



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2857/19

Appeal by Denise Anthony and Elaine Anthony care of Brendan J. Walsh of 39 Clarinda Park East, Dun Laoghaire, County Dublin and by Mark Conan of 3 Wilfield Park, Sandymount, Dublin against the decision made on the 20th day of June, 2019 by Dublin City Council to grant subject to conditions a permission to Atlas GP Limited care of Brady Shipman Martin of Canal House, Canal Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development consists of the change of use of the three units to tenant amenity rooms. Proposed works relate to internal remodelling and fit out only, all at Apartments 7, 14, and 21 of The Brokerage, Townsend Street, 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 Z5 zoning objective for the inner city, as set out in the Dublin City Development Plan 2016-2022, which seeks to strengthen and consolidate the robust city-centre mixed-use zoning (Z5), with active promotion of the inner city as an attractive place for urban living, working and visiting, it is considered that, subject to compliance with the conditions set below, the proposed development would enhance the residential amenities of the area and would constitute an appropriate mix of uses with the existing development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the decision of the planning authority and is satisfied that the proposed development would not be contrary to the settlement strategy of the Dublin City Development Plan 2016-2022 or the National Planning Framework having regard to the provision of enhanced amenities for the existing residential development which is consistent with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018 and the achievement of the Development Plan objective of the "active promotion of the inner city as an attractive place for urban living, working and visiting"

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. Site development and building works shall be carried out only between the hours of 0800 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.

3. (1) During the construction and demolition phases, the proposed development shall comply with British Standard 5228: Noise control on construction and open sites Part 1: Code of practice for basic information and procedures for noise control.

- (2) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, or of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in British Standard 4142: method for rating industrial noise affecting mixed residential and industrial areas.
- (3) Before the conversion of the tenant amenity rooms is enabled, detailed plans and particulars indicating sound proofing, including the acoustic flooring and sound management, to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority. An acoustic analysis shall be included with this submission to the planning authority.
- (4) The agreed sound proofing shall be installed before the use of the tenant amenity rooms is enabled.

Reason: In order to ensure a satisfactory standard of development in the interest of residential amenity.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.