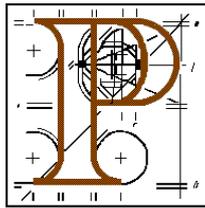


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2836/15

An Bord Pleanála Reference Number: PL 29S.245313

APPEAL by the City Quay East Residents Association care of David Byrne of 46A City Quay, Dublin and by Hibernia REIT Plc care of John Spain Associates of 50 Mount Street, Dublin against the decision made on the 16th day of July, 2015 by Dublin City Council to grant subject to conditions a permission to the said Hibernia REIT Plc in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (as revised by further public notices received by An Bord Pleanála on the 23rd day of December, 2015).

The proposed development is for a mixed use development at a site of circa 0.576 hectares on lands at numbers 1, 2, 3, 4, 5, and 6 Sir John Rogerson's Quay, numbers 21 and 22 Windmill Lane and number 17 Creighton Street (also known as 16-25 Creighton Street), and the existing Observatory Building at 7-11 Sir John Rogerson's Quay, Dublin. The site includes protected structures at number 4 (RPS Reference Number: 7544) and number 5 (RPS Reference Number: 7545) Sir John Rogerson's Quay and the façade of number 2 (RPS Reference Number: 7543) Sir John Rogerson's Quay.

The proposed development comprises of the following:

- The demolition of all structures on the site with the exception of numbers 4 and 5 Sir John Rogerson's Quay (both protected structures) and the façade of number 2 Sir John Rogerson's Quay (the façade is a protected structure) comprising of 6,100 square metres gross floorspace (including 21 number habitable dwellings).
- The construction of a four to six storey building, plus screened rooftop plant. The sixth storey will be setback from Windmill Lane to the south and the fifth and sixth storeys will be setback from Creighton Street to the west. The proposed development is a mixed use development with a gross floorspace of 12,284.2 square metres consisting of 11,701.9 square metres office use, an own door office/retail unit at ground floor level to Creighton Street (circa 94.5 square metres gross), a retail/café unit at ground floor level (circa 220 square metres gross) on the corner of Creighton Street and Windmill Lane and two number retail units at ground floor level (of circa 168 and 100 square metres gross) on Windmill Lane, all over a single basement level to include 26 number car parking spaces and 205 number bicycle parking spaces, plant, ancillary uses (such as storage, waste storage, lockers, showers, plant areas). The proposal includes a courtyard space to the rear of the retained façade at number 2 Sir John Rogerson's Quay.
- The construction of a five storey building, with the fifth storey setback from Sir John Rogerson's Quay, on the site of number 6 Sir John Rogerson's Quay (demolished pursuant to planning register reference number 1222/03) to comprise of office use (402.1 square metres gross). The proposed building on the site of number 6 Sir John Rogerson's Quay will include connections to the proposed development to the rear (south).
- Works to numbers 4 and 5 Sir John Rogerson's Quay (both protected structures) comprising of internal and external alterations and refurbishment works to include replacement of existing roof, part reconstruction of front and rear façades, internal alterations including alterations to internal party walls, and the change of use of numbers 4 and 5 to office use. The development includes internal connections between retained numbers 4 and 5 Sir John Rogerson's Quay and the proposed new development at number 6 Sir John Rogerson's Quay. Number 4 Sir John Rogerson's Quay will comprise of 258.9 square metres gross office floorspace and number 5 Sir John Rogerson's Quay will comprise of 243.3 square metres gross office floorspace.

- Refurbishment of the retained façade at number 2 Sir John Rogerson's Quay, including the provision of a glazed structure to the rear of and connected to the retained façade, and the provision of timber fins to the east and west of the retained façade along Sir John Rogerson's Quay.
- Alterations and minor works to 7-11 Sir John Rogerson's Quay (the Observatory Building) to provide internal linkages to the proposed new development at basement level.
- The proposed development includes the use of the existing basement access ramp from Windmill Lane at numbers 7-11 Sir John Rogerson's Quay for vehicular access to the proposed development.
- The proposed development includes all associated and ancillary works including hard and soft landscaping including to terraces and a courtyard to serve the office element and the provision of an electricity substation and associated switchroom to Creighton Street.

The proposed amended development will comprise a gross floorspace of 13,188.5 square metres comprising of circa 12,606.2 square metres of office floorspace, circa 94.5 square metres of own door office/retail floorspace, circa 220 square metres of a retail/café floorspace, and circa 268 square metres of retail floorspace.

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 location of the site in the city centre along the Liffey Quays and to the Z5 zoning objective which applies to it under the Dublin City Development Plan 2011-2017, it is considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to the character of the area, would not seriously injure the amenities of property in the vicinity, would appropriately conserve the surviving elements of the historic built fabric of the protected structures on the site, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Financial contributions shall be paid in accordance with the contribution schemes that have been duly adopted and which are in force at the time at which the proposed development is authorised, the amounts of which should reflect the size of the development which is authorised.

CONDITIONS

1. (a) 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.
- (b) This permission refers to the development as described in the revised public notices received by An Bord Pleanála on the 23rd day of December, 2015.

Reason: In the interest of clarity.

2. A schedule and appropriate samples of all materials to be used in the external treatment of the development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure an appropriate standard of development.

3. The location of the two disabled car parking spaces in the basement shall be relocated to ensure that the five 'friendly' car parking spaces do not require access through the disabled spaces, or the 'friendly' spaces shall be omitted from the development.

All costs incurred by the planning authority including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of orderly development and traffic safety.

4. The following requirements of the Conservation Section of the planning authority shall be complied with in this development:

- (a) The removal of the entire party wall of the front rooms from an early 18th century building is considered excessive. Revised plans of the first, second and third floors with an opening limited to an interconnecting door between numbers 5 and 6 Sir John Rogerson's Quay shall be submitted for approval of the Conservation officer prior to commencement of development.

- (b) A Conservation Architect shall be employed to manage, monitor and implement the works on site and to ensure adequate protection of any remaining historic fabric during the works. All permitted works relating to the protected structures shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines issued by the Department of Arts, Heritage and the Gaeltacht in 2011.

- (c) Repair of any remaining original fabric and/or reinstatement of lost features shall be carried out by suitably experienced heritage contractors and/or skilled craftsmen. Materials and details shall be informed by appropriate extant examples in-situ or in similar/adjacent properties.

- (d) A sample front door and also a window frame, sashes and glazing shall be agreed on site with the planning authority prior to the commencement of the conservation of the protected structures. The glazing shall be crown glass.
- (e) The windows of the rear walls of the protected structures shall be constructed so that the sashes are able to open into the atrium space.
- (f) A sample of the proposed re-pointing method, joints and mortar shall be agreed on site with the planning authority prior to commencement of works on the protected structures.
- (g) A monitoring programme of supervision, to be carried out by structural engineers with conservation expertise, is required in order to ensure that no damage is caused to the adjacent protected structures during the excavation and building works. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that the historic interest of the protected structure is maintained and to safeguard the integrity of the protected structures.

5. The following requirements of the Engineering Department Drainage Division of the planning authority shall be complied with in the development:
- (a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
 - (b) Dublin City Council's drainage records are indicative and shall be verified on site.
 - (c) The outfall manholes from this development shall be constructed in accordance with the Code of Practice for Development Works – Drainage.
 - (d) The development shall be drained on a completely separate system with separate connections to the public foul and surface water systems.

- (e) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.
- (f) All private drain fittings such as, downpipes, gullies, manholes, and Armstrong Junctions shall be located within the final site boundary. Private drains shall not pass through property they do not serve.

Reason: To ensure a satisfactory standard of development.

- 6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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 where prior written approval has been received from the planning authority.

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

8. Details of all external shopfronts and signage shall be submitted to and agreed in writing with the planning authority prior to occupation.

Reason: In the interest of visual amenity.

9. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for British Standard 4142 - Method for rating industrial noise affecting mixed residential and industrial areas.

The rated noise levels from the site (defined as LAeq 1 hour) shall not exceed the background noise level (as defined in British Standard 4142 - Method for rating industrial noise affecting mixed residential and industrial areas) by 10 dB or more.

Reason: In order to ensure a satisfactory standard of development, in the interest of residential amenity.

10. Notwithstanding the provisions of the Planning and Development Regulations 200,1 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 interests of visual amenity.

11. 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: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

12. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

13. Before the use of the proposed café commences, a scheme shall be submitted to, and agreed in writing with, the planning authority for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.

Reason: In the interest of the amenities of both the immediate neighbours and general surroundings.

14. Prior to the commencement of development, a Project Construction and Demolition Waste Management Plan shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of the protection and conservation of the environment, having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the Department of Environment, Heritage and Local Government, July 2006 and also Dublin City Council's Waste Management Guidelines.

15. Refuse storage facilities shall be provided prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and agreed in writing with the planning authority prior to commencement of the development. Such facilities shall be permanently retained at the site.

Reason: To ensure the provision of refuse facilities to the satisfaction of the planning authority.

16. 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.

17. The developer shall pay to the planning authority a financial contribution of €472,878 (four hundred and seventy-two thousand, eight hundred and seventy-eight euro) in respect of Luas Line C1 – Red Line Extension to Docklands in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 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.