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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4729/22**

**Appeal** by Liam O'Sullivan of 13 Ballsbridge Avenue, Dublin against the decision made on the 19<sup>th</sup> day of October, 2022 by Dublin City Council to grant subject to conditions a permission to Intrust Properties Company Limited by Guarantee care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of an increase in floor area of the existing office building by providing lateral (to the east and west) and vertical extensions comprising; the lateral extension of the block (from part basement/part undercroft level to fifth floor level) by 6,702 square metres and the vertical extension of the block (provision of a new set back part sixth and seventh floor level) by 2,383 square metres providing an overall height of eight number storeys over part basement/part undercroft; replacement of all façades; and internal modifications and reconfigurations. The proposed development will result in an increase in office floor area from 7,093 square metres to 16,178 square metres. The development also includes: the reconfiguration of existing car park layout resulting in a reduction

of 17 number car parking spaces providing a total of 61 number car parking spaces; bicycle parking; recessed balconies and roof terraces facing all directions; green roof, hard and soft landscaping; substations; generators; plant; photovoltaic panels; boundary treatments and all associated site development works above and below ground at Number 2 Ballsbridge Park, Ballsbridge, 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 Z6 zoning objective of the site, the nature and extent of the proposed development and the benefits of bringing forward employment floorspace on a serviced urban site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would improve the public realm, would not be prejudicial to public health or the environment, and would generally be acceptable in terms of design, 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, 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. 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 prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

**Reason:** In the interests of visual and residential amenities.

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4. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 ' Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'
- (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

**Reason:** In order to ensure a satisfactory standard of development, in the interest of residential amenity.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 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 subject to the prior written agreement of the planning authority.

**Reason:** In the interest of residential amenities of surrounding properties and in the interest of clarity.

6. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

7. 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.

8. The developer shall comply with the transport requirements of the planning authority regarding car and cycle parking, EV charging facilities, access, repairs to public roads and the requirements of the Code of Practice.

**Reason:** In the interests of amenity, accessibility, and to ensure a satisfactory standard of development.

9. Details of landscaping, including appropriate tree replacement, shall be submitted to and approved in writing by the planning authority prior to the occupation of the development hereby approved.

**Reason:** In the interest of visual amenity.

10. 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 the 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.



**Martina Hennessy**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this 24<sup>th</sup> day of November 2023

