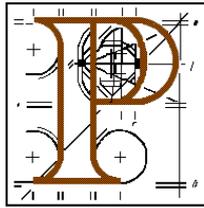


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 4067/15

An Bord Pleanála Reference Number: PL 29S.246161

APPEAL by The Pembroke Road Association care of Siobhan Cuffe of 57 Pembroke Lane, Off Raglan Road, Dublin against the decision made on the 20th day of January, 2016 by Dublin City Council to grant subject to conditions a permission to Davy Target Investment Plc care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: External alterations and extension of the existing building to include:- (a) removal of part of existing ground floor eastern elevation/façade (onto Waterloo Road) and the entire ground floor northern elevation/façade (onto Baggot Street) and replacement of same with new shop fronts comprising full height, powder coated aluminium framed glazed units ((13 number in total); removal of existing main entrance and stair core façade to eastern elevation (onto Waterloo Road) from ground level to fourth floor level (from level 8.69 metres to level 33.21) to provide a reconfigured stair core and entrance lobby with new projecting curtain wall glazing system measuring approximately 7.964 metres in width together with new revolving entrance door at ground floor level and stone surround to an existing wall mounted ATM to the north thereof. Retention permission for this existing ATM is also sought; (c) public realm improvements at ground level along the Waterloo Road frontage to the front of the building include the provision of new hard and soft landscaping works and the provision of new steps and disabled access ramp leading to front door and the replacement of existing bollards with removable stainless steel bollards; and (d) provision of a single storey detached shower room (53.81 square metres) at ground floor

level to the rear (west) of the building to provide ancillary shower, changing and w/c staff facilities, all at Saint Martin's House, corner of Upper Baggot Street, and Waterloo Road, 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.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the location of the site within a cluster of contemporary commercial buildings on the junction of Upper Baggot Street and Waterloo Road and within an area zoned Z6 for which the objective is "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation" as set out in the Dublin City Development Plan 2011 – 2017, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the visual amenities or architectural character of the adjoining Upper Baggot Street Conservation Area or the areas along Waterloo Road and Pembroke Road, which are located within areas zoned Z2 - residential conservation area. Furthermore, it is considered that the proposed development and the development proposed to be retained would not adversely affect the integrity and setting, either individually or collectively, of protected structures located in the vicinity of the site. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The forward projecting curtain wall glazing element containing the proposed reconfigured stair core and entrance lobby fronting onto Waterloo Road frontage shall not exceed a total height of 31.2 metres above ground level. Details of the revised design shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to avoid the creation of a visually overbearing element in the streetscape at this location.

3. Details, of the materials, colours and textures of all external finishes, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. Details of all signage proposed together with any proposals for the illumination of such signage, including signage at the main entrance to the building onto Waterloo Road and signage over individual retail units shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of visual amenity.

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5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, 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 authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

7. 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 and to ensure a proper standard of development.

8. 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.

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

Dated this day of 2016.