

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2051/16**

An Bord Pleanála Reference Number: PL 29S.246828

**APPEAL** by Shane O'Toole on behalf of DOCOMOMO Ireland of 8 Merrion Square, Dublin and by others against the decision made on the 2<sup>nd</sup> day of June, 2016 by Dublin City Council to grant subject to conditions a permission to IPUT 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:** Demolition of the existing office development on the site (circa 8,513 square metres [plus basement level] ranging from 3 to 12 storeys [12 metres to 38 metres] in height) and the construction of a new office development (circa 17,405 square metres [plus 2 basement levels] ranging from four to eight storeys [17 metres to 33 metres] in height) including the following elements: (1) two basement levels (circa 3,557 square metres) including 44 number car spaces (access via ramp from Wilton Terrace), 178 number bicycle spaces, plant, waste and ancillary areas; (2) landscaping within the site area (including provision of gardens and terraces at lower ground, ground, fourth, seventh and roof Levels); (3) resurfacing and upgrading and landscaping of adjacent public areas outside the site ownership boundary (including widening part of Lad Lane to create a pedestrian footpath with tree planting, removal of three number parking spaces on Cumberland Road to create a service/delivery loading zone, a new loading zone on Wilton Terrace for waste collection and provision of a [two car] set down area on Wilton Terrace and associated relocation of the existing coach parking bay; all subject to the agreement of Dublin City Council); (4) a plant enclosure (circa 520 square metres and photovoltaic panels on roof of seventh floor); (5) public artwork(s) at the south of the site and (6) provision of an ESB substation, 31 number surface level visitor bicycle spaces, external furniture and lighting to landscaped areas and all associated and ancillary development and site works above and below ground, on a site of c 0.385

hectares at 1-6 Wilton Terrace (formerly Fitzwilton House), bounded by Wilton Terrace, Cumberland Road and Lad Lane Upper, Dublin.

## **DECISION**

**GRANT permission of 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 zoning objective for the site, to the pattern of development in the area and the proposal to provide latest generation, high quality office space, together with the design, layout and scale of the proposed building and its location fronting onto the Grand Canal, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the provisions of the Dublin City Development Plan 2011-2017, would not adversely or materially impact on the character or architectural significance of the conservation area designation it forms part of, nor would it seriously injure the visual amenities of the area of residential amenities of properties in the vicinity. The proposed development would, therefore, 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 particulars lodged with the application, as amended by the further plans and particulars submitted on the 6<sup>th</sup> day of May 2016, 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. Prior to the commencement of development, details 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.

**Reason:** In the interests of orderly development and the visual amenities of the area.

3. 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. Details of proposed screens required for wind impact mitigation at roof level shall be submitted for the written agreement of the planning authority.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

4. No fans, louvres, ducts or other external plant other than those shown on the drawings hereby permitted shall be installed unless authorised by a prior grant of planning permission.

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

5. Provision shall be made for cycle access from Wilton Terrace onto Lad Lane Upper. Details of such provision, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation and safety.

6. The road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

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 employer. 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. 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) details of construction times;
- (b) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (c) location of areas for construction site offices and staff facilities;

- (d) details of site security fencing and hoardings;
- (e) details of on-site car parking facilities for site workers during the course of construction;
- (f) 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;
- (g) measures to obviate queuing of construction traffic on the adjoining road network;
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) 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;
- (j) provision of parking for existing properties at Lad Lane Upper and Cumberland Road during the construction period;
- (k) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (l) 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;
- (m) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (n) 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. 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 and to ensure a proper standard of development.

10. No advertisement or advertisement structure other than those shown on the drawings submitted with the application shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

11. The Landscape Masterplan, as submitted to the planning authority on the 6<sup>th</sup> day of May, 2016 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

12. Comprehensive details of the proposed lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development are made available for occupation.

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

13. 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, lighting, waste storage facilities and sanitary services, shall be submitted to, and agreed in writing with, the planning authority before the proposed development is made available for occupation.

**Reason:** To provide for the future maintenance of this private development in the interest of visual amenity.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

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 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.**