

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2245/16

An Bord Pleanála Reference Number: PL 29S.246463

APPEAL by Patrick Donegan care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare and by others against the decision made on the 5th day of April, 2016 by Dublin City Council to grant subject to conditions a permission to Plaza on the Square Limited care of Horan Rainsford Architects of 36 Main Street, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of the change of use from offices to a 108 bedroom hotel, and which involves: the demolition of all late 20th century structures to the rear (circa 1,116 square metres), but retaining the existing structure fronting Pembroke Street Lower (circa 1,272 square metres), and the construction of a new extension (circa 3,590 square metres) including a replacement/enlarged fourth floor level with set-back terrace fronting Pembroke Street, over basement plant rooms (circa 558 square metres). The maximum height of the new structure will match that of the five-storey retained structure (that is 18.63 metres over pavement level at Pembroke Street Lower) with setbacks to the rear at second, third and fourth floor levels (up to 13.8 metres distant from the rear (north-west) boundary, and three further screened terraces are provided, at ground floor level and second floor, all to the rear; 12 cycle parking spaces are also provided, all at 16 to 18 Pembroke Street Lower and Windsor Place, 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

Part of the site of the proposed development is zoned 'Z1' the stated objective of which zoning is 'to protect, provide for and/or improve residential amenities' as set out in the Dublin City Development Plan 2011 -2017. The remainder of the site is zoned 'Z8' the stated objective of which zoning is 'to protect the existing architectural and civic design character, to allow only for limited expansion consistent with the conservation objective'. Having regard its design, nature, scale and use and to the existing character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms the sites zoning objectives and in terms of conservation and amenity, would not interfere unduly with the character of Protected Structures in the vicinity of the site, would not seriously injure the residential amenities of neighbouring dwellings, would be acceptable in terms of traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that, subject to strict operation of the proposed site Servicing Management Plan, the proposed development would not cause significant congestion, obstruction and interference with the free and safe flow of traffic and the proposed development could be accommodated at this location without endangering public safety by reason of a traffic hazard. Furthermore, the Board considered that the Planning Inspector's concerns, as set out in the recommended second reason for refusal, could be satisfactorily addressed by way of the attachment of an appropriate condition omitting the top floor of the proposed development and thus preventing overdevelopment of the site and preventing injury to the visual amenities of the surrounding south city Georgian core and Protected Structures adjoining and adjacent to the site.

The Board accepted and adopted the Planning Inspector's analysis in relation to screening for Appropriate Assessment and concurred with her conclusions. The Board considered that the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any European site in particular the North Dublin Bay Special Area of Conservation (Site Code Number 0206), the South Dublin Bay Special Area of Conservation (Site Code Number 00210) or the South Dublin Bay and River Tolka Special Protection Area (Site Code 4014) and the North Bull Special Protection Area in view of the site's conservation objectives.

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. The top floor of the proposed building (proposed fourth floor, as indicated on Drawing Number 254-P-02-02 received by the planning authority on the 15th day of February, 2016) shall be omitted in its entirety. Revised drawings providing for this omission shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the integrity of vistas from within the south city Georgian core including views from within and across Fitzwilliam Square.

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

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, or attached to the glazing unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. 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.

6. Prior to commencement of development the applicant shall agree in writing the final details of cycle parking provision for the development.

Reason: To ensure a satisfactory standard of development.

7. 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, noise management measures and off-site disposal of construction/demolition waste.

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

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

9. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will 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.

10. Prior to commencement of development a scheme for the effective control of fumes and odours from the premises shall be submitted to, and agreed in writing with, the planning authority. This scheme shall be implemented prior to the use commences and thereafter, shall be permanently maintained.

Reason: In order to safeguard the amenities of property in the vicinity.

11. The sound levels from any loudspeaker announcements, music or other material projected in, or from, the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

Reason: In order to safeguard the amenities of property in the vicinity.

12. 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: In the interest of the amenities of property in the vicinity and the visual amenities of the area.

13. The proposed delivery and servicing procedure shall be conducted, as set out in the Delivery and Servicing Management Plan, as prepared by AWN Consulting, and shall incorporate the following:

- (a) A maximum of only two number deliveries or servicing to occur in any one hour, target hours to be 0800 and 0900 hours (two servicing events maximum) in the morning and between 1100 and 1200 hours (two servicing events maximum), if a third event is required, this will take place between 0900 and 1000 hours or between 1000 and 1100 hours only. No deliveries shall take place on Saturday or Sunday.
- (b) The waste bins and the sorting of waste shall be located at basement level only.

- (c) The Delivery and Servicing Management Plan shall be monitored on an ongoing basis and reviewed and updated annually.

Reason: To ensure a satisfactory standard of development.

14. 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.