

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3457/22

Appeal by Kevin Powell of 9 Liffey Street South, Kilmainham, Dublin and by Philip Elliott (Elliotts Cash and Carry) care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 21st day of July, 2022 by Dublin City Council to grant subject to conditions a permission to Red Rock Pleasants Street Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Planning permission for development on lands (circa 0.0744 hectares) at 49-51 Pleasants Street (D08 XHF2, D08 VN22, D08 EF24), Pleasants House (D08 F54N) and 5 Pleasants Lane (D08 HY62), Dublin. The subject site is currently occupied by a two-storey unit with a café at ground floor and one number apartment at first floor level at 49 Pleasants Street, two number two-storey restaurant/café units at 50 and 51 Pleasants Street, a three-storey office building at Pleasants House and a two-storey former dwelling house, now in use as a commercial store, at 5 Pleasants Lane. The site is bounded by Pleasants Street to the south, Pleasants Lane to the east, O'Neill's Buildings (a laneway) to the west and by the 'Camden Hotel' to the north.

The development will consist of the demolition of existing structures on site and the construction of a five-storey over basement mixed use building (maximum height 20.3 metres) comprising of office and retail/café/restaurant use (circa 3,518 square metres total GFA including basement of 564 square metres) with setbacks at second and fourth floor levels.

The proposed development will comprise: Demolition of the existing buildings including one number apartment unit at first floor level of 49 Pleasants Street and associated structures on site circa 973.4 square metres gross floor area; Construction of a five-storey (20.3 meters) over basement, mixed use building, consisting of retail/café/restaurant and office use with setbacks at second and fourth floor levels on southern and western elevations; Provision of 2,120 square metres of office space on each floor from basement to fourth floor level and provision of a retail/café/restaurant unit on ground floor and basement level (258 square metres); The provision of two number external terraces at second floor level (11 square metres) and at fourth floor level (81.5 square metres) on the southern and western elevation; The provision of plant at basement and roof level; Provision of green roof at fourth floor and roof level; Provision of ESB substation, switch room at ground floor level; Provision of bicycle and electric scooter store to provide 38 number bicycle spaces at basement level accessed via bike lift; All ancillary works to facilitate the development. All at 49-51 Pleasants Street, Pleasants House and 5 Pleasants Lane, Dublin.

Decision

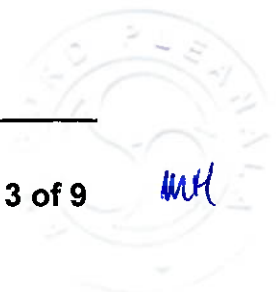
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the 'Z4 – Key Urban Villages/Urban Villages' zoning objective pertaining to the site, as set out in the Dublin City Development Plan 2022 - 2028, to national/local policy objectives which support the redevelopment of brownfield/infill sites, to the subject site's proximity to public transport, to the design/layout/scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that subject to compliance with conditions set out below, the proposed development would be acceptable in terms of design, height, layout and scale of development in this accessible urban location, would not adversely affect the visual amenity/architectural heritage of the area or seriously injure the residential amenities of properties in the vicinity and would comply with the provisions of the Dublin City Development Plan 2022 - 2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature, scale and location of the proposed development and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, either by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.



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 24th day of June, 2022 and by the further plans and particulars received by An Bord Pleanála on 12th day of September, 2022 (for clarity, excluding the option proposed by the applicant that the north-facing windows be obscured), 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.

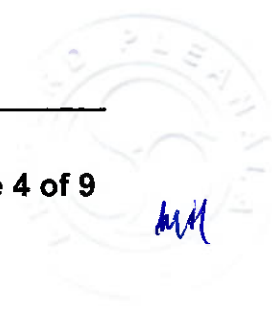
Reason: In the interest of clarity.

2. Prior to the commencement of development, details pertaining to the retention/relocation of the existing Sheffield Bicycle Stands shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of orderly development and cyclist/pedestrian safety.

3. Details of all external shopfronts and signage shall be the subject of a separate planning application.

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



4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

6. 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 the proposed basement, inclusive of hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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

Reason: In the interest of public health.

9. 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.

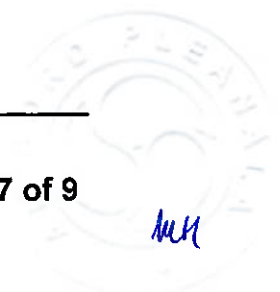
Reason: In the interest of public health.

10. Site development and building works shall be carried out only between the hours of 0700 and 1900 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 residential amenities of property in the vicinity.

11. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) 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.

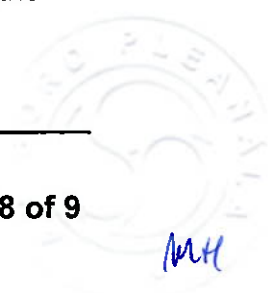


12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local 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.

13. 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 An Bord Pleanála 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.



14. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under Section 49 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 An Bord Pleanála 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 Supplementary Development Contribution Scheme made under Section 49 of the Act be applied to the permission.



Mary Henchy

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

Dated this *7th* day of *December* 2023.