

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3084/15**

An Bord Pleanála Reference Number: PL 29S.246121

**APPEAL** by An Taisce of Tailors' Hall, Back Lane, Dublin and by Empire Amusements care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 12<sup>th</sup> day of January, 2016 by Dublin City Council to grant subject to conditions a permission to M.F. Properties care of Stephen Little and Associates of 6 Upper Mount Street, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of an increase in the overall gross floor area of the existing building from circa 4,002 square metres to circa 4,940 square metres, (excluding basement car parking) with works comprising: a change of use to café within the internal basement and at ground floor level (circa 197 square metres) with a new independent access off Burgh Quay at ground floor level; the construction of a new building extension from ground to sixth floor level (seven storeys) to existing western elevation; construction of two number new office levels at fifth and sixth floors (circa 1,175 square metres), following demolition of the existing fifth and sixth floors, to provide a seven storey building over basement; provision of a terrace/balcony at fifth and sixth floors (circa 178 square metres); existing facades to Hawkins Street and Burgh Quay to be removed and replaced with new façades; the provision of an overhang of the upper levels of the building over the footpath at the corner of Burgh Quay and Hawkins Street; existing south, west and north inner facades to be retained in part and upgraded with the external insulation and new windows provided; total demolition works proposed circa 709 square metres; internal refurbishment and reconfiguration of the existing office building as exempted development (circa 3,294 square metres); reconfiguration of basement car parking areas resulting in a

reduction of existing car parking spaces from 18 number spaces to 12 number spaces; the provision of 52 number bicycle parking spaces, bin storage and plant at basement level and all associated site development works and ancillary works at Scotch House, corner of Burgh Quay and Hawkins Street, Dublin. The site currently accommodates an existing seven storey office building (circa 4,002 square metres gross floor area) over basement (eight floor levels in total), including plant at sixth floor level (circa 160 square metres) and basement level (circa 14 square metres), and excluding existing basement car parking (circa 519 square metres/18 number car spaces). The building is currently being used for education purposes on a temporary basis.

## **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 zoning objective Z5,
- the O'Connell Street and Environs Architectural Conservation Area,
- the Liffey Quays Conservation Area,
- the Proximity to the Dublin Gas Company Building, number 26 D'Olier Street RPS number 2307,
- the nature, scale and use of the proposed development, and

- the height, massing, design and elevational treatment of the proposed development,

the Board considered that, subject to compliance with the conditions set out below, the proposed development in terms of its height, scale, mass and elevational façade treatment represent an appropriate and careful design response to the site and its surrounding streetscape and would not seriously injure the visual amenities of the area or the character and integrity of the O'Connell Street and Environs Architectural Conservation Area or the Liffey Quays Conservation Area. 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 original design iteration submitted to the planning authority on the 25<sup>th</sup> day of June, 2015, with its more vertical emphasis to the elevational treatment of the façade represented an appropriate and sensitive design response to the character of Burgh Quay and Hawkins Street and was in keeping with the objective of the Development Plan to identify, reinforce and strengthen and protect its civic design character and dignity.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25<sup>th</sup> day of June 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. Details including samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

4. 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.

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

5. 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.

6. 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.

7. Prior to the opening of the 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 car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

8. 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.

9. The proposed café shopfront shall be in accordance with the following requirements:-
  - (a) signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
  - (b) lighting shall be by means of concealed neon tubing or by rear illumination,
  - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,

- (d) any internal shutter shall be only of the perforated type, coloured to match the shopfront colour, and
- (e) no adhesive material shall be affixed to the windows or the shopfront.

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

10. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panel, including any increase in the number of posters to be displayed, the scrolling mechanism or the internal/external illumination, shall be the subject of a separate application for permission to the planning authority.

**Reason:** To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

11. 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.

12. 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.

13. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas C1 Line 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 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.

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

**Dated this            day of            2016.**