



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3893/16

Appeal by Sheila Deane of 40 Laverty Court, Dublin against the decision made on the 15th day of May, 2017 by Dublin City Council to grant subject to conditions a permission to Office of Public Works of Jonathan Swift Street, Trim, County Meath in accordance with plans and particulars lodged with the said Council.

Proposed Development: Refurbishment and restoration of the existing Spruce House and the construction of a new seven storey over basement office building to the rear with a link to Spruce House at ground and first floor levels. Works also include reinstatement of Leeson Place, a historic laneway. The total floor area of the development is approximately 7,555 square metres. The proposal also includes: (1) demolition of an existing bicycle shed and generator room, circa 50 square metres in area, to the south-west gable end of the former Nurses' building; (2) construction of a new seven storey over basement office building circa 7,075 square metres in area, linked to the rear of Spruce House, at upper ground and first floor levels.

Accommodation will include office space, meeting rooms, sanitary facilities, circulation cores and ancillary spaces. Plant will be housed in the basement; (3) construction of new ESB substation, customer switchroom and store 35 square metres in area, in place of demolished bicycle shed and generator room; (4) refurbishment and restoration of Spruce House, former dispensary, circa 445 square metres in area. Existing doors, windows and roof lights are to be restored and upgraded and new works will include all other minor internal works. A new door and

gently sloping access is proposed for Spruce House via Leeson Place to facilitate wheelchair access; (5) external works will comprise hard landscaping, lighting, new steps and ramps to facilitate universal access along reinstated Leeson Place, 65 number bicycle stands and all associated ancillary site works on an external area of circa 0.0723 hectares; (6) there will be a new gated service access from Quinn's Lane to the south-east of the site. Primary access to the proposed new building will be via Spruce House. A secondary pedestrian access point to new building is proposed via reinstated Leeson Place, all on site of circa 0.176 hectares at the corner of Leeson Lane and Quinn's Lane, Dublin. The site is bounded by Leeson Lane to the north-west, Quinn's Lane to the north-east, the Catholic University to the south-east and the Nurse's building to the south-west.

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 Z8 zoning objective for the area, the planning history of the site, the policies and objective of the Dublin City Council Development Plan 2016-2022, the pattern of development in the vicinity and the proposed reuse of an underutilised inner site well served by public transport and design, height and scale of the office building it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity or have a negative impact on the character and setting of a Conservation Area or endanger public safety by reason of traffic hazard. 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 particulars and plans submitted on the 18th day of April, 2017, 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. Samples of all proposed materials for the building and the footpaths/public areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 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. The layout, demarcation and design of the cycle spaces and provision of associated changing facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

5. Prior to the opening of the 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. The mobility strategy shall be prepared and implemented by the management company for all units within the development. 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.

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 off-site disposal of construction/demolition waste.

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

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

8. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

9. Water supply and drainage arrangements, including the 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.

10. 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.

11. 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.

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

Dated this day of 2017