



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3668/19

Appeal by Dublin Cinema Group Limited of Astor House, 29 Lower George's Street, Dun Laoghaire, County Dublin and by Mark Conan of 3 Wilfield Park, Sandymount, Dublin against the decision made on the 25th day of September, 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: Permission for development consisting of the amendment of previous permissions relating to College House and the former Screen Cinema (planning register reference number 3637/17, An Bord Pleanála reference number PL 29S.300709) and the former Apollo House (planning register reference number 3036/16, An Bord Pleanála reference number PL 29S.247907) and as amended by planning register reference number 2415/19, as follows:-

1. the proposed development consists of minor alterations to the existing permitted basement layouts including relocation of permitted core locations and alterations to plant areas. Also includes the reduction in car parking from 46 spaces to 33 spaces and an increase in cycle parking from 404 spaces to 470 spaces (including 20 at ground floor);
2. extension and increase in the extent and partial increase in heights of permitted Apollo House and College House developments where they adjoin onto the corner of Townsend Street and Tara Street. There is no increase in overall maximum height of the permitted buildings as a result of these proposed amendments;
3. alterations to the proposed material and colour finishes of both permitted buildings, including minor alterations to the geometric arrangement of the façade;
4. alterations to the permitted ground floor layouts of College House and Apollo House to include the reconfiguration of the permitted office entrance foyers and the permitted café/retail/restaurant units and alterations to plant/services; and
5. overall minor decrease in permitted café/retail/ restaurant floor space of 107 square metres and increase in office floor space of 3,830 square metres resulting from these proposed alterations;

All at a site of 0.5 hectares at Apollo House, Tara Street (D02 N920); 9-11 Townsend Street (including The Long Stone Pub) (D02 FE00); College House, numbers 2-3 Townsend Street, (D02 F990), and the Screen Cinema, 16-19 Hawkins Street (D02 DP65), Dublin. The site is bounded by Townsend Street to the South, Tara Street to the East, Hawkins Street to the West, Hawkins House to the North and West and Poolbeg Street to the North.

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 city centre location of the development, to 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 residential amenities of adjoining property or the visual amenities of the area and would 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 this 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 proposed development shall be carried out in accordance with the conditions attached to the parent permissions granted under planning register reference number 3036/16, An Bord Pleanála reference number PL 29S.247907, planning register reference number 3637/17 (An Bord Pleanála reference number PL 29S.300709), and planning register reference numbers 2415/19 and 2907/19 except as amended in order to comply with the conditions attached to this permission.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:
 - (a) the terracotta fins in the cut back section over the office lobby entrance shall be retained,
 - (b) the framed parapet extension shall be retained throughout, and
 - (c) the external fins to the penthouse levels shall be retained

Reason: in the interest of visual amenity.

4. A total of 450 number cycle spaces shall be provided at basement level providing for key/fob access for the cycle compounds and wheel and frame locking. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

5. Prior to the commencement of development, details of the proposed loading bay arrangements for Poolbeg Street and Hawkins Street, which shall be provided, along with any other alterations to the road network which are required, at the applicant's expense, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity and orderly development.

5. A minimum of 10% of all the commercial parking areas serving the development shall be provided with electric connection points to allow for functional electrical vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of design and signage for the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

7. The developer shall ascertain and comply with the requirements of the roads and traffic planning division of Transport Infrastructure Ireland and the Operator of LUAS Cross City throughout the entirety of the demolition and construction stages to the satisfaction of the planning authority. All works shall be in accordance with the recommendations set out in the “Code of Practice for works on, near or adjacent to the LUAS Tramway”.

Reason: In the interest of clarity, safety and convenience.

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 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 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.

Paul Hyde

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

Dated this day of 2020.