

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2686/16**

An Bord Pleanála Reference Number: PL 29S.246877

**APPEAL** by Creighton Street Residents Association care of 5 Creighton Street, Dublin against the decision made on the 9<sup>th</sup> day of June, 2016 by Dublin City to grant subject to conditions a permission to Hibernia REIT Holding Company Limited and Trinity General Two Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Minor amendments to planning register reference number 4071/09 (as previously amended under planning register reference numbers 2270/15, 3055/15 and 4323/15) for a mixed use development at a 0.4223 hectare site at 1-4 Windmill Lane, 1-3 Hanover Street East and numbers 19-20 Creighton Street, Dublin. The proposed amendment comprises the following:- (i) the amalgamation of two number permitted retail units at ground floor level (of 199 square metres and 376 square metres) to provide one number retail unit, and minor increase in size of the unit by extending the façade to the west towards Creighton Street. The amalgamated unit will be 632 square metres gross, (ii) provision of a retail storage area of 163 square metres gross at basement level, resulting in the omission of seven number car parking spaces and associated amendments to the layout of the basement at this location, including provision of lift and stair from ground floor level to serve the storage area. This will reduce the residential car parking spaces from 15 number to 8 number, (iii) minor amendments to the western elevation of the amalgamated retail unit to provide an additional fire exit door to Creighton Street to allow for direct exit from basement level, (iv) the omission of one number permitted two bed residential apartment of 91 square metres gross located at fifth floor level of the permitted development. The proposed development will result in a reduction of one number residential unit, from 15 number to 14 number units,

(v) a reduction in height of the residential element of the permitted development onto Hanover Street East from a maximum permitted height of 19.48 metres above street level to parapet level to 18.08 metres above street level to parapet level resulting from the removal of the permitted fifth floor level apartment. The proposal also includes a glass balustrade at roof level set back from the building façades, (vi) a minor increase in the height of the residential element of the permitted development onto Creighton Street, from a maximum permitted height of 16.48 metres above street level to parapet level to 17.21 metres above street level to parapet level, in order to accommodate increased floor to ceiling heights for the permitted retail uses at ground floor level and the permitted residential uses at first to fourth floor levels inclusive and (vii) all associated and ancillary works, including revisions to shopfront design of the amalgamated retail unit and minor amendments to elevations and minor amendments to the permitted layout of the residential units.

## **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 Dublin City Development Plan 2011–2017, the planning history of the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposal would be in accordance with the Z5 objective for the site, would not seriously injure the visual and residential amenities of the area or of property in the vicinity and 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 terms and conditions of the extant parent and amending permissions granted for the development under planning register reference numbers 4323/15, 3055/15 (An Bord Pleanála appeal reference PL29S.245667), 2770/15 and 4071/09 (An Bord Pleanála appeal reference PL29S.237295) shall be complied with, unless they are modified by the terms and conditions of this permission.

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

3. Prior to the installation of the shop front, details of this shop front shall be submitted to, and agreed in writing with, the planning authority.

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

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

5. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

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

6. Prior to the commencement of the retail use, details of the bin storage arrangements for this use shall be submitted to, and agreed in writing with, the planning authority.

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

7. The car parking facilities, hereby permitted, shall be reserved solely to serve the proposed development and shall provide for the following:

(a) A total of 14 number car parking spaces shall be reserved to serve the proposed residential units. At least one clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose.

(b) A total of 3 number car parking spaces shall be reserved for persons with impaired mobility. The layout and design of such designated spaces shall be in accordance with the guidance set out in the document "Building for Everyone – a Universal Design Approach" published by the National Disability Authority.

**Reason:** To ensure that adequate parking spaces are permanently available to serve the proposed residential units and other commercial uses within the development and also to prevent inappropriate commuter parking.

8. The retail use shall operate between the hours of 07.00 and 22.00 on Mondays to Fridays (inclusive) and between the hours of 09.00 and 21.00 on Saturdays and Sundays. Deliveries shall not be made before 07.00 on weekdays and 09.00 at the weekend or after 16.00 daily.

**Reason:** In order to safeguard the residential amenities of the area.

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

**Dated this            day of            2016.**