



An
Bord
Pleanála

Board Order PL 29S.247907

Planning and Development Acts 2000 to 2016

Planning Authority: Dublin City Council

Planning Register Reference Number: 3036/16

Appeal by Corn Exchange Management Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin and by Balark Investments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 16th day of December, 2016 by Dublin City Council to grant subject to conditions a permission to Tom O'Brien and Simon Coyle of Mazars, joint receivers of Cuprum Properties Limited (in receivership), care of Brady Shipman Martin of Block B, Canal House, Canal Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing Apollo House located on Tara Street and Poolbeg Street and the Long Stone Pub on Townsend Street and construction of a commercial office building ranging in height from five storeys to 12 storeys (including one level of plant). The total gross floor area above ground of this building will be circa 16,205 square metres. The ground floor includes office entrance and foyer of 245 square metres, two number café/restaurant/retail units (160 square metres and 390 square metres respectively) and one number bar/café/restaurant unit of 460 square metres. Access to the two level basement will be via a ramp onto Townsend Street, basement -2 contains 40 number car parking spaces and associated plant and basement -1 contains 174 number cycle spaces and associated shower and toilet facilities, plant area and two number ancillary storage

spaces of approximately 280 square metres and 60 square metres. Cycle access to the basement will be via a dedicated, access controlled cycle stair accessed from the new civic space. Roof terraces are provided on the west and south elevation at tenth floor level, on the east elevations at eighth floor level, on the west elevation at sixth floor level and on the south elevations at fifth floor levels. The development will also consist of a new civic space onto Poolbeg Street including proposed hard and soft landscaping features and boundary treatment to adjoining Hawkins House. The proposed development also includes for the provision of green roofs, retail/café/restaurant signage, a new Electricity Supply Board substation, 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, all on a site of 0.2925 hectares at Apollo House, Tara Street, Dublin and 9 to 11 Townsend Street (including The Long Stone Pub), Dublin. The site is bounded by Townsend Street to the south, Tara Street to the east, Hawkins House to the west and Poolbeg Street to the north.

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

Proper Planning and Sustainable Development

Having regard to:

- the Dublin City Development Plan, 2016-2022 (zoning objective Z5 - “to consolidate and facilitate the development of the central area and to identity, reinforce, strengthen and protect its civic design, character and dignity”),
- the site’s location within the “Hawkins House ‘key’ site”, which is one of three ‘key’ sites within the area of the Georges Quay Local Area Plan, 2012,
- the joint masterplan and plans and details included with the application,
- the layout, form, mass, height, materials, finishes, design detail, and the public realm provision and enhancements, 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 integrate satisfactorily with the surrounding existing development including any possible future development within the Hawkins House ‘key’ site, would integrate satisfactorily with the established character of the sensitive historic city centre, including views and prospects towards the site along the River Liffey and the grounds of Trinity College, would not seriously injure the amenities of residential development in the area by reason of overbearing impact, overlooking or overshadowing, would be acceptable in terms of public and private transport and pedestrian safety and convenience and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, and in the light of the mitigation measures set out in the applicant's Screening Report, which would constitute normal construction practice, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the South Dublin Bay Special Area of Conservation (site code 000210), the North Dublin Bay Special Area of Conservation (site code 000206), and the South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024), or on any other European sites, in view of their conservation objectives.

Environmental Impact Assessment

Having regard to the nature, characteristics, scale and location of the proposed development, and to the characteristics and scale of its potential impacts, the documentation and submissions on file generally, the categories of development set out in Schedule 5 to the Planning and Development Regulations, 2001, as amended, and the criteria set out in Schedule 7 to these Regulations, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment, either by itself or in combination with other development in the vicinity, and concurred with the analysis set out in the Inspector's report in this regard. The Board, therefore, concluded that the submission of an environmental impact statement was not required.

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 plans and particulars submitted to the planning authority on the 22nd day of November, 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. The developer shall provide and adhere to the following requirements:
 - (a) Full details of the layout, configuration, design, hard and soft landscaping, street furniture and lighting for the public realm shall be submitted to and agreed in writing with the planning authority prior to the commencement of construction of the public realm.
 - (b) Implementation of the landscaping scheme in its entirety during the first planting season following completion of the development. Any failures occurring within the first three years following implementation of the scheme shall be replaced within the first planting season thereafter.
 - (c) A management strategy to include full details of arrangements for public access for the east-west link forming part of the diagonal pedestrian route shall be submitted to and agreed in writing with the planning authority prior to construction of the public realm.

Reason: To ensure delivery of the public realm objectives for the area provided for in the Georges Quay Local Area Plan, 2012 and in the interest of the amenities and orderly development of the area.

3. Details of the proposed materials, textures and colours of all the proposed external finishes, including details of durability and weathering capacity, shall be submitted to and agreed in writing with the planning authority prior to commencement of construction. A panel displaying samples shall be displayed on site following demolition and site clearance.

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

4. The following requirements of the planning authority shall be complied with.
 - (a) Prior to commencement of development, exact details of the proposed loading bay on Poolbeg Street shall be submitted to and agreed in writing with the planning authority. The provision of the loading bay and any other proposed alterations to the road network shall be to the planning authority requirements and at the developer's expense.
 - (b) Prior to commencement of development, the developer shall liaise with the TII (Transport Infrastructure Ireland) and/or the Luas operator to ascertain any requirements. The developer shall comply with the 'Code of Practice for works on, near or adjacent to the Luas Tramway'.
 - (c) Prior to commencement of development, and on appointment of a contractor, a detailed Construction Management Plan and Traffic Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

- (d) Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key/fob access shall be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.
- (e) The developer shall undertake to implement the measures outlined in the Mobility Management Framework/Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- (f) Details of the materials proposed in public areas is required and shall be in accordance with the document entitled “Construction Standards for Roads and Street Works in Dublin City Council” and agreed in detail with the planning authority prior to commencement of development.
- (g) 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.
- (h) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of clarity, and traffic safety and convenience.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, details of 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. 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 shall be included.

Reason: In the interests of clarity, the amenities of the area and sustainable waste management.

6. The construction of the development shall be managed in accordance with a comprehensive Demolition and Construction Management and Demolition and Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include full details of intended demolition and construction methodology, traffic management and control of noise and dust management measures for the development.

Reason: In the interests of orderly development, public safety and convenience and the amenities of the area.

7. 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 demolition works and 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.

8. 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 Sustainable Urban Drainage systems (SUDs) and implementation of the proposed arrangements in the Site Flood Risk Assessment submitted to the planning authority on the 2nd day of June, 2016.

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

- 9 Public lighting shall be provided in accordance with the scheme submitted to the planning authority. All pedestrian routes shall be lit and shall be open to public access at all times. All ground floor uses within the overall development shall be open to the public and open spaces shall not be gated.

Reason: In the interests of amenity and public safety.

10. 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.

11. Site development and construction works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 hours on 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.

12. 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.

13. Notwithstanding the provisions of the Planning and Development Regulations 2001, 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 the prior grant of planning permission.

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

14. 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 and walking 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.

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 the Board 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 2017