



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3543/19

Appeal by CSPCE 5 Lower Baggot Street Limited care of Joe Boner of The Airport Hub, Unit 1, Furry Park, Old Swords Road, Santry, Dublin against the decision made on the 12th day of September, 2019 by Dublin City Council to grant subject to conditions a permission to Irish Life Assurance PLC care of Sheehan Planning of 44 Balnagowan, Palmerstown Park, Dartry, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development seeks to amend a permission granted under planning register reference number 4166/16 (An Bord Pleanála appeal reference number PL 29S.248884), and includes an overall increase over the permitted gross floorspace of circa 495 square metres (from circa 6,331 to circa 6,826 square metres). There will be no increase in the permitted height of five storeys (circa 21.9 metres). The development proposes widening the footprint of the permitted building by circa 1.5 metres northwards along part of its northern elevation (with associated elevational changes); changes to the permitted atrium space at the main entrance (with associated elevational changes); replacing the permitted vehicle access ramp to the basement level -2) car park (access via Pembroke

Row) with two car lifts and an increase of three car spaces (from 11 to 14) and 36 bicycle spaces (from 44 to 80) with associated improvements to shower/changing facilities (relocated from basement level -2 to -1). The proposed amendments also include an increase in basement plant provision (to improve environmental ratings to nZeb compliant), conversion to 'office/ancillary office' use of circa 585 square metres of space at Basement -1 (previously permitted as 'staff facilities'), relocating/rearranging internal cores to improve internal floor layout, minor adjustments to floor-to-floor heights, widening of lightwells (to enhance light and amenity at basement level-01) and all associated works, including landscaping, above and below ground, all at 74-75, Baggot Street Lower, Dublin. The site is bounded by Baggot Street Lower to the east and Wilton Terrace (and beyond it, the Grand Canal) to the south.

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 planning history of the site, to the location of the development and the pattern of development in the area, to the provisions of the Dublin City Development Plan 2016-2022, and to the nature, scale, layout and design incorporated in the proposed amendments to the permitted development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of adjoining properties or the visual amenities of the area and would be generally 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 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. 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 29th day of January, 2018 under planning register reference number PL 29S.248884 and any agreements entered into thereunder.

Reason: In the interest of clarity.

3. 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 be applied to the permission.

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

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

Dated this day of 2020.