

An
Bord
Pleanála

Board Order
ABP-320239-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3640/24.

Appeal by Irish Life Assurance Plc care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin against the decision made on the 27th day of June, 2024 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Amend a permission granted under register reference number 4166/16 (PL29S.248884) as previously amended under register reference number 3543/19 (PL 29S.305602) and register reference number 4528/23 and includes an overall increase over the permitted gross floor space of circa 136 square metres (from circa 6,943 square metres to circa 7,079 square metres) (the additional floor space will be in office use). There will be no increase in parapet height or any alterations to the permitted external facades. The increase in floorspaces arises from infilling of the atrium at first and second floor levels creating an additional circa 136 square metres of office space at 74-75 Baggot Street Lower, Dublin. The site is bounded by Baggot Street Lower to the west and Wilton Terrace (and beyond it, the Grand Canal) to the south.

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 condition(s) set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development which does not involve any external works, the planning history for the site which includes previously approved amendments to the atrium space, the relevant provisions of the Dublin City Development Plan 2022-2028 including Policies SC19 and BHA9 and Section 15.14.4, in addition to the 'Z6' zoning objective for the area, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The proposed development would comply with local design guidance and would not seriously injure the visual amenity of the area. The development is, therefore, 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 on 3rd day of May 2024, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 29th day of January, 2018 under planning register reference number 4166/16 (ABP appeal reference PL 29S.248884) and any agreements entered into thereunder.

Reason: In the interest of clarity

3. 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.

4. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City 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.

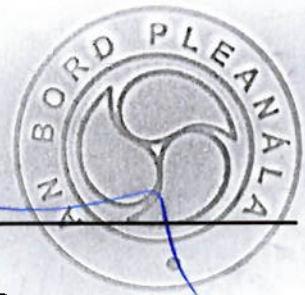
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Martina Hennessy

Member of An Bord Pleanála

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



Dated this 25th day of November 2024.