangements for collection of the waste and, ongoing operation of these facilities.
Reason: In the interest of clarity, amenity and waste management.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.
Reason: In the interest of orderly development and visual amenities of the area.

9. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), no additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant or the erection of

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telecommunications equipment other than those already shown on the drawings submitted with the application, unless authorised by a prior grant of planning permission. In addition, the precise details of the proposed signage, size, materials, method of illumination if any proposed, shall be submitted to the planning authority for their written agreement prior to commencement of development, any additional signage shall be the subject of a separate planning application.

Reason: In the interest of visual amenity and residential amenities.

10. Site development and building works shall be carried between the hours of 07.00 hrs and 19.00hrs, Mondays to Fridays excluding bank holidays, and 08.00 hrs and 14.00 hrs on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenities.

11. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.].

Reason: In the interest of sustainable waste management.

12. 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

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development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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, which may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme. 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 considered reasonable that the payment of a contribution, in accordance with the Development Contribution Scheme made under section 48 of the Act, should be made in respect of public infrastructure and facilities

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benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the local authority.

Board Member _____ **Date:** 29/08/2022

Michelle Fagan

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