



An
Bord
Pleanála

Board Order

PL 29N.248550

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2406/17

Appeal by John Schutte care of O'Connor Whelan Limited of 222-224 Harold's Cross Road, Dublin against the decision made on the 28th day of April, 2017 by Dublin City Council to grant subject to conditions a permission to Irish Life Assurance plc care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with the plans and particulars lodged with the said Council.

Proposed development: Development comprising (1) a new entrance from Talbot Street to access the underground car park, including change of use of part of retail premises (and associated works detailed below) and (2) changes to the existing Talbot Street office entrance lobby to Block 5 (and associated works detailed below). (1) The proposed new entrance to the public car park from Talbot Street includes the creation of an entrance lobby, (which will incorporate an existing vacant retail unit of 39.5 square metres); a change of use from retail to ancillary use (car park entrance lobby); modifications to external Talbot Street elevation (including removal of the external aluminium door frame and replacement of same with a new bronze anodised aluminium door frame with full height glazing); installation of new internal stairs, lift shaft and lift carriage; creation of new pedestrian access/egress to public car park at basement level (existing internal escape stairs remain unchanged). (2) The proposed changes to the existing office entrance lobby to Block 5 from Talbot Street includes the extension of the lobby floor area by 1.85 square metres; creation of a new door opening to the external façade facing Talbot Street (the entrance will

have a bronze anodised aluminium door frame with full height glazing); relocation of existing dry riser; removal of the existing entrance linking the lobby to the mall circulation space to the east; removal of redundant ATM room and new floor and ceiling finishes and all ancillary development and site works above and below ground, all at Talbot Mall (also known as the Irish Life Mall), Talbot Street, 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 “Z5 – City Centre” zoning objective applicable to the site, to the existing pattern of development in the area and to the limited scale of the proposed development, the Board considers that, subject to compliance with the conditions set out below, the new entrance and the amended access from Talbot Street would be in accordance with the provisions of the Dublin City Development Plan 2016-2022, would not seriously injure the amenities of the area or the retail function of the street, and would improve pedestrian access arrangements to the car park and the building. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In going against the Inspector's recommendation to refuse permission for the new public carpark entrance on Talbot Street, which required a change of use from a retail unit located on a Category 2 Shopping Street as designated in the Dublin City Development Plan 2016-2022 to ancillary car park use, the Board considered that the small scale of the retail premises to be lost was offset by the planning gain associated with the improved pedestrian permeability and linkages the new entrance afforded to the basement carpark as part of the redeveloped Irish Life Centre.

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. Prior to commencement of development, the developer shall submit details of management and security arrangements for the entrance to the car park, together with details of how it is proposed to control litter in this area, and shall obtain the written agreement of the planning authority in this regard.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

3. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will 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.

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. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining street is kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on adjoining public roads or footpaths, the said cleaning works shall be carried out at the developer's expense.

Reason: In the interests of orderly development.

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

Dated this day of 2017