



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3395/17

Appeal by Brian Donovan and Fiona Fitzsimons care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin and by others against the decision made on the 9th day of July, 2018 by Dublin City Council to grant subject to conditions a permission to Panacea Ventures Limited care of Tyler Owens Architects of The Mash House, Distillery Lofts Design Studios, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Change of use of the building from public house (as previously approved under planning register reference number 1829/04) to media associated uses/enterprise centre (a change of use which was previously approved under planning register reference number 2405/08) together with internal and external alterations to the building. External alterations will comprise (a) at ground floor level: block up existing door on northern elevation, and reconfiguration of main entrance door and creation of feature entrance lobby on south-western corner; (b) at first floor level: block up two number windows on the western elevation; and reconstruct non-original glazed extension to the north elevation; and (c) at ground, first and second

floor levels of the existing building: replacement of non-original windows; removal of non-original rendered corner quoining; and replacement of non-original plaster finish to external walls. Internal alterations will comprise (i) removal of the non-original infill extension at second floor level including north facing terrace, and construction of new replacement contemporary second floor level infill extension together with new contemporary third and fourth floor levels above, with flat roof (resulting in a total of five floors, of which four are above the street level of South Circular Road); including an east facing terrace at third floor level, in addition to north and south facing terraces at fourth floor level; (ii) removal of non-original internal partitioning at ground floor level; (iii) works to expose the remnants of the original mill wheel at ground floor level and provision of glazed security screen; (iv) removal of non-original staircase at ground, first and second floor levels; and construction of new staircase and lift shaft from ground to fourth floor level; (v) new internal partitioning to provide modern office space, with associated staff facilities; all at 'Block N', 765 South Circular Road, Dublin (Protected Structure).

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 pattern of development in the vicinity, the nature, form and design of the proposed development, the Z1 residential zoning on the site and compliance with the provisions of the Dublin City Development Plan 2016-2022, in particular Policy CHC2 and CHC4 in relation to Protected Structure and Conservation Areas, it is considered the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of the area or have a negative impact of the character or setting of a Protected Structure or a Conservation 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 as amended by the further plans and particulars submitted to the planning authority on the 5th day of March, 2018 and the 14th day of August, 2018 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 proposed development shall be amended as follows:
 - (a) the proposed screened perimeter around the fifth floor and lift shaft to access the fifth floor shall be set back by 0.5 metres, and
 - (b) the window/windows on the western elevation, including the fifth floor, shall be fitted with glazed with obscure glass.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site, and adjoining lands under the control of the applicant, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

4. Prior to commencement of development, the developer shall provide for the following:-
 - (a) the appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works,
 - (b) the submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to, and agreed in writing with, the planning authority. These details shall include demonstration of the methods proposed to part dismantle and re-instate the existing façade and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures

6. 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.

7. 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.

8. 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 residential amenities of property in the vicinity and the visual amenities of the area.

9. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority before any space is made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity

10. 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

11. 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

12. 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.

The Mobility Management Plan shall include the provision of 6 number bicycle parking spaces. 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.

13. 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.

Paul Hyde

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

Dated this day of 2019.