



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4223/18

Appeal by Luxor Investments Limited care of MKO of Tuam Road, Galway in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 and in relation to the inclusion of special contribution condition number 3 of its decision made on the 12th day of March, 2019.

Proposed Development: The development will consist of: (1) amendments to the previously granted permission Dublin City Council register reference 4280/16; An Bord Pleanála register reference PL29S.248136, including a change of use from residential to office use; and alterations to the commercial development including office and convention centre uses, with a total gross floor area of 21,654 square metres, (2) a new pedestrian street running west to east between Chancery Lane and Ship Street Great and the creation of a heritage open space at Le Pole Square which will be open to the public during designated hours, (3) a convention centre over two storeys with associated back up servicing, break-out spaces, and pre-conference facilities of 4,092 square metres. The main conference hall which extends to 762 square metres is supported by a pre-conference lobby which extends to 936 square metres including circulation, reception, bar area, cloaks, toilet facilities, kitchens and

storage spaces. The upper floor of the convention centre comprises of meeting rooms and break-out spaces of 770 square metres area and includes circulation, toilet facilities and reception areas, (4) an exhibition gallery which extends to 146 square metres accessed from Le Pole Square, (5) a café/ retail unit extending to 150 square metres at ground floor level with dual access from the proposed Le Pole Square and the proposed pedestrian link off Chancery Lane, (6) a café of 39 square metres located on Ship Street Great, (7) an office development of 12,849 square metres over seven floors accessed from Ship Street Great, (8) a double basement of 4,711 square metres is proposed to accommodate the provision of boiler/ancillary plant facilities; kitchen preparation area/office and storage, staff changing room; 50 number parking bays, 170 number cycle racks; cyclist shower room, and refuse storage. Vehicular access is proposed via a ramped entrance from Ship Street Great. Cyclist access is proposed via a dedicated lift from Ship Street Great, 18 number cycle racks will be provided in the proposed Le Pole Square on upper ground floor, (9) the provision of an ESB substation accessed from Chancery Lane and all other associated ancillary works and (10) all associated site development, servicing and landscaping works, all on site at Chancery Lane and Ship Street Great, Dublin. The site is bounded by the Chief State Solicitors Office building to the north, Ship Street Great to the east, to the south by the existing Radisson Hotel and commercial buildings; and to the west by Chancery Lane. The application site forms part of a larger landholding which includes land immediately adjacent to the proposed site which is currently under construction under Dublin City Council register reference 2962/16; An Bord Pleanála reference PL29S.247816, as amended by Dublin City Council register reference 3235/18.

Decision

The Board considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 and directs the said Council under section 48 of the Planning and Development Act, 2000, as amended, to AMEND the said condition number 2.

Furthermore, the Board considered, based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 3 and directs the said Council under section 49 of the Planning and Development Act, 2000, as amended, to AMEND the said condition number 3.

2. The developer shall pay to the planning authority a financial contribution of €1,417, 786.70 (one million, four hundred and seventeen thousand, seven hundred and eighty six euro and 70 cents) 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. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

3. The developer shall pay to the planning authority a financial contribution of €768,996.50 (seven hundred and sixty eight thousand, nine hundred and ninety six euro and 50 cents) in respect of 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. 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.

Reasons and Considerations

1. Having regard to the terms of the Dublin City Council Development Contributions Scheme 2016-2020, the contribution was incorrectly applied by the planning authority in the calculation of the amount payable based on reckonable gross floor area for commercial/retail development and the car parking and ancillary infrastructure. It is, therefore, concluded that the amount payable with respect to condition number 2, in accordance with the terms of the said scheme is €1,417,786.70.
2. Having regard to the terms of the Dublin City Council Supplementary Development Contribution Scheme (Section 49, Planning and Development Act, 2000 as amended), (Luas Cross City St. Stephen's Green to Broombridge Line), Development Contributions Scheme 2016-2020, the contribution was incorrectly applied by the planning authority in the calculation of the amount payable based on reckonable gross floor area for commercial/retail development and the car parking and ancillary infrastructure. It is, therefore, concluded that the amount payable with respect to condition number 3, in accordance with the terms of the said scheme is €768,996.50.

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.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.