

An
Bord
Pleanála

Board Direction
BD-017543-24
ABP-316189-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/09/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the site's planning history (ABP-307062-20/P.A. Ref. No. 3752/19), the site's location within a transitional zone in character area, the site's position within Strategic Development and Regeneration Area No. 15 – *Liberties and Newmarket Square* and the pattern of development in a surrounding area which is undergoing significant transformation, it is considered that, subject to compliance with the conditions as set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would reverse this brownfields site vacant state, would be consistent with the Dublin City Development Plan 2022-2028, including provisions which seek to stimulate the economy and to provide employment opportunities in a manner that is respectful of character of this inner city area. It is considered that the proposed development would not seriously injure the amenities of surrounding properties or the visual amenities of the area, that it would not give rise to any adverse or material impact on Protected Structure No. 27 to 28 New Row South (RPS Ref. No. 5821) that occupies the adjoining site to the south west or any other built heritage or archaeological feature of merit and that the contemporary design and high quality palette of materials and landscaped setting

would not be out of character with existing and permitted developments within its urban block, and would also be acceptable in terms of pedestrian and traffic safety. The proposed development would therefore be 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, 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 proposed development shall be amended as follows:
 - (a) A revised western boundary treatment shall be provided adjoining the rear boundary of adjoining Lauderdale Terrace properties. This boundary shall consist of a solid 2 meter in height boundary with a continuous belt of semi-mature tree/pleated tree planting including evergreen varieties and defensive planting to limit potential for trespass from this linear strip of planting along the western boundary of the site. Revised drawings showing compliance with these requirements shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Apart from the amendments authorised in this permission, the development shall comply in full with the terms and conditions attached to planning permission ABP-307062-20 (P.A. Ref. No. 3752/19) and the conditions of this permission.

Reason: In the interests of orderly planning.

4. The following requirements in relation to transport and site access shall be strictly adhered to:
- a) Prior to commencement of the development, the developer shall submit revised drawings clearly demonstrating unobstructed pedestrian access across the front entrance area at the northeast corner of the site whilst retaining the vehicular drop-off zone.
 - b) The development shall provide 1 no. motorcycle space and 1 no. accessible parking space with electrical charging equipment at basement level. The drop off zone at surface level shall be noted as a drop off area with line markings. Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.
 - c) A minimum 71 no. staff cycle parking spaces including 2 no. cargo bike spaces, at basement level and 14 no. visitor cycle parking spaces at ground floor level, shall be provided as part of the development. Staff cycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Shower and changing facilities shall also be provided as part of the development. Key/fob access should be required to bicycle compounds. Visitor cycle parking design shall allow both wheel and frame to be locked.
 - d) The two car lifts shall be set to revert to ground floor level to prioritise incoming traffic and to minimise the potential for queuing at the vehicular access.
 - e) Details of the materials proposed in public areas are required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division.
 - f) 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.

Reason: In the interest of the proper planning and development of the area.

5. Prior to commencement of development the developer shall submit a Basement Impact Assessment (BIA) to the planning authority which shall have regard to the proximity of the basement works to the River Poddle Culvert and include appropriate measures that limit the potential for any adverse structural impacts on it.

Reason: It is a requirement of Section 15.18.4 of the Dublin City Development Plan, 2022-2028, to provide a Basement Impact Assessment for this type of development and in the interest of the proper planning and development of the area.
of the proper planning, sustainable and climate resilient development.

6. 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.

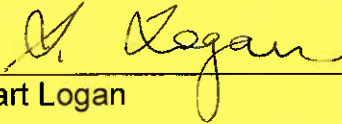
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

7. The developer shall pay to the planning authority a financial contribution in respect of the 'LUAS Cross City Scheme' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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

Supplementary Development Contribution Scheme made under section 49 of the Act
be applied to the permission.

Board Member



Stewart Logan

Date: 23/09/2024