



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0657.

Appeal by The Layden Group Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 30th day of August, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing structures and the construction of a three-five- storey office building over basement on a 0.278-hectare site. The proposed development will comprise the following elements:

1. The demolition of circa 240 square metres of existing structures consisting of an electricity substation and communications rooms.

2. The construction of an office building ranging in height from three number storeys to five number storeys (maximum height 20.1 metres) over basement with a total gross floor area of circa 3,182 square metres and an office net floor area of circa 2,616 square metres private open space in the form of a roof terrace at 3rd floor level of circa 130 square metres, circa 420 square metres of green roof and circa 85 square metres of solar panels.
3. The proposed development incorporates a basement of circa 1,004 square metres gross floor area and will accommodate 28 number car parking spaces, 16 number long-stay bicycle parking spaces, a mechanical room of circa 63 square metres, water tank room of circa 26 sqm, electrical room of circa 27 square metres and a combined welfare facilities area of circa 61 square metres.
4. The construction of an Electricity Supply Board substation of circa 43 square metres.
5. 26 number surface level car parking spaces, 16 number short-stay surface level bicycle parking spaces, circa 400 square metres of public open space in the form of a landscaped courtyard and all associated site works.

All at Beech Hill Office Campus, Beech Hill Road, 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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, including the zoning of the subject site to provide for economic development and employment, and having regard to the location of the site in the established Beech Hill Office Campus and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian and traffic safety. 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 and by the further plans and particulars submitted to An Bord Pleanála on the 26th day of September, 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 ground and first floors shall be set back to the same building line, along the north/north-eastern side, as that of the second to fourth floors, so that the entire building is not less than 3.231 metres away from the site boundary.
 - (b) The north/north-eastern elevation at ground and first floors, as altered by condition (a) above, shall be provided with fenestration to match that on the upper floors above these two floors.
 - (c) The area thus vacated, as a result of the alteration provided for in condition (a) above, may be planted and landscaped, in accordance with a revised landscaping plan.

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 maintaining a reasonable distance between the proposed building and the adjoining site boundary, to protect the development potential of that adjoining property and to allow for the provision of a landscaped strip between the proposed building and that site boundary.

3. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Any proposed render finish shall be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area.

4. The site shall be landscaped in accordance with the landscaping drawings submitted with the application, other than as amended by other conditions of this permission. The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority in writing his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

Reason: In the interest of visual amenity.

5. (a) 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, and shall include the attenuation provisions as set out in the further particulars submitted to An Bord Pleanála on the 26th day of September, 2018.

(b) Prior to commencement of development, the developer shall submit to, and agree in writing with, details of the proposed green roof and arrangements for its maintenance.

Reason: In the interest of public health and to ensure adequate surface water management in the development.

6. Access, parking and traffic management arrangements shall comply with the detailed standards for Planning Authorities for such works and services. The proposed Travel Plan, as submitted to An Bord Pleanála on the 26th day of September, 2018, shall be implemented, and arrangements for review of this Plan on a bi-annual basis shall be agreed in writing with the planning authority before development commences.

Reason: In the interest of amenity and traffic safety, and to encourage sustainable transportation.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

8. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

9. 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.

10. No additional development, other than that 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 further grant of planning permission.

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

11. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, 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.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

12. 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 the 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 2019.