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## **Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2749/20**

**Appeal** by Clarion Quay Management Company CLG of Community Office, Block 3, Clarion Quay, North Wall, County Dublin against the decision made on the 8<sup>th</sup> day of September, 2020 by Dublin City Council to grant subject to conditions a permission to New Century House (Luxembourg) Holding Sarl care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:**

- Refurbishment of the existing six number storey building to provide for a new façade treatment to all elevations.
- Provision of new part double height reception space to the rear elevation.
- Relocation of existing bank branch to the north-east corner of the ground floor resulting in a change of use from office to bank in this area.
- Reduction of the existing bank branch from 216 square metres to 187 square metres.
- Change of use of former bank branch to office use at ground floor level (147 square metres).
- Provision of new universally accessible pedestrian entrance to bank branch from street level along the northern elevation of the building.
- Provision of refurbished entrance to the office development to the north elevation fronting Mayor Street Lower.
- Provision of additional mechanical plant at roof level.
- Minor infill to office floor plate at fifth floor level resulting in an increase of 79 square metres of office floor space overall.
- Minor reconfiguration of internal

office floor plates. • Reconfiguration of basement level to provide ancillary office amenities and additional bike parking spaces (195 number spaces) and 49 carpark spaces including seven number new electric car charge points and three number new universally accessible parking bays. • Upgrade of the hard and soft landscaping within the courtyard area and provision of new canopy area to courtyard on the southern elevation and provision of new screen to courtyard along the southern boundary of the site. • Minor alternations to the hard landscaping to the north of the development fronting Mayor Street Lower. • The proposed development also includes accessible terraces at fifth floor level to the north, east and west, and all other associated site development works necessary to facilitate the development. The proposed development will result in an increase in gross floor area from 12,223 square metres to 12,365 square metres at a site of 0.34 hectares at New Century House, Mayor Street Lower, IFSC, Dublin. The site is bound by Mayor Street Lower to the north, Citi Bank building fronting North Wall Quay to the south, and Clarion Quay apartment development to the east and Commons Street to the west.

## **Decision**

**Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 15 and the reason therefor, AMEND conditions numbers 4 and 5 so that they shall be as follows for the reasons set out.**

4. The roof-mounted building services, including Air Handling and Chiller Units, shall be omitted.

**Reason:** To protect the residential amenities of adjoining residential units and to ensure orderly development.

5. The applicant shall comply with the following requirements of the Planning Authority's Transportation Division;
- (a) The following shall apply to the subject development.
- (i) The use of the hardstanding area within the applicant/developer's landholding at surface level to the south-east of the site (immediately north of the car park entrance to the Basement) as a loading/parking area shall cease. This area shall be landscaped, including tree-planting, to match the existing and proposed landscaping along the eastern site boundary, proposals for which shall be submitted for the written agreement of the planning authority prior to commencement of development;
- (ii) In accordance with the further plans and particulars received by An Bord Pleanála on the 15<sup>th</sup> day of October 2020, the existing car-parking area to the south-west corner of the site shall be replaced with a delivery/loading area and, accordingly, all delivery and service vehicles shall service the building via this space;
- (iii) The Parking Strategy as submitted to the planning authority on the 12<sup>th</sup> day of August 2020 shall be revised to reflect the abovementioned changes to the parking and set down management arrangements, details of which shall be submitted for the written agreement of the planning authority prior to commencement of development. The revised Strategy shall be fully implemented by the relevant personnel/management of the building.

- (b) A Servicing Management Plan shall be prepared for the development and shall take cognisance of changing traffic, parking and set down/loading management arrangements where arising. The Plan shall be submitted for the written agreement of the planning authority prior to commencement of development.
- (c) Car parking spaces shall be permanently allocated to the permitted use and shall not be sold, rented or otherwise sub-let or leased to other parties.
- (d) Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted for the written agreement of planning authority and Transport Infrastructure Ireland (TII). This plan shall provide details of intended construction practice for the development, including traffic management, pedestrian management; Luas infrastructure protection measures; construction vehicle and personnel related access and egress arrangements; hoarding and scaffolding arrangements; hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.
- (e) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (f) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** To ensure a satisfactory standard of development.

## **Reasons and Considerations**

Having regard to the pattern and character of existing development in the area, it is considered that the terms of the relevant conditions of the planning authority decision, subject to the modifications as set out above, would not detract from the visual amenities of the area, would not detract from the residential amenity of adjoining properties, and would be acceptable in terms of pedestrian and traffic safety and convenience. The modified conditions would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspectors recommendation to allow the roof mounted units, the Board was not satisfied that the conditions attached satisfactorily protected the residential amenities of adjoining properties and undermine the mixed-use zoning objective of the area.

## **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.

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**Paul Hyde**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this                      day of                      2021**