



---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4120/21**

**Appeal** by The Pembroke Road Association care of Siobhan Cuffe of 57 Pembroke Lane, off Raglan Road, Dublin against the decision made on the 19<sup>th</sup> day of May, 2022 by Dublin City Council to grant subject to conditions a permission to Atria V Lux SARL care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of the existing eight-storey over-basement office building on site which has a total gross floor area of 3,757.5 square metres, along with all associated site clearance works. Construction of a part four to part 10-storey office development over basement level, with a café/restaurant unit at ground floor level. The proposal has a gross floor area of 12,690 square metres, including basement level. An office reception area fronting onto the junction of Pembroke Road and Northumberland Road, a café/restaurant unit, office floorspace and ESB substation are proposed at ground floor level. Ancillary office floorspace, plant rooms, a bin store, attenuation storage, a bike store for 158 number spaces, one number motorcycle space, e-scooter parking spaces and nine number car parking

spaces are provided at basement level. 10 number visitor cycle parking spaces are provided at ground level. External terraces are provided from first to ninth floor level. The development provides for pedestrian access from Pembroke Road and Northumberland Road and vehicular and cycle access to the basement car park from Baggot Lane/Northumberland Road. The development includes screened plant enclosures, green roofs and PV panels at roof level. The development includes foul and surface water drainage, landscape works, public realm upgrades, boundary treatments, lighting, signage, and all ancillary site development works necessary to facilitate the development. Connection to services/works external to the planning application site boundary will be subject to agreement with the planning authority, all at Carrisbrook House, 122 Northumberland Road, Dublin. The site is located at the junction of Pembroke Road and Northumberland Road. The site is bounded to the west by number 120 Pembroke Road (a Protected Structure (RPS reference number 6637)) and number 122 Baggot Lane, to the east the site is bounded by Northumberland Road and an existing petrol filling station (D4 Fuels).

## **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.**

## Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, the zoning provisions of the site “Z6 – Employment/Enterprise”, the Urban Development and Building Heights - Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2018, the National Planning Framework which seeks to promote compact sustainable development, the pattern and character of development in the area, the location of the site in close proximity to a wide range of public transport options and other services, and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be consistent with the development plan objectives for the Z6 – Employment/Enterprise zone, would constitute an acceptable quantum of development in this location, would address under-utilisation of, and deliver more compact growth in, this prime inner suburban site, would make a positive architectural contribution to this prominent location whilst integrating with the existing historical character and built heritage context of the area, would provide a more energy-efficient building close to key, high frequency, public transport corridors, and would not seriously injure the 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 refuse permission, the Board considered that the proposed development would be in accordance with the performance criteria for enhanced height whilst avoiding an abrupt transition in scale between land-use zones, would not have a significantly negative impact on the amenity of residential property in the immediate area, would not result in unacceptable levels of overshadowing or overlooking of adjoining property, and would not detract from the visual amenities 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 information received by the planning authority on the 22<sup>nd</sup> day of April 2022, 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. Details, including samples 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 prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The developer shall install a piece of art/sculpture at two ground level locations on the site, subject to written agreement with the planning authority.

**Reason:** In the interests of public and visual amenity.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

6. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the developer unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

7. Site development and building works shall be carried out only between the hours of 0700 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 subject to the prior written agreement of the planning authority.

**Reason:** In the interest of residential amenities of surrounding properties and in the interest of clarity.

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:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

9. Any alterations to the public road or footpath shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the developers' expense.

**Reason:** In the interests of clarity, public safety and amenity.

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

11. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular, recyclable materials in the interest of protecting the environment.



12. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

**Reason:** In the interests of visual and residential amenities.

13. A minimum number of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transport.

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.

*Eamonn James Kelly*



---

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *1<sup>st</sup>* day of *November*, 2023.