



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3319/17

Appeal by Eircom Limited trading as Eir care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 26th day of February, 2018 by Dublin City Council to grant subject to conditions a permission to Tullington Limited, General Partner on behalf of the Victoria Limited Partnership care of Thornton O'Connor Town Planning, Paradigm House, Dundrum Office Park, Main Street, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of: the provision of a contemporary office extension (265 square metres) to the existing rear return increasing the height from part single, part two storeys to four storeys with a sedum roof and plant over; modifications to the existing rear return including the internal reconfiguration of floor space and the insertion of a lift; the development of a screened terrace (15 square metres) (facing north and west) to the rear (northern) side of Exchequer Chambers on an existing flat roof at the first floor level (screened by a pre-existing 2.9 metres wall) and elevational changes including modifications to window and door opens. The works will also include minor modifications to the existing Exchequer Chambers building

including removal of select windows at the rear external wall and widening of the window apertures to provide connectivity between the new extension and the existing development; the provision of new windows at the ground floor level of the eastern elevation of the restaurant unit at Number 27 Exchequer Chambers providing frontage onto Andrews Lane; upgrades to the first and third floor level toilet facilities to provide disabled toilets and shower facilities; plant; signage; hard and soft landscaping and all other ancillary works above and below ground, all on a 0.0439 hectare site at Exchequer Chambers, 19 to 27 Exchequer 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 zoning objective and the policies and objectives of the Dublin City Development Plan 2016 to 2022, to the nature, design and limited scale of the proposed extension, and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenity of property in the vicinity, would not prejudice the orderly development of neighbouring sites, and would not have a negative impact on the character and setting of the Architectural Conservation Area. 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 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The cladding material for the extension shall be “Rheinzink Graphite Grey pre-weathered”. Any change to the type and/or colour of the external finish 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the proposed extension or on any part of the overall site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and orderly development, as no details have been provided with the application in relation to signage, and to permit the planning authority to assess any such development through the statutory planning process.

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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, or any statutory provision amending or replacing them, no additional development, other than those specifically shown on drawings submitted with 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, unless authorised by a separate grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the statutory planning process.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. 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 and walking 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 office 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.

8. 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 (by record or in situ) of any remains that may exist within the site.

9. The developer shall pay to the planning authority a financial contribution of in respect of LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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 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

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

Dated this day of 2018.