An Coimisiún Pleanála

Commission Order

PL-501654-DN-26

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1405/26

Appeal by O'Connell and Clarke Solicitors LLP and by Debbie Kenny and Others against the decision made on the 4th day of June, 2026 by Dublin City Council to grant subject to conditions a permission to Bureau Investment Group Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development for which retention permission is sought consists of retention of existing rooftop air conditioning units and air handling units and all associated and ancillary plant. Retention of an automatic opening vent (AOV) installed to the western elevation to comply with fire regulations. The development for which permission is sought consists of the decommissioning of older air conditioning units, ventilation risers and canopy in central area of roof terrace and associated rooftop plant and removal of same. Removal of existing screening and replacement with proposed acoustic screening all at a site at The Capel Building, Mary's Abbey, Dublin. The build fronts onto Mary's Abbey to the north and Strand Street Little to the south and southwest.

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 nature of the proposed development for existing rooftop air conditioning units and air handling units, associated plant, automatic opening vent and the decommissioning and removal of old air conditioning units and air handling units and associated plant, on a commercial building within an area zoned objective Z5 City Centre, it is considered that subject to the conditions below, the proposed development and the development proposed to be retained would not seriously injure the amenities of the area or property in the vicinity and would not be detrimental to the quality of the public realm. The proposed development and the development proposed to be retained would, therefore, be in accordance with the policies and objectives of the Dublin City Development Plan 2022-2028 and 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, as amended by the further plans and particulars received by the planning authority on the 8th day of May 2026, 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. The proposed development shall be amended to provide additional screening to the air condenser units, ducting and air handling units on the elevations facing towards the offices that face onto the terrace. The screens shall match the colour, height and material of the screens to be installed along the terrace boundary, facing onto the adjacent residential properties. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

   Reason: In the interests of visual amenity and to reduce the impact of noise from the development.

3. All mitigation measures shown in the drawings shall be installed in full, including the planting scheme shown on the General Arrangement Drawing.

Reason: In the interests of visual and residential amenity.

4. The LAeq level measured over 15 minutes (daytime) or 5 minutes (night time) at a noise sensitive premises when plant is operating shall not exceed LA90 (15 minutes day to 5 minutes night) by 5 dB or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

Reason: In order to protect adjoining residential amenity.

5. Within three months of the noise mitigation measures being put in place and repeated six months after (that is, no later than six months and nine months after the making of this order), an independent noise monitoring report (at locations to be agreed with the planning authority), shall be submitted to the planning authority for their written agreement. Any modification required on foot of these findings shall be agreed in writing with the planning authority and details of same shall be put on the file. The requirement for further monitoring shall be at the discretion of the planning authority.

Reason: In the interest of protecting the amenity of surrounding property.

6. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 and 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

Mary Henchy
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 3rd **day of** November **2026**