

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2221/16**

An Bord Pleanála Reference Number: PL 29S.246717

**APPEAL** by John and Philomena Rogers of 7 Serpentine Avenue, Ballsbridge, Dublin and by others against the decision made on the 16<sup>th</sup> day of May, 2016 by Dublin City Council to grant subject to conditions permission to RGRE Ballsbridge, Developments Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of the demolition of the existing four number office blocks with a total gross floor area of 9,789 square metres on the site and the construction of two number six storey office buildings (with set-backs at fourth and fifth floors) over three levels of basement, with office accommodation at upper basement level, parking and ancillary facilities at lower basement level and a sub-basement area to accommodate a gym, ancillary to the proposed office use and plant room areas. The total gross floor area of the offices, including basement levels is 52,247 square metres. The gross floor area of the proposed office accommodation is 40,321 square metres. Development includes two number single storey café/restaurant/retail units of 36 square metres and 104 square metres located at upper basement level in the proposed central plaza. Both blocks include terraces at fourth and fifth floor level. Vehicular and cycle access to the basement car park is proposed from the existing vehicular access off Merrion Road on the southern boundary of the site. The

development includes the provision of 164 number car parking spaces, 405 number bicycle parking spaces (in the lower basement) and 58 additional visitor spaces (at surface level), seven number motorcycle spaces, showers, changing and locker space at lower basement level. Pedestrian access via the existing central plaza is retained. Works to the plaza include its lowering to upper basement level, new access steps, planting, water feature and hard and soft landscaping. The development includes plant areas and internal switchrooms, all associated site development works, hard and soft landscaping and all other ancillary works. The development includes the construction of a two-storey substation/switchroom building located to the west of the site with an area of 57.5 square metres. Existing site boundary railings to be retained and refurbished, all at a site of 1.513 hectares located on the former AIB Bank Centre lands at the junction of Merrion Road and Serpentine Avenue, Ballsbridge, Dublin.

## **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 provisions of the Dublin City Development Plan 2011 to 2017 and to the nature and scale of the proposed development, 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 give rise to traffic hazard and 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 omit the two upper floors of the proposed development, the Board considered that the omission of the sixth floor represented an acceptable reduction in the quantum of development and reduction in overall height adequately protected the residential amenities of adjoining properties.

## 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 particulars submitted on the 20<sup>th</sup> day of April, 2016, 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 development shall be amended by the omission of the recessed upper level in its entirety at floor six in blocks 1 and 2. Revised roof plans containing details of any proposed roof plant equipment and/or roof gardens in these areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the amenities of neighbouring residential, commercial and heritage properties located within this transitional area.

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

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

4. The proposed gymnasium shall be limited solely for use of the future occupants of the development and of the adjoining sections of the former AIB Bank Centre campus only and shall not be used as a public gymnasium.

**Reason:** In the interest of clarity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the roof plant and other structures (for example, antennae) as indicated on the submitted drawings, shall be the subject of a separate application for permission to the planning authority.

**Reason:** To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panels, including any increase in the number of signs to be displayed, shall be the subject of a separate application for permission to the planning authority.

**Reason:** To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

7.
  - (a) All existing trees to be retained on the site shall be protected by fences during the demolition and construction works.
  - (b) The landscaping scheme shall be fully implemented and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of amenity and sustainable development.

8. A detailed proposal for the protection of the statue shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of cultural heritage.

9. 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 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.

10. The developer shall comply with the following roads and traffic requirements:

- (i) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.
- (ii) The developer shall implement the measures outlined in the Mobility Management Plan. A Mobility Manager shall be appointed to oversee, co-ordinate and implement the plan. Prior to occupation of the development, the Mobility Manager shall liaise with the planning authority in relation to the implementation of the Mobility Management Plan.
- (iii) The internal road network serving the proposed development (including turning bays, junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

11. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

12. The flood mitigation measures outlined in the report entitled "Flood Risk Assessment" by Cronin and Sutton Consulting, as revised, shall be fully implemented.

**Reason:** In the interest of orderly development.

13. 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.

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

**Dated this            day of            2016.**