



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4527/19

Appeal by Tom and John Kelly of 2 Clanwilliam Court, Mount Street Lower, Dublin against the decision made on the 24th day of January, 2020 by Dublin City Council to grant subject to conditions a permission to Hibernia REIT plc care of Brady Shipman Martin of Canal House, Canal Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendments to the permitted refurbishment and extension of the existing Marine House Building as permitted under planning register reference number 2234/18. The proposed amendments include: provision of additional office accommodation of 132 square metres with associated external courtyard, onto Clanwilliam Place, at Basement Level 1. Reconfiguration of internal core layout which results in a minor increase in overall floorspace of 70 square metres. The total additional floorspace as a result of these amendments is 202 square metres. Reconfiguration of the layout of Basement Level 1 to include associated reduction of 10 number car parking spaces (from 30 to 20) and additional 16 number bike parking spaces and new bin store. Reduction of 8 number car parking spaces on Basement Level 2 (from 45 to 37). Minor additional demolition works at basement to facilitate amendments at basement level. The permitted bike ramp on

Clanwilliam Place is proposed to be modified with the permitted 1.1 metre high stone walls being replaced by high quality bronze painted open balustrades. Amendments to the permitted elevations including on the south-east elevation, at ground floor with the replacement of permitted 4 number anodised aluminium overclad columns with 7 number anodised aluminium overclad columns. Proposed addition of upper spandrel panels added to the curtain walling system on the proposed north-west, south-west and north-east elevations and provision of new maintenance only access doors at Level 06 on north-west and south-west elevations. Addition of 1.1 metre high glazed balustrade guardrail to the maintenance terrace on permitted Level 06 on the north-west elevation. Amendments to the permitted landscaping layout onto Clanwilliam Place to include for amendments to permitted access stair arrangements, the relocation of permitted accessible platform lift balustrade to sunken courtyard. Alterations to the existing central access podium, to the rear of Marine House, to provide for a new basement ventilation. Amendments to the roof level to include additional sedum area adjacent to the plant zone and revisions to the permitted drainage layout, including relocated attenuation tank, all at a site of 0.17 hectare at Marine House, Clanwilliam Court, Clanwilliam Place, Dublin. The site is bounded by Velasco Building and Osprey House, onto Grand Canal Street, to the north-east and Clanwilliam House, onto Mount Street, to the south-west and west.

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 planning history of the site and the nature and scale of the proposed amendments to the permitted development, the pattern of development in the area and the information submitted in relation to 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 amenity of the area and would not have an adverse effect on the character and setting of the Conservation Area or endanger public safety by reason of traffic hazard. 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. Apart from the amendments authorised by this permission, the proposed development shall comply with the terms and conditions of the previous grant of planning permission on appeal for the development on site under planning register reference number 2234/18 and An Bord Pleanála appeal number ABP-301468-18.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

3. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the proposed vent to the basement car park in the central courtyard.

Reason: In the interests of clarity and amenity.

4. 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 residential amenities of property in the vicinity.

5. (a) During the construction and demolition phases, the proposed development shall comply with British Standard BS 5228-1: 2009: Code of Practice for Noise and Vibration Control on Construction and Open Sites: Noise.
- (b) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling and nearest noise sensitive location shall not exceed: -
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (c) All sound measurement shall be carried out in accordance with ISO Recommendation 1996-2:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the 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 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.

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

Dated this day of 2020.