



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2176/19

Appeal by Smithfield Village (Management) CLG (care of Wyse Property Management) care of Jim Brogan, Planning and Development Consultant of Unit B1 Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 23rd day of May, 2019 by Dublin City Council to grant subject to conditions a permission to Linders of Smithfield Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendments to a previously permitted development under Dublin City Council Planning Register Reference Number 2024/16 (An Bord Pleanála Reference Number PL29N.246933) to include the provision of rooftop plant and omission of Condition 4 of planning permission Dublin City Council Register Reference Number 2024/16 (An Bord Pleanála Reference Number PL29N.246933). The proposed rooftop plant will be enclosed by an aluminium louvre screen. The top level of the screen sits at +36.310 metres, approximately 2.55 metres above corresponding parapet level (+33.760 metres). A Photovoltaic (PV) solar panel area will also be provided at roof level, immediately to the south of the enclosed plant area.

Other internal and associated external alterations include the infill of the permitted setback at the north-western corner (junction of New Church Street and Smithfield Square) of the permitted building at ground and first floor level, to provide an additional 31.8 square metres (ground floor area) of retail/restaurant floorspace at ground floor level (to permitted Retail Unit Number 1) and the provision of an additional 13.5 square metres (ground floor area) of office floorspace at first floor level and thereby increasing the previously approved office floorspace from 18,236 square metres (ground floor area) to 18,249.5 square metres (ground floor area) at the former 'Irish Distillers Building', Smithfield, Dublin (the site is bounded by Phoenix Street to the south; Smithfield Square to the west; New Church Street to the north and Bow Street to the east).

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 Dublin City Development Plan 2016-2022, the existing pattern of development in 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 amenities of property in the vicinity or the visual amenities of the area and would not be an overdevelopment of this urban development site. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall comply with all conditions of the previous permission on the site (An Bord Pleanála Reference Number PL29N.246933) save as where amended by this grant of permission.

Reason: To clarify the scope of the permission.

3. The external finish of the ground floor infill extension shall match the finish of the existing building in respect of materials and colour.

Reason: In the interest of visual amenity.

4. Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity. All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at one meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and evening time that is 0700 hours to 2200 hours and shall not exceed the background level for night time that is 2200 hours to 0700 hours. Generators and high duty compressors shall be provided with localised barriers or acoustic enclosures as appropriate.

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

5. The disposal and attenuation of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

7. The demolition and 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, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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.

9. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City 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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2019