

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2407/15

An Bord Pleanála Reference Number: PL 29S.245492

APPEAL by An Taisce of The Tailor's Hall, Back Lane, Dublin against the decision made on the 26th day of August, 2015 by Dublin City Council to grant subject to conditions permission to Targeted Investment Opportunities PLC care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: A mixed use office, café, retail/restaurant scheme on site of 0.24 hectares at numbers 13-18 City Quay, Dublin. The development will consist of construction of a building of varying heights from five to nine storeys (13,545 square metres gross floor area) over basement level (1,934 square metres) accommodating: office over ground to eighth floor levels (9,909 square metres net internal floor area), café (including ancillary take-away) at ground floor level (454 square metres net internal floor area) with associated external seating; two number retail or restaurant units (measuring 305 square metres and 417 square metres net internal floor area respectively); plant room at eighth floor level (154 square metres); and ancillary floor area over ground to seventh floor levels (2,306 square metres) (ancillary space includes areas such as circulation cores (lifts and stairs), plant areas throughout the building, electrical substations and switchrooms). Roof terraces are provided to the north elevation on the roofs of the fifth and sixth floor levels, and west and south elevations on the roof of the seventh floor level. The development will also consist of: a new civic space to the north of the site at City Quay; car and bicycle lifts accessed via Gloucester Street South to basement level car (30 number spaces including one number mobility-impaired space), motorcycle (two number spaces) and bicycle (138 number spaces) parking; waste compound; the provision of SUDs' measures, including attenuation tank and green roofs; improvement works to the adjacent public streets, all of which are subject to agreement with Dublin City

Council; all hard and soft landscaping; lighting; changes in level; boundary treatments; associated site servicing (foul and surface water drainage and water supply); and all other associated site excavation and site development works above and below ground. (As amended by the further public notice received by the planning authority on the 5th day of August, 2015).

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 Dublin City Development Plan 2011-2017 in which zoning objective for the area is ZR 5: providing for the consolidation and facilitation of the development of the central area,
- to the Georges Quay Local Area Plan in which the site is one of two sites within the City Quay site which is one of three 'Key Sites',
- to the location of the site adjacent to Saint Mary's Church and Presbytery which are included on the record of protected structures, partially within the Liffey Quays Conservation Areas and protected views and prospects from the north side of the quays and bridges,
- to the form, mass, height, materials, finishes, design detail, nature and extent of uses and the public realm provision and enhancements and to the efficiency and effectiveness of the proposed services and management of energy and water supply and discharge and,

- the extent and nature of the proposed uses for the building,

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 integrate satisfactorily with the surrounding existing development including Saint Mary's Church and Presbytery, (protected structures), the Liffey Quays Conservation Area and the protected views and prospects from the north side of the River Liffey, would not detract from visual amenities or established character and pattern of development in the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In disagreeing with the Inspector in regard to amendment of height of the proposal adjacent to the nearby church, the Board considered that the design of the building as amended at further information stage was acceptable given the central urban location and given the limited oblique views of the church available.

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 24th day of July, 2015, 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. A panel displaying samples of the proposed materials, textures and colours of all the proposed external finishes shall be displayed on site following demolition and site clearance. These details shall be agreed in writing with the planning authority prior to construction.

Reason: In the interest of clarity and the visual amenities of the area.

3. Site development and building works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 Saturdays and not at all on Sundays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity and clarity.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

5. A prior grant of planning permission for the shop fronts and signage for the proposed retail and café units shall be obtained prior to the occupation of the development.

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

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and,
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and

- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 7. The scheme shall be landscaped in accordance with the scheme of landscaping, submitted with the application. Details of the scheme, including a timescale for the implementation, shall be submitted to the planning authority for written agreement prior to the commencement of the development.

Reason: In the interest of orderly development and visual amenity.

- 8. No development other than that which is shown in the application 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, without a prior grant of planning permission.

Reason: In the interest of visual amenity.

9. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority, before any of the commercial units are made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of orderly development and the amenities of the area.

10. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. The requirements for the management of storm water shall include the incorporation of SUDS and implementation of the proposed arrangements in the Site Flood Risk Assessment submitted to the planning authority on the 24th day of July, 2015.

Reason: To ensure adequate servicing of the development and to prevent pollution.

11. 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 and noise management measures. .

Reason: In the interest of public safety and the amenities of the area.

12. Prior to the commencement of development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and by staff employed in the development and reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the development.

Reason: In the interest of the use of sustainable modes of transport.

13. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating; and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

14. 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.

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 the 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 is applied to the permission.

16. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Docklands Line C1 Scheme 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 the 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 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.