

An
Bord
Pleanála

Board Order
ABP-310958-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 2872/20

Appeal by Mount Way Offices Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 30th day of June, 2021 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: The development will consist of the following: (i) demolition of the existing two number interconnected, three-storey over basement buildings at numbers 94/95 Mount Street Lower and all ancillary structures and buildings on site, including the existing two-storey structure to the rear with frontage to Love Lane East; (ii) construction of an eight-storey over basement office development, with a set-back seventh floor level, comprising of: (a) office space, including the provision of staff facilities and a bicycle storage area and plant room at basement level; (b) office space, including office lobby/reception area, staff facilities and an ancillary break out coffee/meeting space at ground floor level; (c) office space on upper floor levels, including staff facilities on each floor level; and (d) roof access and lift overrun at roof level and (iii) drainage, landscaping and all associated site works necessary to facilitate the development at 94/95, Mount Street.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the central city location and the pattern of development in the area, the Z6 zoning objective which seeks to ensure that the employment element on site should be in excess of that prior to the redevelopment in terms of numbers employed and/or office space, and national and local policy which seek to develop existing urban sites at higher density, and considered that notwithstanding, that there would be an impact on the neighbouring buildings with regard to overshadowing, that the cumulative impact would not have undue negative impact, having regard to the built up nature of the site and that the proposed development would, therefore, be in accordance with 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 18th day of May, 2021 and by the further plans and particulars received by An Bord Pleanála on the 27th day of July, 2021, 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.

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6. Prior to the commencement of the 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 interests of sustainable transportation and travel and the amenities of the area.

7. Prior to commencement of development, the developer shall submit, and agree in writing with the planning authority to, 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 interests of clarity, amenity and waste management.

8. 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 interests of orderly development and visual amenities of the area.

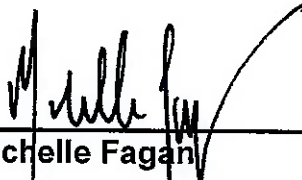
11. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

Reason: It is considered reasonable that the payment of a contribution, in accordance with the Development Contribution Scheme made under section 48 of the Act, should be made in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that is intended will be provided, by or on behalf of the local authority.


Michelle Fagan

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



Dated this 1st day of September 2022.

DECISION QUASHED