

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2428/16

An Bord Pleanála Reference Number: PL 29S.246934

APPEAL by Philip Smith care of Anthony Smith and Company Solicitors of Suite 1.3, The Distillers Building, Smithfield, Dublin and by others against the decision made on the 28th day of June, 2016 by Dublin City Council to grant subject to conditions a permission to Purple Properties Limited care of Newenham Mulligan and Associates of 11/12 Baggot Court, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The partial demolition, alterations to and extension of the existing three-storey office block at 8-9 Grant's Row to provide a five-storey office block. The proposal includes the following: The construction of two new setback floors above the existing roof to create a five-storey office building. Extension of the existing office floorspace at ground, first and second floor within the existing rear yard. Partial extension of the existing office building at ground, first and second floor level to Grant's Row. The proposal will increase the overall parapet height of the existing building from 16.66 metres to 23.62 metres above the existing ground level and incorporates balcony areas at first, second, third and fourth floor level. The total gross floor area to be provided is 1,293 square metres. The existing gross floor area is 702 square metres. The development includes three number car parking spaces and all associated site development works and landscaping. All at 8 - 9 Grant's Row, 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 location of the site and to the pattern of development in the vicinity, and having regard to the provisions of the current Development Plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not conflict with the visual amenities or character of the area, and would 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, as amended by the further plans and particulars submitted to the planning authority on the 17th day of June, 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 proposed development shall be amended as follows:-
- (a) The proposed external balcony to the rear of the development at first floor level shall be omitted, and the proposed double door access to this roof area thus created shall be omitted and replaced by a single door, which shall give access to this roof area for maintenance purposes only. No access to the roof area thus created shall be made by office employees.
 - (b) The glazing along the rear elevation at first floor level shall be opaque up to 1.8 metres in height above finished floor level for the full width of the proposed building elevation.
 - (c) The balustrade around the proposed external balcony to the rear of the development at second floor level shall be 1.8 metres in height along both the north-eastern (side) and south-eastern (rear) edges, and shall be finished entirely in opaque glass.
 - (d) The balustrades around the proposed external balconies to the rear of the development at fourth floor level shall be 1.8 metres in height throughout, and shall be finished entirely in opaque glass.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the residential amenities of adjoining property.

3. Details of the proposed materials, textures and colours of all of the proposed external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction.

Reason: In the interests of clarity and the visual amenities of the area.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

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 and construction traffic management measures.

Reason: In the interest of clarity, public safety and the amenities of the area.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. No development other than that which is shown in the application 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, without a prior grant of planning permission.

Reason: In the interest of visual amenity, and to allow the planning authority to consider the impact of any such structures through the statutory planning process.

10. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include details of the proposed boundary treatment including materials and finishes, the proposed locations for trees, hard and soft landscaping including street furniture, and seating.

Reason: In the interest of the visual and residential amenities of the area.

11. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, shall be displayed or erected on the building 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, and to allow the planning authority to assess any signage or other advertisement structures through the statutory planning process.

12. 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 the 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.