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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3159/19**

**Appeal** by Brian Higgins of 10 Clanwilliam Court, Mount Street, Dublin and by others against the decision made on the 19<sup>th</sup> day of September, 2019 by Dublin City Council to grant subject to conditions permission to Hibernia REIT Public Limited Company care of Brady Shipman Martin of Canal House, Canal Road, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The proposed development consists of the demolition of the existing Elm House (D02 A344), Block 1, Clanwilliam Court (D02 CF97) and Clanwilliam House (D02 CV61) office buildings and the construction of a commercial office building ranging in height from four storeys to seven storeys plus roof plant. The total gross floor area of this building will be circa 18,629 square metres (including floorspace at -1). The ground floor includes a double height office entrance and foyer, a bar/restaurant unit of 154 square metres (with space at basement -1 of 324 square metres). Associated Townhall space at 350 square metres to be office and corporate meeting and events space for use of Hibernia REIT tenants and other businesses and a gym entrance of 59 square metres (with gym at basement -1 of 413 square metres). The development includes for external terraces at

Basement -1 on the south-east elevation, at ground floor on north-west elevation, at first floor level on internal south-east elevation, at fourth floor on north-east elevation and north-west elevation, at fifth floor on north-east elevation and north-west and south-west elevations, at sixth floor on north-east elevation and south-east elevation. Access to the two level basement will be via the existing ramp accessed from Love Lane, basement -2 contains 42 number car parking spaces, four number motorbike parking spaces and associated plant and basement -1 contains 384 number cycle spaces (including 12 visitor spaces at ground level) and associated shower and toilet facilities, plant area. Cycle access to the basement will be via a dedicated access controlled cycle ramp accessed from Clanwilliam Place and from the existing basement entrance on Love Lane. The development will also include for upgrading of the central podium access courtyard area accessed from Lower Mount Street via a double height covered walkway including proposed hard and soft landscaping features. The development also includes for upgrades to the public realm treatment of Love Lane and associated surrounding street landscaping. The proposed development also includes for the provision of green roofs; plant at roof level; PV panels, signage; new ESB substations onto Love Lane; 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 0.54 hectares at Clanwilliam Court, Clanwilliam Place and Lower Mount Street, Dublin. The site is bounded by Velasco Building and Osprey House, onto Grand Canal Street to the north-east, Marine House onto Clanwilliam Place to the east, Love Lane to the west and Mount Street to the south-west.

## **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 “Z6” zoning for the site, as set out in the current Development Plan for the area, including the statement in section 14.8.6 of the plan that any development proposals on “Z6” lands should ensure that the employment element on site should be in excess of that on site prior to the redevelopment in terms of numbers employed and/or office space, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would generally improve the public realm, would not be prejudicial to public health and would generally 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.

## 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 23<sup>rd</sup> day of August, 2019, 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 the 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 building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. A landscaping scheme for open space along Clanwilliam Place, Lower Mount Street and the sedum roof shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The 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 and surrounding the development.

- (b) The proposed locations of trees and other landscaping planting in the development including details of the proposed species and settings.
- (c) Details of proposed street furniture including bollards, lighting fixtures and seating. The boundary treatment and landscaping shall be carried out in accordance with an agreed scheme which shall be submitted to, and agreed in writing with, the planning authority.

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

- 4. Details of the proposed landscaping, both hard and soft, to be incorporated into the podium area including details of lighting, seating, planting and paviour design, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 5. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for such cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developer's expense.

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

6. The developer shall carry out window cleaning on the windows of all external elevations of Block 6 Clanwilliam Court on a periodic basis throughout the construction phase. Details in this regard shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

**Reason:** To protect the amenities of residents living in Clanwilliam Court.

7. 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, traffic management measures and off-site disposal of construction/demolition waste.

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

8. No additional development, other than that shown in the drawings shall take place above roof level including the provision of lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings submitted unless authorised by a prior grant of planning permission.

**Reason:** To safeguard the amenities of surrounding occupiers and the visual amenities of the area.

9. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

10. 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.

11. 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.

12. The following requirements of the planning authority shall be complied with:

- (a) A car parking management plan shall be prepared for the site and shall be submitted to, and agreed in writing with, the planning authority. This plan shall indicate how many spaces will be associated with the development and will be segregated from spaces serving the wider Clanwilliam Court development and details of how to use the car parking will be continually managed. Car parking spaces shall be permanently allocated to the development use and shall not be sold, rented or otherwise sub-let or leased to other parties.
- (b) Cycle parking to development plan standards shall be provided throughout the development. This shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities will also be provided as part of the development.

**Reason:** In the interest of providing sustainable transport infrastructure.



13. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) 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 carpooling by occupants/staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). The mobility strategy shall be prepared and implemented by the management company within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

14. Any alterations to the proposed road network including the provision of set down/loading areas, changes in the surface materials and changes to the road markings shall be agreed in writing with the planning authority prior to commencement of development. These works shall be carried out in accordance with the detailed standards of the planning authority for such works at the developer's expense.

**Reason:** In the interest of road and traffic safety.

15. Details of any materials proposed in public areas should be in accordance with the document entitled “Construction Standards for Roads and Street Works in Dublin City Council” and shall be agreed in writing with the Road Maintenance Division. Any 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.

**Reason:** To ensure a satisfactory standard of development.

16. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** To ensure a satisfactory standard of development.

17. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health and orderly development.

18. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.

**Reason:** To ensure an appropriate standard of development.

19. 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.

20. 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.

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**Paul Hyde**

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

**Dated this            day of            2020.**