



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2389/18

Appeal by October Management Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 18th day of April, 2018 by Dublin City Council to refuse permission to the said October Management Limited for the proposed development.

Proposed Development: Development consisting of modifications to development previously granted under planning register reference number 4336/16 (An Bord Pleanála appeal number PL 29S.248166) for: (a) the addition of one storey to previously permitted development (circa 1,425 square metres) at fifth floor level resulting in the construction of one number commercial building six to eight storeys over basement level (circa 12,412 square metres) consisting of office space at ground to seventh floor (circa 10,794 square metres) and one number unit to be either retail or cafe (circa 230 square metres) at ground floor level; (b) minor realignment to the glazing line on south-west elevation at ground floor level; (c) the addition of five number structural columns to the Shelbourne Road elevation; (d) addition of raised platform outside permitted ESB substation at ground floor level and alterations to the fire escape on Shelbourne Lane; (e) modifications to permitted basement layout including addition of CHP room and realignment of

retaining wall; (f) the inclusion of two number signage zones in shopfront of permitted retail/cafe unit at ground floor level on Shelbourne Road; and (g) the inclusion of one additional lift. There are terraces at sixth floor (circa 140 square metres) and seventh floor (circa 298 square metres) and screened external plant is located at seventh floor level (circa 365 square metres). Permission is also sought for all associated site development and landscaping works including improvements to adjacent public realm at Shelbourne Lane and Shelbourne Road; the provision, at basement level, of 24 number car parking spaces, 108 number bicycle spaces, bin store and plant, with vehicular ramp access from Shelbourne Lane, all 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, the established use of the site for office use, the pattern of existing and permitted development in the area, the site's centrality, accessibility and proximity to good public transport infrastructure, and the desirability of maximising the use of such land, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not adversely impact on the visual amenity or character of the area and would be acceptable in terms of traffic safety and convenience. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The conditions attached to the parent permission governing the overall development of the site granted under planning register reference number 2868/16 shall continue to apply to this development.

Reason: In the interest of clarity.

3. Prior to the commencement of development, revised proposals shall be submitted for the written agreement of the planning authority showing the provision of at least 124 cycle parking spaces in compliance with the development plan standards.

Reason: In the interest of providing development of an adequate standard.

4. Prior to the commencement of development, detailed proposals for the proposed site entrance arrangements and for the treatment of the public realm, shall be submitted to, and agreed in writing with, the planning authority. All materials used in public areas should be in accordance with the Dublin City Council document 'Construction Standards for Roads and Street Works'.

Reason: In the interests of public safety and of providing development of an adequate standard.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment.

Reason: In the interest of visual amenity.

6. 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.

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

Dated this day of 2018.