



An
Bord
Pleanála

Board Order
ABP-321726-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2434/24

Appeal by Ger Sheridan care of BMA Planning of Taney Hall, Eglinton Terrace, Dundrum Dublin and by Burleigh Management (Holland and Grasmere) Limited care of Keenan Lynch Partnership Limited of 47 Herbert Lane, Dublin against the decision made on the 20th day of December, 2024 by Dublin City Council to grant subject to conditions a permission to Esprit Investments Limited 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: Construction of a three-storey mixed-use building extension comprising a two-storey, raised bridge, office extension adjoining the 2nd and 3rd floors of the existing Mespil Court office building on its north-western elevation; external plant room at 1st floor and office core extending down to ground floor level (total gross floor area circa 723.5 square metres). Proposed condenser units to the existing office roof. A three-storey, mixed-use building comprising one number café at ground floor, with ancillary storage and staff facilities (total gross floor area circa 107 square metres) and associated external terrace at ground level; two number floors of offices at 1st

and 2nd floors, with associated support facilities (total gross floor area circa 254.5 square metres). Roof garden at 1st floor. All ancillary and associated site development, infrastructural, landscaping, signage and site boundary works, including 30 number spaces, two-tier bike racks in a bicycle store (27.5 square metres); 18 number semi-vertical bike racks to replace existing bike racks; new bin store (13 square metres); two number Sheffield stands in the front curtilage (visitors) and one number Sheffield Stand by the bin store; ground floor plant room (27 square metres); signage zones to northern and eastern ground floor elevations of café unit (circa 12 square metres total), and totem sign (circa three square metres) associated with office within front curtilage adjacent to Mespil Road site boundary. Removal of existing boundary wall and railing fronting Mespil Road and insertion of new pedestrian access control gate to the eastern boundary pathway, south of the proposed café entrance. Associated green and blue roofs, and drainage for the proposed new works, all on a site of circa 0.22 hectares at Mespil Court, Mespil Road and Burlington Road, Dublin. The site is generally bounded by buildings in office use to the south, number 39 Mespil Road (Protected Structure) to the west, and by Mespil Road and the Grand Canal to the north.

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 land use zoning of the site as Z6 – Employment /Enterprise which is to provide for the creation and protection of enterprise and facilitate opportunities for employment creation, and the relevant provisions of the Dublin City Development Plan 2022-2028, it is considered that the design, scale and layout of the proposed development, subject to compliance with the conditions set out below, would provide for an appropriate form and mix of uses on this urban infill site in a transitional zone area, would not adversely impact upon the built heritage of the area or the amenities of properties in the vicinity, and would therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall comply with the following requirements of the planning authority:

The guarding and screen along the western edge of the roof garden hereby permitted shall have a height of 1.8 metres above the finished ground level.

Reason: To protect adjoining amenities.

3. The mitigation measures set out in Section 6 of the Protected Species (Bats and Birds Assessment) shall be implemented in full, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of ecology protection and biodiversity enhancement.

4. Details of the materials, colours and textures of all the external finishes shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of amenity, ecology and sustainable development.

6. (a) The café hereby permitted shall be fully fitted out and ready for operation prior to the first occupation of any of the office space hereby permitted.
- (b) Before the café use hereby permitted commences, a scheme shall be submitted to, and agreed in writing with, the planning authority for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and, thereafter, permanently maintained.
- (c) The café hereby permitted shall not have a hot food takeaway component unless the precise nature of the takeaway element is agreed in writing with the planning authority prior to commencement.
- (d) Before the café use hereby permitted commences, details of the proposed totem sign and the signage to be installed in the signage zone shown on the plans and particulars shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of streetscape vibrancy and to mitigate against ground floor commercial unit vacancy, and in the interest of the amenities of both the immediate neighbours and to protect the visual amenities of the Grand Canal Conservation Area.

7. The construction of the proposed 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 proposed development, including:
- (a) the location of the site and materials compound(s), including area(s) identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) measures to obviate the queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (j) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and,

- (l) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

8. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

10. Prior to commencement of development, the developer shall enter into a connection agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

12. (a) During the construction phase, 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.

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.



Mick Long

Member of An Bord Pleanála

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

Dated this 4th day of June 2025.