



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4070/18

Appeal by Anna Devlin of 25 Fitzwilliam Street Upper, Dublin against the decision made on the 26th day of November, 2018 by Dublin City Council South to grant subject to conditions a permission to Broadfield Development Limited care of Manahan Planners of 38 Dawson Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Variation to previously approved application (planning register reference number 2952/17) for a development of a new building containing a ground floor restaurant with 25 residential apartments overhead. Permission is now sought for a change of use of the ground floor, 434 square metres in extent, approved for restaurant use, to that of an Enterprise Centre. Permission is also sought to extend the ground floor by 452 square metres to the rear to be used as part of the Enterprise Centre. The total floor area of the Enterprise Centre will be 886 square metres and will have ancillary landscaping. The centre will provide 15 bicycle spaces and showering facilities at basement level. The amenity open space to serve the approved apartments will be amended as a consequence; all on site at Pembroke Row, known as 5/5A, Lad Lane, 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 condition(s) 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 Dublin City Development Plan 2016 - 2022, and to the nature, and scale 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. 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 development shall comply with all conditions attached to the permission granted under planning register reference number 2952/17, except as amended in order to comply with the conditions attached to this permission.

Reason: To ensure a satisfactory standard of development.

3. No element of the proposed design shall oversail the red line site boundary.

Reason: In the interest of orderly development.

4. The development shall be revised as follows:
- (a) A play space or series of play spaces with a combined total area of 85-100 square metres, which is suitable for toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, shall be introduced to the proposed communal open space. Above-ground works shall not commence until revised plans, drawings and particulars showing compliance with the above amendments have been submitted to, and agreed in writing with, the planning authority, and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interest of residential amenity.

5. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City (St. Stephen's Green to Broombridge Line), 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. 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 Supplementary Development Contribution

Scheme made under section 49 of the Act be applied to the permission.

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.

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

Dated this day of 2019.