

An
Bord
Pleanála

Board Direction
BD-017288-24
ABP-315292-22

The submissions on this file and the Inspector's reports were considered at a Board meeting held on 21/08/2024.

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

Reasons and Considerations

Having regard to the nature and scale of the office development proposed, located on lands zoned Z6 of the Dublin City Council Development Plan 2022-2028 with the objective to 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation', the Board was satisfied such development is permissible under the zoning objective. The primary objective for this zone is to facilitate long-term economic development in the city and the proposal for the redevelopment of a site that contains existing offices will deliver a more efficient use of the site for a contemporary office development in a city centre location close to good public transportation.

Having regard to the separation distances proposed between the proposed development and the existing adjacent residential dwellings, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and therefore would be in accordance with the zoning objective and development standards of the Dublin City Development Plan 2022-2028. The Board was satisfied that the proposed development, on a site of largely existing commercial development, while increased in scale, would comply with section 3.2 of the Urban Development and Building Heights – Guidelines for Planning Authorities: issued by

the Department of Housing, Planning and Local Government in December 2018 and would not represent overdevelopment nor seriously injure the residential amenity of the local residential area.

The rationale for the demolition of the existing buildings and redevelopment of the site has been established with multi-disciplinary inputs from planning, architecture, engineering and conservation. The existing dwellings at Dunville Terrace are largely in very poor repair and are of little architectural significance, with Nos. 2-6 included on the derelict sites register. The proposed development complies with policy CA8, CA9 and CA10 the 2022-2028 Dublin City Council Development Plan.

The proposed development would, therefore, 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, in relation to the first reason, the Board agreed with the planning authority and accepted that the proposed demolition of structures on site is significant but considered that sufficient justification for the demolition of the properties on site, having considered alternative options, has been provided in the Adaptability Assessment and Climate Action and Energy Statement with regard to Section 3.5.2 of the Dublin City Council Development Plan 2022-2028.

In relation to the Inspector's recommended refusal reason No. 2, the Board considered the scale, massing and height to be acceptable in this city centre location, on a brownfield site and where buildings of similar scale, massing and height already exist in the wider area. The Board did not share the view that the proposed development would be contrary to Section 3.2 of the Urban Development and Building Heights – Guidelines for Planning Authorities: issued by the Department of Housing, Planning and Local Government in December 2018. Having regard to the separation distances proposed between the proposed development and the existing adjacent residential dwellings, and also having regard to design mitigations to be built into in the proposal (e.g. stepping back of development, reduction in

lassing and fins proposed to windows), the Board was satisfied that the development took due cognisance of the receiving environment and would not adversely impact on adjacent properties by reasons of overlooking, overshadowing, overbearance or visual amenity. The Board considered the proposal represented an efficient and sustainable reuse of a serviced, brownfield, vacant city-centre site and did not represent overdevelopment of the site.

In relation to the Inspector's recommended refusal reason no. 3, the Board considered that the design response was appropriate in this instance, where established building lines were maintained and where due regard was shown to the architectural character of the area. The Board noted that none of the structures on site were on the record of protected structures nor was the site within an Architectural Conservation Area. The Board further noted that a number of structures on site are on the Derelict Sites Register. The Board considered that the proposed development overall represented a gain to the visual amenities of the area as the site, as it currently presents, detracts from the area given its vacant/derelict/underutilised character and would not be contrary to policies BHA 9 and BHA 10 of the Dublin City Council Development Plan 2022 -2028 which seeks to protect and enhance the distinctive architectural character of the Grand Canal Conservation Area.

Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, the Board agreed with the Inspector's report and considered it reasonable to conclude that on the basis of the information on file, which is adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the North Dublin Bay Special Area of Conservation (site code 000206), the South Dublin Bay Special Area of Conservation (site code 000210), the North Bull Island Special Protection Area

(site code 004006) and the South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024) or any European site, in view of the sites' conservation objectives.

The application included a Stage 2 - Appropriate Assessment Natura Impact Statement. However, the site is not located within or directly adjacent to a Natura 2000 site, four natura sites are located within the site's potential zone of influence in Dublin Bay and could potentially be affected using the source pathway receptor model: the North Dublin Bay Special Area of Conservation, the South Dublin Bay Special Area of Conservation, the South Dublin Bay and River Tolka Estuary Special Protection Area and the North Bull Island Special Protection Area. Having regard to the lack of hydraulic connectivity between the site and the distances to the nearest European sites, the Board concluded that the proposed development would not be likely to have a significant effect and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) was not, therefore, required.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of any European site in view of the sites' conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

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 Information received on the 20th day of October 2022 by the planning authority, 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. For the avoidance of doubt, this

● permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: In the interest of clarity.

2. Prior to commencement of development, details of the following shall be submitted to the planning authority for written agreement.

(a) the widened footpath along Canal Road. The public footpath shall have a minimum width of 2m

(b) the applicant shall submit revised plans that include the provision of bollards adjacent to the access on Canal Road in the north east corner of the site that safeguards the pedestrian plaza and prohibits the parking of vehicles

(c) at the main vehicular access/exit point to the development, the public footpath shall be continued at a raised level across the site entrance and exit, but shall be ramped and dropped as necessary to facilitate car-entry/exit.

Reason: In the interests of clarity and orderly development.

3. Details and samples of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. Water supply and drainage arrangements shall comply with the requirements of the planning authority and Uisce Éireann for such works and services.

Reason: To ensure adequate servicing of the development and in the interest of public health.

5. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 interests of reducing waste and encouraging recycling.

6. Prior to commencement of development, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended demolition practice for the development, including traffic management plan, noise and dust management measures and off-site disposal of demolition waste. No demolition or construction traffic shall occur from Athlumney Villas.

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

7. 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 development, including:

- (a) Location of the site and materials compound(s) including area(s) 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) 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 and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties at [specify locations] during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, 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; and
- (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.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

8. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

9. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated parking spaces and the parking spaces indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development shall not be sold, rented or otherwise sub-let or leased to other parties. These residential spaces shall not be utilised for any purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provide for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date.

Reason: To ensure that adequate parking facilities are permanently available to serve the development.

10. The layout and demarcation of bicycle parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 327 number bicycle parking spaces shall be provided within the site including three number non-standard/ cargo bike spaces, 22 number scooter parking spaces and 28 number visitor cycle spaces, including six number non-standard/cargo bike spaces. Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key/fob access should be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

1. Prior to completion and occupation of the development, an Operational Service and Delivery Access Plan shall be submitted to the planning authority for written agreement.

Reason: In order to ensure a satisfactory standard of development.

12. Prior to commencement of development a full architectural survey of buildings proposed for demolition shall be carried out and shall be submitted to the planning authority. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

Reason: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

13. 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 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

14. 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.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

16. Proposals for a development name and commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority and shall be in both Irish and English. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

17. 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. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

18. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before the proposed development is made available for occupation.

Reason: To provide for the future maintenance of the development in the interest of visual amenity.

19. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority,

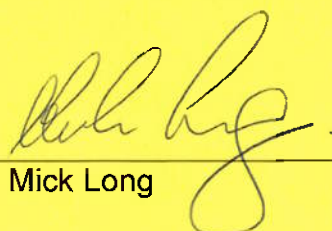
rior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

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

20. 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.

Board Member


Mick Long

Date: 21/08/2024