

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3152/16

An Bord Pleanála Reference Number: PL 29S.247393

APPEAL by Patrick Donegan care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 14th day of September, 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: Consisting of a) office accommodation formed by the demolition of late 20th century structures to the rear (circa 723 square metres) and their replacement with five-storey over basement extension of circa 2,487 square metres (four-storey over Pembroke Street); the existing structure fronting Pembroke Street Lower is to be retained (circa 1,272 square metres), with the existing fourth floor level reconstructed and extended, retaining a set-back terrace to the east; the vehicular ramp off Pembroke Street is to be removed; b) a café/restaurant facing Pembroke Street Lower at ground and lower ground floors (circa 255 square metres) with a terrace to the rear on both floors; c) the change of use of the existing four-storey block adjacent to Windsor Place from office to residential, to provide a two-bedroom apartment on each of the three upper floors, each with a balcony to the west and, at ground level, car parking, cycle-parking, stores and entrance lobby, with a new lift shaft to the north elevation.

The total gross floor area would be 4,065 square metres, and the maximum height of the new structure matching that of the five-storey retained building (that is, 18.63 metres over pavement level at Pembroke Street Lower), with setbacks to the rear at second and third floor levels (up to 9.8 metres distant from the rear (north-west) boundary). Three number car-parking spaces and six number cycle-parking spaces are provided for residential use only, and 36 number cycle-parking spaces are provided for the offices, all at numbers 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

Having regard to the provisions of the Dublin City Development Plan 2016 – 2022, to the planning history of the site and to the pattern of development in the vicinity, and having regard to the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would generally conform to the zoning objectives that apply to the site, would provide for an appropriate mix of uses in this city centre location, would not detract from the character or setting of Protected Structures in the vicinity of the site, would not detract from the amenity or character of the Fitzwilliam Square Architectural Conservation Area, would not seriously injure the residential amenities of neighbouring buildings, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be 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, as amended by the further plans and particulars submitted on the 18th day of August 2016, 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 as follows:-

The top floor of the proposed development (the proposed fourth floor, as indicated on Drawing Number 325-P-02-02 received by the planning authority on the 17th day of June 2016) shall be omitted in its entirety.

Revised drawings providing for this requirement, with any consequent changes to the design and layout of the proposed development, 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. All signage on the proposed development shall be the subject of a separate planning permission. 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 such planning permission.

Reason: In the interest of visual amenity, to allow the planning authority to assess the suitability of such signage on the area as part of the statutory planning process and because no details of signage for the subject development was submitted as part of the present planning application.

4. Details of the materials, colours and textures of all external finishes 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.

5. Water supply and drainage arrangements, including the attenuation and 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 developer shall agree in writing with the planning authority the final details of cycle parking provision for the development.

Reason: To ensure a satisfactory standard of development.

7. The car parking indicated on the submitted plans shall be reserved for use by the residents of the proposed apartments and shall be allocated to those apartments individually. They shall not be sold, leased or otherwise transferred or conveyed separate from the apartments to which they are assigned.

Reason: In the interest of proper development and residential amenity.

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

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

9. 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.

10. Site development and building works shall be carried out only between the hours of 0700 and 1800 hours from Mondays to Fridays inclusive, between 0800 hours and 1400 hours 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.

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

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

12. The opening hours of the proposed café/restaurant shall be restricted to between the hours of 0800 and 2200 hours, Monday to Sunday, inclusive of public holidays.

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

13. 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.

14. 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 level (as modified by condition number 2 of this permission), including lift motors, air handling equipment, storage tanks, ducts or other external plant, telecommunications equipment or antennae, 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.

15. 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 2017.