



An
Bord
Pleanála

Board Order PL 29S.248166

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4336/16

Appeal by October Management Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 16th day of February, 2017 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Modifications to development previously permitted under planning register reference number 2868/16. The proposed development will consist of: (a) the demolition of the existing five-storey commercial building (total gross floor area of building to be demolished is circa 3,290 square metres), (b) the addition of one storey to the permitted development, resulting in the construction of one number commercial building 5-7 storeys over basement level with pedestrian access from Shelbourne Road consisting of office space (circa 10,987 square metres) at ground to sixth floor and one number unit to be either retail or café (circa 230 square metres) at ground floor level. There are terraces at 5th floor (circa 159.3 square metres) and 6th floor (circa 353.9 square metres) and screened external plant is located at 6th floor level. Permission is also sought for all associated site development and landscaping works including improvements to adjacent public realm at Shelbourne Lane and Shelbourne Road and the provision, at basement level, of 26 number car parking spaces, 96 number bicycle spaces, bin store and plant, with vehicular ramp

access from Shelbourne Lane. All located on an overall site of circa 0.26 hectares at IPC House, numbers 35-39 Shelbourne Road and Shelbourne Lane, 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 Z6 zoning objective for the site (employment/enterprise), to the established use of the site for office use, to the pattern of existing and permitted development in the area, which includes buildings adjacent to the subject site ranging in height from 34 to 40 metres, 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 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 proposed 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 with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A panel of proposed finishes, which shall be of high quality and durability shall be placed on site to enable the planning authority to adjudicate on the proposal.

Reason: In the interests of visual amenity.

3. 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.

4. 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 hours of working and noise management measures.

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

5. 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 provisions of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management and to protect the residential amenities of property in the vicinity.

6. Prior to the commencement of 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 parking. 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.

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

7. 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 visual amenities of the area.

8.
 - (a) Details of signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
 - (b) A window display shall be maintained at all times and the glaze to the shopfront shall be kept free of all stickers, posters and advertisements.
 - (c) No advertisement or advertisement structure other than those agreed under condition number 8(a) 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.

9. Prior to commencement of development, the detailed design of all works proposed on the public road and public realm shall be subject to the written agreement and approval of the planning authority. The detailed design shall address the issues outlined in the Stage 1 Road Safety Audit for the scheme. Any works to the existing public road and the public realm including road and footpath modifications shall be carried out at the developer's expense and at no cost to the planning authority and to the detailed requirements of the planning authority. All materials used in the public road and public realm shall be in accordance with the requirements of the planning authority and shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

10. 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 2017