

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 4014/15**

An Bord Pleanála Reference Number: PL 29S.246130

**APPEAL** by Donnybrook Residents Association of 3 Saint Broc's Cottages, Donnybrook, Dublin against the decision made on the 15<sup>th</sup> day of January, 2016 by Dublin City Council to grant subject to conditions a permission to Development Securities Properties Donnybrook Limited care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Amendment of a previously permitted development under Dublin City Council planning register reference number 2163/09, as extended in duration under Dublin City Council planning register reference number 2163/09/x1 at Donnybrook House, 36-42 Donnybrook Road, Dublin (with frontage also onto Pembroke Cottages and Rampart Lane). The proposed amendments to the previously permitted development involves internal and external alterations to the building to provide a revised mix of uses and internal layout that is augmented by a third floor roof extension to the front of the building together with a side extension to the north-western elevation of the building at first and second floor level to provide an additional 867 square metres of office floorspace. Internal alterations and changes of use to the permitted development include (a) internal alterations and reconfiguration of the gym layout at lower basement and upper basement level together with new ground floor entrance resulting in an increase in floor area from 1,661.5 square metres to 1,867 square metres, (b) reconfiguration of permitted car parking and ancillary storage and plant rooms at upper basement level to provide a revised car parking layout (17 number spaces, including two number disabled car parking spaces) together with 54 number of bicycle parking, ancillary staff facilities, relocated ESB substation and meter room, rainwater attenuation tank(s) and ancillary plant and store rooms, (c) change of use of part of permitted restaurant floorspace at ground and first

floor level to the rear of the building to front door office unit (315 square metres at ground level) and 954 square metres of office use at first floor level, together with a reconfiguration of the remaining permitted restaurant floorspace (370 square metres) at ground floor level to include the omission of the permitted seven number ground level car parking spaces and bicycle parking to the west of the building at grade level to provide an ancillary outside dining terrace and landscaped together with the provision of 14 number bicycle storage spaces and three on-street car parking spaces (including one number disabled car parking space) along Pembroke Cottages, (d) raising the level of the existing mock-pitched roof at the rear of building by approximately 1.4 metres from level 18.4 metres to 19.8 metres, (e) change of use of permitted three number retail units (1,362 square metres) at ground floor level to retain existing car parking within a reconfigured layout comprising a café unit (215 square metres) and office reception (297 square metres) along the Donnybrook Road frontage with car parking (13 number spaces) to the rear thereof with revised circulation area (including signalised access ramp off Rampart Lane), switch room, waste/bin storage area and ancillary plant, (f) change of use of permitted three number medical consulting rooms (378 square metres) at first floor level to office incorporating the proposed extension to the north-western elevation arranged around new internal courtyard, (g) reconfiguration of permitted second floor office space to include the proposed extension to the north-western elevation arranged around new internal courtyard extending vertically to first floor level below, (h) provision of roof top plant and extract unit (at second floor level) to the rear to serve the permitted restaurant at ground floor level in the rear building together with the provision of a part sedum roof, (i) internal reconfiguration of permitted office floorspace at third floor level together with the omission of the previously permitted roof terrace to provide a new third floor office extension (312 square metres) to the front of the building that is set back from the south, east and west by approximately 1.8 metres, 1.6 metres and 1.6 metres respectively, (j) provision of a sedum roof on top of the proposed side extension to the north-western elevation of the existing building at first and second floor levels below, (k) internal reconfiguration of the permitted office floorspace at fourth floor level together with the provision of a sedum roof on top of the proposed third floor office extension below, (l) removal and replacement of existing roof top plant with new screened plant and extension of existing lift overrun to accommodate additional lift shaft, (m) external alterations to building, including deep cleaning of existing façade, and replacement of existing fenestration with new glazing on all levels, alterations to façade fronting Pembroke Cottages, to include provision of new hardwood timber bay windows to the northern elevation and provision of new restaurant and gym entrance to western elevation and hardwood timber canopy, alterations to ground floor façade fronting Donnybrook Road to include provision of new glazed shopfronts and entrances and (n) provision of hard and soft

landscaping to the rear along the Pembroke Cottages and Rampart Lane frontages. The revised proposal provides a total of 5,496 square metres of office floorspace (including 325 square metres of ancillary storage space), 215 square metres of Café floorspace, 370 square metres of Restaurant floorspace and 1,867 square metres of Gym floorspace.

## **DECISION**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the land use zoning objective for the area, the existing development on the site, the extant planning permission pertaining to the site (planning register reference number 2163/09), and having regard to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 hours of operation of the proposed uses shall be as follows:

Gym: 0600 to 2200 weekdays (Monday to Friday) and 0800 to 2200 weekend days (Saturday and Sunday),

Café: 0700 to 2030 (Monday to Sunday), and

Restaurant: 0700 to 2300 (Monday to Sunday).

**Reason:** In the interests of protecting adjacent residential amenities.

3. The café unit fronting Donnybrook Road shall not be used for the sale of hot food for consumption off the premises.

**Reason:** In the interests of amenity and traffic and pedestrian safety.

4. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority detailed design proposals relating to car parking, the on-site traffic light system and vehicle circulation requirements. The detailed design proposals shall include the following:

(a) The provision of the single disabled space and the omission of the two other proposed on-street parking spaces located on the western side of the site boundary in front of the entrance to the proposed restaurant.

(b) A plan for the proposed traffic light system to serve the upper basement and ground level car parking areas, associated vehicular ramps, vehicle waiting areas and entrance off Rampart Lane.

- (c) The redesign of the on-site car parking layout and associated circulation areas to the satisfaction of the planning authority.
- (d) Proposals to make available the on-site car parking for the users of the proposed gym and café/restaurant out of office hours.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

- 5. 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 and customer 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. A Mobility Manager shall be appointed to oversee and co-ordinate the strategy.

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

- 6. 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 noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

7. (a) Full details of advertising signage indicated on the planning application drawings shall be submitted to, and agreed with the planning authority, in writing prior to the commencement of development.
- (b) No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

8. 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 protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. The proposed sculptural lighting at the northern end of the restaurant terrace (as indicated on the drawing titled 'Restaurant Terrace and Cottage Garden Detail', drawing number 15-422-PD-02, by Stephen Diamond Associates submitted to the planning authority on the 12<sup>th</sup> day of November, 2015) shall be omitted. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority, an amended lighting scheme for this terrace that shall obviate potential light spill impacts on the adjacent residential areas.

**Reason:** In the interests of residential amenity.

10. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

11. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. The recommendations contained within the report titled 'Donnybrook house – Flood Risk Assessment' (as prepared by AECOM and received by the planning authority on the 12<sup>th</sup> day of November, 2015) shall be implemented to the satisfaction of the planning authority. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority detailed design proposals indicating compliance with this condition.

**Reason:** To ensure adequate servicing of the development, to prevent pollution and to reduce flood risk.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

13. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:
- (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

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. 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.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**