

An
Bord
Pleanála

Board Order

ABP-314983-22

Planning and Development Acts 2000 to 2022

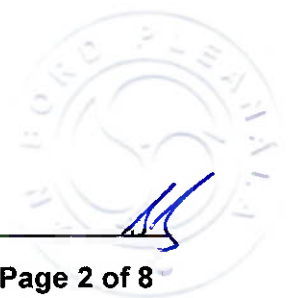
Planning Authority: Dublin City Council

Planning Register Reference Number: 4126/22

Appeal by Aviva Life and Pensions Ireland DAC care of Virtus Project Management of 5th Floor, The Glass House, 11 Coke Lane, Smithfield, Dublin and by ILIM Property Fund ICAV care of Sheehan Planning of 44 Balnagowan, Palmerstown Park, Darty Dublin against the decision made on the 6th day of October, 2022 by Dublin City Council to grant permission subject to conditions to Hibernia REIT plc care of Brady Shipman Martin of Unit H, Mountpleasant Business Centre, Ranelagh, 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), Clanwilliam House (D02 CV61), Marine House (D02 FY24) office buildings and former Clanwilliam Court Block 6 apartment building (D02 NR22) and the construction of a commercial office building ranging in height from four to eight storeys plus roof plant (above ground building height including plant screen at the corner of Clanwilliam Place and Mount Street Lower of 32.9 metres. The total gross floor area of this building will be circa 31,712 square metres (including floor space at Lower Ground Floor (Level -1) but excluding basement parking and plant). The ground floor includes a double height entrance from Clanwilliam Place with a

reception/social hub, two number retail/restaurant/café units of 228 square metres and 141 square metres and a gym/leisure unit of 74 square metres (with access to gym/leisure at Lower Ground Floor (Level -1) of 518 square metres). The proposed social hub is primarily accessed from the ground floor through the reception area of a total area of 484 square metres with access to associated space of 506 square metres at first floor level and 1,077 square metres at Lower Ground Floor (Level 1) which has a secondary access through proposed landscaping from ground level. The development includes for external terraces at Lower Ground Floor (Level -1) on the eastern elevation, at sixth floor on south-west elevation and eastern elevations and at seventh floor on the eastern elevation. Access to the existing redeveloped part two level basement will be via a new ramp accessed from Love Lane. Basement (Level - 2) contains 55 number car parking spaces, ten number motorbike parking spaces and associated plant and Lower Ground Floor (Level - 1) contains 525 number cycle spaces and associated shower and toilet facilities, plant area as well as proposed social hub. Cycle access to the basement will be via a dedicated, access controlled entrance on Love Lane. 66 number visitor cycle spaces are provided at ground level. Access to adjacent parking relating to Osprey House and Velasco is maintained. The development will also include for proposed hard and soft landscaping onto Clanwilliam Place and for upgrades to the public realm treatment of Love Lane and associated surrounding street landscaping on Lower Mount Street. 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 development works above and below ground all on a site of 0.68 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, Clanwilliam Place to the east; Love Lane to the west and Mount Street Lower to the south west.



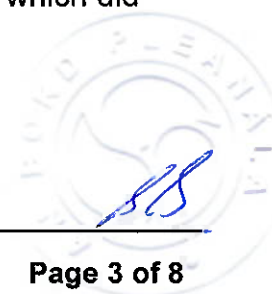
Decision

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.

Reasons and Considerations

Having regard to the Z6 zoning objective relating to the majority of the site, the fact that offices are an 'Open for Consideration' use on Z1 lands which also relate to the site, the nature and extent of the proposed development and the benefits of bringing forward an employment generating commercial use on a serviced urban site, it is considered that the proposed development subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would improve the public realm, would not be prejudicial to public health or the environment, and would generally be acceptable in terms of design, traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Dublin City Development Plan 2022-2028 was the applicable statutory plan in place at the date of the Boards decision. In this regard, the Board considered in full all relevant provisions of the statutory plan. In doing so, the Board recognised that at the time of the decision of the planning authority, the Dublin City Development Plan 2016-2022 was in place. The Board noted that the relevant provisions of the current statutory plan as they would relate to the proposed development are comparable and no material issue arises therefrom. In overview therefore, the Board determined that the grounds of appeal and the material considerations arising therefrom, are not affected by or material to the relevant provisions of the current plan in any manner which of themselves are not materially different to the previous plan and which did not form part of the basis of the decision of the Board.



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 received by the planning authority on the 9th day of September 2022, 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 proposed development shall be amended as follows:
 - The north elevation of the development hereby approved shall be amended for the length of its boundary with number 7 Grand Canal Street to provide aluminium cladding (or other material to be agreed in writing with the planning authority) in lieu of glazing, up to and including the sixth floor level.

Revised drawings showing compliance with these requirements and proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenity.

3. 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 prior to commencement of development.

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

4. The demolition of the existing buildings and the construction of the development shall be managed in accordance with a Demolition and Construction Environmental 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 practices for the development, including noise management measures, dust and vibration management measures, construction traffic/logistics, and a construction phase mobility strategy.

Reason: In the interests of public safety and amenity.

5. Water supply, flood risk reduction, drainage arrangements (including the attenuation and disposal of surface water), run off rates, installation of a petrol interceptor, incorporation of SUDS, and construction of manholes, shall comply with the requirements of the planning authority for such works and services. Full details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

6. The development shall comply with the transport requirements of the planning authority in terms of restrictions on the use of car parking spaces, provision of electric vehicle charging spaces, the provision of cargo bike spaces, provision of a Mobility Management Plan, and the quantum and location of cycle parking on Mount Street Lower. Full details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure a satisfactory standard of development.

7. Site development and building works shall be carried out only between the hours of 0700 and 1800 on Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays.

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.

8. An archaeological appraisal of the site shall be submitted to and approved in writing with the planning authority. Should the archaeological appraisal determine that there is archaeological heritage on the site, then the developer 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.

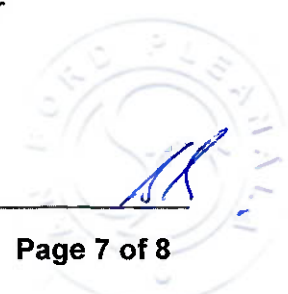
9. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage or attached to the glazing without a prior grant of planning permission.

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

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. 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.

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 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Stephen Bohan

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

Dated this *21st* day of *February* 2024