



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/1127

Appeal by Friends First Life Assurance Company Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 10th day of May, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission to Friends First Life Assurance Company Limited for the proposed development.

Proposed Development: Permission in relation to previously approved application Reference PL 06D.247702 and D18A/0211. This application is for the change of use of the 629 square metres Level Four plant room to office space and the relocation of plant to the roof, inclusive of an acoustic louvre around the relocated plant, all at Enterprise House, Blackrock Shopping Centre, Georges Avenue, Rock Hill and the Frascati Road (N31), Blackrock, County 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 established office use of the site, the zoning objective for the area, the planning history of the site, and 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 residential or visual 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, as amended by the further plans and particulars submitted on the 15th day of April 2019 and by the further plans and particulars received by An Bord Pleanála on the 6th day of June 2019, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 18th day of April, 2017 under appeal reference number PL 06D.247702, planning register reference number D16A/0418, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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, antennae or equipment, other than those items that are specifically included in the documentation submitted with this application, 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 the impacts of any such development on the visual amenities of the area, through the statutory planning process.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no signage or advertising structures/advertisements shall be erected on the exterior of the proposed louvres/plant enclosure or anywhere on the roof/projecting above the fourth-floor parapet.

Reason: To protect the visual amenities of the area.

5. The noise level arising, following the provision of the proposed roof mounted plant, shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest dwelling between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development authorised by this permission.

Reason: To protect the residential amenities of property in the vicinity of the site.

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 the development authorised by this permission 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.