

An
Bord
Pleanála

Board Direction
BD-012527-23
ABP-313215-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/06/2023.

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

Reasons and Considerations

In arriving at its decision, the Board considered the provision of the Dublin City Development Plan 2022-2028, including Chapter 11, Built Heritage and Archaeology, Policy BHA7. The Board disagreed with the Inspector that the proposed 4th floor would be visually obtrusive and that it would detract from the proportionate and sympathetic design of the previously permitted four story building within the context of the local streetscape.

The Board shared the opinion of the planning authority that the additional floor was acceptable, the Board considered that the design of the additional floor is sympathetic to its context, sensitively designed and appropriate in terms of scale, height, and mass.

In deciding not to accept the Inspectors recommendation, the Board considered that the proposed development accorded with Dublin City Development Plan 2022 – 2028 and is 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 13 January 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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

3. The developer shall pay to the Planning Authority a financial contributions in respect to the Luas Cross City scheme, the payment of this contribution will be in accordance with the approved Section 49 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 49 of the Act be applied to the permission.

4. The terms and conditions of the permission for the original development, which was issued under Reg. Ref: 3327/20 shall be fully complied with, except where modified by this permission.

Reason: To provide for an acceptable standard of development.

5. Prior to the commencement of construction of the external elements of the scheme, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area.

6. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the visual amenities of the area in general

7. Notwithstanding the provisions of the Planning & Development Regulations 2001 - 2010, no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

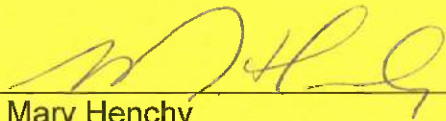
Reason: In the interests of visual amenity.

8. The developer shall comply with the following requirements of Transport Infrastructure Ireland:

- The applicant is required to comply with the Code of Engineering Practice for works on, near or adjacent to the Luas Light Rail system. The Code is available to view at <https://www.luas.ie/work-safety-permits.html>

Reason: To ensure there is no adverse impact on Luas operations and safety concerns.

Board Member



Mary Henchy

Date: 21/06/2023

