



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4327/19

Appeal by Atlantic Diamond Limited of Docklands Innovation Park, East Wall Road, Dublin against the decision made on the 15th day of September 2020 by Dublin City Council to grant subject to conditions a permission to EWR Innovation Park Limited care of John Spain and Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development seeks retention of the existing uses of Units 2, 7, 9, 13, 14, 15, 17 and 19 on site as follows:

Unit 2 and 7: Cultural/Recreational use (Dance Studio),

Unit 9: Office use,

Unit 13: Gym at ground floor level and office use at first and second floor level,

Unit 14: Educational use (Language School) at ground floor level and office use at first and second floor level,

Unit 15: Warehouse at ground floor level,

Unit 17: Cultural/Recreational use (Dance Studio), and

Unit 19: Office use,

all at Docklands Innovation Park, 128-130 East Wall Road, 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 Z14 zoning objective for the area, the provisions of the Dublin City Development Plan 2016-2022, the scale and nature of the proposed development for which retention is sought it is considered that the proposed development would not seriously injure the amenities of the existing buildings on site or the amenities of property in the vicinity. 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, as amended by the further plans and particulars submitted on the 19th day of August 2020 and by the further plans and particulars received by An Bord Pleanála on the 9th day of November, 2020, 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. Unit 2 and Unit 7 shall be restricted to light industrial uses only.

Reason: In the interests of orderly development and clarity.

3. No additional floorspace shall be formed by means of internal horizontal division within the units hereby permitted unless authorised by a prior grant of permission.

Reason: In order to control the intensity of development in the interest of amenity and to ensure that adequate car parking and service facilities will be provided within the development.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on any of the units or within their curtilage, or attached to their glazing without the prior grant of planning permission.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The developer shall comply with the following conditions from the Transportation Planning Division
 - (a) Cycle parking shall be secure, sheltered and well-lit with key/fob access. The additional cycle parking shall be in situ within six months from the date of this Order.
 - (b) 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.
 - (c) 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

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

8. The site development works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

Paul Hyde

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

Dated this day of 2021