

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3015/20

Appeal by Gráinne Hynes of 6 Madison Court, Grattan Street, Dublin, and by Madison Estates CLG (care of MD Property) care of Jim Brogan of Unit B1, Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 2nd day of December, 2020 by Dublin City Council to grant subject to conditions a permission to IPUT PLC care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing four-storey (over lower ground floor) to five-storey office structures (total circa 6,693 square metres), including removal of 62 car parking spaces, and construction of a new five-storey office development (circa 9,022 square metres – including café at ground floor) over lower ground floor (circa 1,864 square metres) and single basement (circa 2,061 square metres), providing an overall total of circa 12,947 square metres; provision for 20 car and 90 bicycle spaces; relocation of vehicular access/egress to development (and to adjacent Madison Court apartments) from Grattan Street to Grattan Court East, provision of roof gardens/terraces, roof plant, signage, site landscaping and all associated and

ancillary development and site works above and below ground, all on a site of circa 0.288 hectares (circa 2883 square metres) at numbers 73 to 83 Mount Street Lower (Ballaugh House and Timberlay House), Dublin, bounded by Mount Street Lower to the south, Grattan Street to the west, Madison Court apartments and Grattan Court East to the north, and bounded to the east by Grattan Court East..

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 Dublin City Development Plan 2016-2022 according to which the site location is subject to the zoning objective: “Z6 - to provide for the creation and protection of enterprise and facilitate opportunities for employment creation”, to the statutory guidance: “Urban Development and Building Heights: Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in 2018, to the central city location, to the existing development on the site, and to the established character and pattern of development in the area it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national strategic planning policy and local policies and objectives for the area, would not adversely affect the visual amenities of the area or seriously injure the residential amenities of the adjoining apartment development at Madison Court or residential properties in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, otherwise, 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 to the planning authority 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. Two car parking spaces shall be omitted providing for a maximum of 15 spaces within the site. Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, or otherwise sub-let or leased to other parties. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a revised basement layout plan in this regard.

Reason: In the interest of sustainable transportation and sustainable development.

3. Prior to commencement of development, a fully detailed Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. The strategy shall provide for incentives to encourage the use of public transport, cycling, and walking by patrons and staff and shall be operated, monitored and reviewed by the operator of the development.

Reason: In the interest of sustainable transportation and travel and the amenities of the area.

4. Prior to commencement of development, detailed design and specifications including marking, signage and layout of the proposed site access, and footpath arrangements shall be submitted to and agreed in writing with the planning authority. These works shall be fully implemented prior to occupation of the building.

Reason: In the interest of pedestrian and vehicular safety and convenience.

5. Prior to commencement of development, a fully detailed Servicing Management Plan shall be submitted to and agreed in writing with the planning authority. The implementation of the measures provided for in the plan shall be managed, monitored and reviewed by the operator of the development.

Reason: In the interest of pedestrian and vehicular safety and convenience.

6. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Water supply and drainage arrangements, including the disposal of surface water incorporating Sustainable Urban Drainage Systems, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

8. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

9. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a plan for the management of waste within the development, including details of proposals for separation, facilities for storage, and arrangements for collection of the waste and, ongoing operation of these facilities.

Reason: In the interest of clarity, amenity and waste management.

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and visual amenities of the area.

11. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant or the erection of telecommunications equipment other than those already shown on the drawings submitted with the application, unless authorised by a prior grant of planning permission. In addition, the precise details of the proposed signage, size, materials, and method of illumination if any proposed, shall be submitted to the planning authority for their written agreement prior to commencement of development. Any additional signage shall be the subject of a separate planning application.

Reason: In the interest of visual amenity and residential amenities.



12. Site development and building works shall be carried between the hours of 0700 and 1900 Mondays to Fridays excluding bank holidays, and between 0800 hours and 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenities.

13. The construction of the development shall be managed in accordance with a Demolition and Construction Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The plan shall include details of the following:
- (a) Location of the site and materials compound.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Site security fencing and hoardings.
 - (d) Demolition and construction traffic routing and management and associated directional signage.
 - (e) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (f) Arrangements for containment of construction-related fuel and oil
 - (g) Arrangements for storage and removal of construction and demolition waste and measures for management of surface water run-off.

- (h) Mitigation measures for management and monitoring of noise, dust and vibration.
- (i) Arrangements to ensure compliance with the standards in, British Standard 5228 'Noise Control on Construction and Open Sites, Part 1. Code of practice for basic information and procedures for noise control.'
- (j) A monitoring system and record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of orderly development, public amenity and safety

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

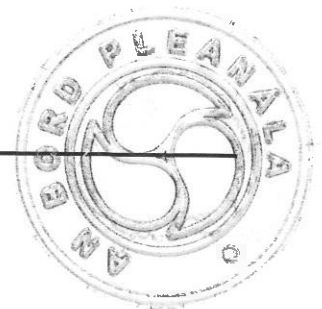


15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 the Board 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.



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



Dated this 26th day of May 2021.