



An  
Bord  
Pleanála

**Board Order  
PL 29S.248980**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2997/17**

**Appeal** by Chicago Rock Café Limited care of Leisureplex Coolock, Leisureplex Retail Park, Malahide Road, Dublin and by Bryan Maher of The Garden House, Stirling, Clonee, County Meath against the decision made on the 19<sup>th</sup> day of July, 2017 by Dublin City Council to grant subject to conditions a permission to Irish Life Assurance Plc together with Ventasker Limited and MIRELF V1 Irish Investments ICAV care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The proposed development comprises a change of use, external works to the ground floor facades and internal reconfiguration of the units. It relates to the interior of the ground floor and basement levels of Unit B5 (formerly “The Dandelion”), to the basement level of Unit B1B (TGI Fridays) and to the ground floor (St. Stephen’s Green) façade of Unit B5 and (part of ) Unit B1B. The proposed change of use is from mixed bar/restaurant/dancing to 100% retail. The external changes include revised glazing, new aluminium/timber clad shopfronts (to selected RAL colour) with individual illuminated lettering in signage panels. The existing escape doors from adjoining hotel are to be incorporated into the new shopfront

façade (with no change in function as hotel fire escape route). The internal changes include a demolition of internal walls, partitions, stairs and partial demolition of the lower mezzanine (reduction of 40 square metres floor space), demolition of entire upper level mezzanine (reduction of 115 square metres floor space), demolition of part dividing wall at basement level to link basement levels, reconfiguration of circulation areas and provision of a new escalator in newly formed opening void from ground to basement level (reduction in ground level floor space of circa 60 square metres). Other works include the construction of new fitting rooms, offices and staff locker rooms/ancillary accommodation and all necessary ancillary development above and below ground; all at site, part of St. Stephen's Green Shopping Centre (128 – 140 St. Stephen's Green) comprising of a combination of units as follows:- ground floor (and mezzanine), basement (and mezzanine) of Unit B5 (formerly known as The Dandelion) and ground floor entrance and basement of Unit B1B (known as TGI Fridays), St. Stephen's Green, 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:

- (a) the existing land uses and the nature and extent of the proposed retail use,
- (b) the site location on St. Stephen's Green West at the St. Stephen's Green Shopping Centre within an area subject to the zoning objective for the area: Z5: "To consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity" as set out in the Dublin City Development Plan, 2016-2022,
- (c) the limited extent of the proposed works required to facilitate the proposed change of use,
- (d) the materials, finishes and design of the proposed shopfronts and signage, and
- (e) the original construction of the shopping centre incorporating protective measures to prevent water ingress,

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development objectives for the area, would not detract from or seriously injure the historic architectural integrity and character of the historic built environment in the vicinity which includes protected structures, the Grafton Street and Environs Architectural Conservation Area and the designated Conservation Area in which St. Stephen's Green Park is located, would not be prejudicial to public health by reason of flooding risk and, would 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 lodged with the application except as may otherwise be required 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.

**Reason:** In the interest of clarity.

2. Details of colours and textures of all external materials, textures, colours and finishes, lettering inclusive of samples, and external illumination shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A window display shall be maintained at all times and the glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

**Reason:** In the interest of the visual amenities of the area.

3. Apart from the details agreed under condition number 2 of this order and 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, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area and to allow the planning authority to assess any such development through the statutory planning system.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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 residential amenities of property in the vicinity.

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

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

6. 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.

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

**Dated this      day of                                          2018**