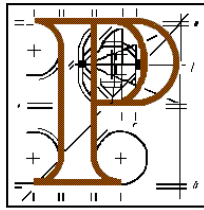


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 4186/15

An Bord Pleanála Reference Number: PL 29S.246245

APPEAL by Hibernia REIT Holding Company Limited and Trinity General Two Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in relation to the application by Dublin City Council of the terms of the Supplementary Development Contribution Scheme made for the area in respect of condition number 3 of its decision made on the 4th day of February, 2016.

PROPOSED DEVELOPMENT: Minor amendments to planning register reference number 4071/09 (as previously amended under planning register reference number 2270/15) for a mixed use development as follows:

- Amendments to entrance canopy and glazed façade to foyer at Windmill Lane and Creighton Street.
- Provision of one number non-illuminated sign on the entrance canopy to Windmill Lane.
- Provision of service access doors to foyer at Windmill Lane.
- Provision of service access/fire escape doors to foyer at Creighton Street.
- Amendment to façade materials to the office element of the permitted development, including omission of louvred panels and revisions to solid to void ratio.

- Retain original door to number 19 Creighton Street (previously permitted to be removed under planning register reference number 4071/09).
- Provision of a fire escape door and internal fire escape corridor to the south of number 19 Creighton Street.
- Amendments to retail elevations to Creighton Street and Hanover Street East incorporating glazed brickwork, timber framed shopfront glazing with timber infill panels and re-positioned doors.
- Modifications to apartments adjacent to number 19 Creighton Street at 2nd to 4th floor level comprising of reduction in area to align with 1st floor below.
- Minor reconfiguration of residential staircores and internal apartment layouts.
- Amendments to the type, location, and number of windows to the residential element to Creighton Street, Hanover Street East and internal courtyard elevations.
- Minor amendments to central core layout in office element.
- Provision of brick to courtyard elevations of apartments in lieu of zinc cladding from 1st to 3rd floor.
- Repositioning of doors to 4th floor level terrace of office element.
- Provision of louvred aluminium screen to rooftop plant enclosure in lieu of stainless steel mesh.
- Extension of glazing at 4th and 5th floors to north-east and south-east corners of office element.
- Addition of rooflight to number 19 Creighton Street.
- Amendment to configuration of rooflight to foyer adjacent to number 19 Creighton Street.

The proposed amendments result in a minor decrease in the gross office floorspace of the development of 71 square metres from 14,127 square metres of office space to 14,056 square metres of office space. All at a 0.4223 hectare site at 1-4 Windmill Lane, 1-3 Hanover Street East and numbers 19-20 Creighton Street, Dublin.

DECISION

The Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 3 and directs the said Council to REMOVE condition number 3 and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to:

- the parent planning permission (planning register reference number 4071/09 and An Bord Pleanála appeal reference number PL 29S.237295) under which works have commenced on site which included a condition that required the payment of a section 49 contribution towards Metro North,
- the nature and extent of the development proposed in the subject application which comprises minor amendments to the development permitted under An Bord Pleanála appeal reference number PL 29S.237295 including changes to elevational treatments, glazing fenestration, doorways and stair cores and does not entail the provision of any additional floorspace,
- the provisions of the Dublin City Council Supplementary Development Contribution Scheme, Luas Red Line Docklands Extension (Luas C1) which was adopted subsequent to the permission granted under An Bord Pleanála appeal reference number PL 29S.237295 and which requires the payment of supplementary development contributions for commercial development on a per square metre basis (Reference Section 10, 'Rate of Levy'), and
- the report of the Inspector and all documentation on file,

it is considered that the site of the proposed development is located within an area where the Supplementary Development Contribution Scheme applies but that there are no provisions within the scheme that empower the planning authority to levy a supplementary development contribution on a proposal for minor amendments to a previously permitted scheme, where no additional floorspace is proposed. Accordingly, condition number 3 should be removed.

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.

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

Dated this day of 2016.