



An
Bord
Pleanála

Board Order PL 29S.248921

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4303/16

Appeal by Fergus Fahey care of Jim Brogan, Planning and Development Consultant of Unit B1 Laurel Lodge Business Centre, Laurel Lodge, Castleknock, Dublin against the decision made on the 28th day of June, 2017 by Dublin City Council to grant subject to conditions a permission to MKN Property Group care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing three-storey building at 13 Pembroke Row and the two-storey building at 6 Pembroke Row and all their associated structures and the construction of a new six-storey (four storeys with two setback penthouse levels) over single level basement building comprising of five levels of office use from ground to fourth floor levels inclusive and media associated use at fifth floor level, eight number car parking spaces and 36 number bicycle parking spaces with associated ancillary plant, waste storage area, shower, changing and locker facilities all at basement level. The main pedestrian access to the building will be from Pembroke Row with a separate gated vehicular/bicycle entrance to the basement from Pembroke Row. The proposed development also provides for all associated engineering, site development works, landscaping and

boundary treatments including the provision of a new footpath to Pembroke Row. All at number 6 and number 13 Pembroke Row, Lower Baggot Street, 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 to 2022, including the zoning objectives for the area, the planning history of the site, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the streetscape or the visual amenities of the area and would not seriously injure the residential amenity of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to increase the setback of the fourth and fifth floors to 5.4 metres from the redline boundary, the Board considered that the proposal was acceptable in terms of visual and residential amenity.

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 23rd day of May 2017, 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 glazing at ground, first, second and third floors of the front elevation, and at first, second and third floors of the rear elevation, shall be fitted with a translucent layer/obscured glazing or an applied manifestation up to a height of 1.35 metres above finished floor level (FFL).

Reason: To prevent overlooking of adjoining residential property.

3. No element of the proposed design shall oversail the red line site boundary. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

4. The developer shall comply with the following:
- (i) The sequencing of the car lifts should give priority to vehicles entering the site at peak hours.
 - (ii) The developer shall undertake to implement the measures outlined in the Travel Plan submitted in conjunction with the application and ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
 - (iii) Details of materials proposed in public areas and Pembroke Row are required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and shall be agreed in writing with the planning authority. All works on the public road shall be subject to the written agreement of the planning authority and at the developer's expense.
 - (iv) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/Fob access shall be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.
 - (v) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: To ensure a satisfactory standard of development.

5. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management measures, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of orderly development.

7. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

8. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, 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.

9. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 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 residential amenities of property in the vicinity.

10. Notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element, shall be displayed or erected on the building or within the curtilage, or attached to the glazing, without a prior grant of planning permission.

Reason: In the interest of visual amenity.

11. 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 authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

