



An
Bord
Pleanála

Board Order
ABP-309167-21

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3356/20

Appeal by Charter Medical Diagnostic Imaging Limited care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork against the decision made on the 14th day of December, 2020 by Dublin City Council to grant subject to conditions a permission to Rocca Ventures Real Estate Limited care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will comprise the change of use of the first-floor level (475 square metres), second-floor level (535 square metres) and third-floor level (535 square metres) from medical/healthcare to office use. The total area of the proposed change of use from medical/healthcare to office use is 1,545 square metres. The development will not affect the use of the ground floor level of the building. All on a circa 0.0666-hectare site at The Forge (Block G), Smithfield Market, Smithfield, Dublin (bounded to the north by King Street North and to the south by Cooper's Way and Cooper's Yard).

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 pattern and character of existing development in the area, to the planning history on the site and to the provisions of the Dublin City Development Plan 2016 - 2022, it is considered that the proposed development, subject to compliance with the conditions set out below, would not detract from the mixed-use character 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 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 20th 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. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 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 amenities of property in the vicinity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, and any statutory provision replacing or amending them, no additional plant, machinery or telecommunications structures shall be erected on the roof of the building nor shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

4. No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the building or within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.



Terry Prendergast

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 29th **day of** April **2021.**

