



An
Bord
Pleanála

Inspector's Report ABP 307395-20.

Development	Demolition or existing structures and construction of a four, five and six storey over lower ground floor and basement office development
Location	Nos 2-5 Warrington Place, Dublin 2.
Planning Authority	Dublin City Council.
P.A. Reg. Ref.	4680/19
Applicant	Percy Nominees Ltd.
Type of Application	Permission.
Decision	Grant Permission
Third Party Appellants.	Alan Corrigan, (Local Residents Association.) Mary O'Shea and Adrian Sherry
Date of Site Inspection	29 th September, 2020.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site has a stated area of circa 940 square metres and is that of a four-storey office block with a service core at roof level which was formerly occupied by the Broadcasting Association of Ireland. It has frontage onto Warrington Place and undercroft parking at the rear. Powerscourt is located on the south western side of the block and Warrington Lane off which there is vehicular access is along the north east side.
- 1.2. Two storey terraced houses with small front gardens with frontage onto Powerscourt and rear boundaries along Warrington Lane are located to the east at the rear of the site. On the east side of Warrington Lane facing onto Warrington Place is a contemporary office block rising to seven storeys occupied by Bord Gas Energy. To the west side of Powers Court facing onto Warrington Place is a row of nineteenth two storey over garden level terraced houses which are included on the record of protected structures.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposes for:
 - Demolition of existing structures, the stated floor area of which is 1,460 square metres.
 - Construction of a four, five and six storey over lower ground floor and basement office development
 - 40 cycle parking spaces and eight carparking spaces with access via car lifts off Warrington Lane.
 - Public realm upgrades.
 - All associated site development, service and landscape works, plant, substation, and associated development.
- 2.2. The total stated floor area is 4,248 square metres and 3,604 square metres when the basement is excluded. The stated plot ratio is 3.8 and site coverage is 71.50 %
- 2.3. In the further information submission lodged on 21st April, 2020, provision is made to incorporate translucent glazing and perforated metal screening to address

overlooking of adjoining residential properties, incorporation of use of the car lifts for cycle access, cycle stands at the entrance and proposals for use of existing facilities on Warrington Place and Warrington Lane for deliveries and services vehicles.

- 2.4. The application submissions are accompanied by preliminary construction and demolition waste management plan, flood risk assessment and engineering services report, a design statement, engineering services report, transport assessment, outline construction and demolition plan, outline waste management plan, landscape Visual and Townscape Visual Assessment and representations, a conservation report, an archaeological report, sustainability report appropriate assessment screening report, and planning statements.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. By order dated, 26th May, 2020 the planning authority decided to grant permission for the proposed development subject to conditions all of which are of a standard nature for commercial developments.

3.2. Planning Authority Reports

- 3.2.1. The planning officer in his final report further to review of the further information submission indicated satisfaction with the proposed development which he considered to be of high quality, a positive contribution at the location along the Canal thoroughfare and to employment
- 3.2.2. The Transportation Planning Department in its final report indicated satisfaction that the response to the issues raised in the additional information request had been resolved in the further information submission.
- 3.2.3. The reports of the Drainage Division and Waste Management Division indicate no objection to the proposed development subject to conditions

3.3. Third Party Observations

- 3.3.1. The issues of concern raised in the submissions lodged with the planning authority

are that of:

overdevelopment and excessive intensity of development

excessive scale and height, and inappropriate design leading to adverse impact on the visual amenities and architectural character of the area,

adverse impact on the residential amenities of the surrounding houses through overbearing and dominant effect,

excessive height to the proposed boundary wall,

noise pollution at construction and from the proposed substation post construction.

obstruction of sunlight and daylight at adjoining properties

excessive demand for parking in the area,

inappropriate arrangements for waste management,

construction stage impacts through noise and traffic disruption,

4.0 Planning History

4.1. There is no recent relevant planning history for the site. However, under P. A. Reg. Refs. 4241/02 and 4242/02. Permission was granted for signage and for an antenna support structure.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective:

Z6. "To provide for the creation and protection of enterprise and facilitate opportunities for employment creation".

Policy Objectives CEE 1, CEE3, CEE4, CEE11 provide for the facilitation, encouragement, and enhancement of development of commercial enterprise, employment, and international competitiveness within the city through the supply of quality commercial space suitable for indigenous and global occupancies.

Objectives SC 17, 18, and 20 provide for high quality public realm enhancement, a strategy for taller buildings and protection of the skyline of the inner city.

The site location is within a “Conservation Area”.

The residential properties on Powerscourt to the rear are located within an area subject to the zoning objective ‘Z1’: *to protect, provide for and improve residential amenities.*”

The terraced houses on Warrington Place on the opposite side of Powerscourt Z2: are within an area subject to the zoning objective, Z2: *“to protect, and/or improve amenities of residential conservation areas.”*

5.2. Strategic Guidance

Policies and standards for building heights are in “*Urban Development and Building Heights: Guidelines for Planning Authorities*”, 2018, particularly the criteria set out in section 3.2 issued under Section 28 of the Planning and Development Act, 2000 as amended.

6.0 The Appeal

6.1. Grounds of Appeal

Two Appeals were lodged with the planning authority each of which is outlined below:

6.1.1. Appeal by Mary O’Shea and Adrian Sherry, 60 Powerscourt.

An appeal was received on 22nd June from Marston Planning on behalf of the appellant party whose property adjoins the rear boundary of the application site and it is requested that permission be refused outright for the proposed development. It is stated that their property has been extended at two storey level, stepped back at the side and to the rear, including a first-floor terrace, further to a grant of permission under P. A. Reg. Reg. 1174/05. Under condition No 2 of which the attic level terrace is omitted. The windows of the extension are setback. According to the appeal:

- At present no windows in the existing building which is aligned with the front elevation of the appellant property and it is not overlooked.

- The proposed development is overbearing: It is a six storey over double basement block and up to the second floor level it will abut the appellant property with a 13.5 metres blank façade and adjacent to windows on the south west corner. The small third floor setback matching that of the appellant property increases the overbearing impact along with the slight increases in setbacks at the levels above with the top floor being 24.28 metres over ground level. It will be 13.48 metres above the height of the rear garden boundary.
- The new building will tower over the appellant property and the surrounding properties including the protected structures the settings of which are protected. There is no cognisance of the need for transition having regard to the zoning objectives for the adjoining areas. The resultant impact is visually incongruous and overbearing and is contrary to protection of residential amenity.
- The visual impact of the development on Warrington Place is severe with the scape in transition negatively affects the setting of the protected structures and the setting of the terrace as far as the junction with Mount Street Upper.
- The proposed development will overshadow and obstruct daylight at the appellant party's property. Sunlight will be reduced in the rear garden at the spring equinox. Some windows at the house and the rear terrace were not assessed the latter being seriously affected so that it receives no sunlight through the year.
- The proposed development will, from the third to fifth levels directly overlook the rear garden and terrace at the appellant party's property and perceptions of overlooking with translucent glazing installed.
- The double basement is excessive in scale and due to proximity, it may affect the structural stability of the appellant party's property. Structural surveys should be undertaken a noise and disturbance should be minimised during construction.
- Gas pipework at the boundary might have adverse impact on supply at the appellant property, during the construction stage.

- The proposed development would have negative impact on the value of the appellant property.

6.1.2. Appeal by Alan Corrigan, (Local Residents Association)

An appeal was received on 19th June, 2020 from William Doran on behalf of the Local Residents Association, the appellant party. Attached are aerial photographs showing an outline of the building proposed and drawings. According to the appeal:

- Relative to the existing building the proposed building is excessive. The stated plot ratio of the proposed building is 3.8 but it is 5.3 and the site coverage is increased from 56.5 per cent to over 84 percent. The height is 16.456 on Warrington Lane and 14, 206 m on the Powerscourt side and this represents an increase in height of 157% and 167% respectively. It is 18.2 m higher than the Georgian houses on Warrington Lane and 19.75 m above the ridge of No 60 Powerscourt. The bulk of the proposed building would be double that of the existing building, increasing from 312 square metres to 610 square metres and the building will be just three metres from the boundary with No 60 Powerscourt.
- The property at No 60 Powerscourt would be seriously devalued by the proposed development. The sunlight and daylight report (BPG3) is not reliable and does not take the proximity to adjoining development and the situation on the ground into account. On elevation drawing No 3 the 43-degree line should have been taken from two metres above the highest terrace at No 60 Powerscourt rather than above the ground level at the boundary, having regard to section 2.3 of BRE 209; *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. P.J. Littlefair.
- Tall buildings have a serious impact on a microclimate particularly wind which will be problematic for the pedestrians and cyclists among the Powerscourt residents. Wind will be forced around the sides and over the building at high speeds and causing downward drifts increasing in velocity at lower levels. It will lead to a permanent windy environment. Also, a wind tunnel effect will be created by the proposed building and the buildings on the opposite side of

Warrington Lane again impacting the environment along the lane. This downdrift and funnelling effect is a risk to the safety of people in the vicinity. It will be severe in structural impact on the adjoining building at No 60 Powerscourt and is very dangerous to people in the vicinity. This has not been addressed in the application.

- The transition at the junction between the areas coming in three different zoning objectives have been disregarded, given the variation in height and overbearing impact on adjoining properties and the streetscape.
- Plant such as air conditioning causes noise pollution at office blocks adjacent to residential areas especially if this equipment is left running overnight.
- A review of the need for office space is likely at a global level, given the Covid pandemic so additional space is not now a requirement.

6.2. Applicant Response

6.2.1. A submission was received from the applicant's agent, John Spain Associates on 17th July, 2020. Attached are statements by BKD Architects, TJ O'Connor, Consulting engineers, Baker O'Reilly Mechanical Engineers, a daylight access by BPG3, a Wind Microclimate Study by BRE, (UK).

6.2.2. According to the submission:

- As is demonstrated in the Appeal response by BKD, the transitional location has always been taken into account in the design. It includes setbacks, providing for defined transition which also responds to the modern commercial development and the Georgian and the residential characteristics and is visually positive. This was established in the conservation report included with the application.
- There is relief to the Powerscourt houses, and the diagrammatic representations do not reflect the setback levels accurate diagrams included in the BKD response. The height of the rear gable to the boundary is 700 mm lower than the gable end of the existing building.

- The proposed four five and six storey building will be in keeping with the Bord Gas Energy Building is a seven-storey commercial building adjacent to Warrington Lane on Warrington Place.
- The Visual and Townscape Visual Assessment demonstrates that the lower height rear elevation is an improvement on the existing gable end elevation and that the finishes on setback levels above incorporating glazing reduced perceptions of overbearing impact on No 60 Powerscourt.
- With regard to overlooking of the private amenity spaces at No 60 Powerscourt the proposed measures within the response to the additional information request, (which included photomontages) demonstrate the there is no potential for overlooking.
- The review, included with the appeal prepared by BPG3, confirms that it was clearly demonstrated in the Sunlight and daylight assessment submitted with the application that the impact on daylight an sunlight levels is consistent with standards in BRE 209., *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. (P.J. Littlefair), and that the impact is slight.
- The assertions regarding the creation of a wind microclimate are unfounded. It is demonstrated in the Wind Microclimate Assessment undertaken BRE included with the submission that the proposed replacement building is likely to bring about an improvement in conditions.
- The proposed development does exceed the indicative plot ratio is 2.0 – 3.0 and site coverage of sixty percent in the CDP but it satisfies specific criteria for the higher ratio and coverage to be considered. They are justified due to the inner-city location with transport options, delivery of redevelopment of an underutilised site and enhancement of the streetscape due to high quality development. The appellant incorrectly calculates the site coverage and plot ratio. As the application's ownership boundary is 803 square metres so the appellant's calculation based on the site area of 939 square metres was incorrect. The plot ratio calculation at 3.8 is in accordance with Section 16.5 of the CDP in which it is indicated that basements are excluded from the calculation.

- The proposed height at twenty-five metres accords with the twenty-eight metres maximum height allowable for commercial development in the inner city according to the CDP notwithstanding the provisions of the *Urban and Building Height Guidelines, 2018*. It is consistent with Objective 11 of the NPF 2040 which advocates compact development and maximization of potential of sites close to transport and in the city and which can contribute to employment and sustainable development.
- There is no basis to the concerns about the basement construction in the appeals which have addressed in the statement by T. J. O'Connor Consulting Engineers included with the submission. There is a legal responsibility on a developer to prevent damage to other properties which they are not relieve of by way of a grant of planning permission. Condition No 9 of the decision to grant includes a condition with a requirement for a construction management plan to be prepared.
- Changes in demand for office space as referred to in an appeal is irrelevant. The application is not for a significant quantum of space.
- The gas pipe at the boundary between the stie and No 60 Powerscourt will be unaffected. This is confirmed by the letter included with the submission by Baker O'Reilly Consulting Engineers.

6.3. **Planning Authority Response**

6.3.1. There is no submission from the planning authority on file.

6.4. **Further Responses**

6.4.1. **Alan Corrigan, (Local Residents Association)**

A further submission was received on 7th September, 2020 according to which:

- The statement by the applicant's agent that the impact of the 'Covid Pandemic' on the office market is not a planning matter is rejected in that need and demand are central considerations and many large offices are occupied at present by skeleton staff. Leases will not be renewed. Alternative land uses must be considered,

- Refurbishment and re-use of the building and is more sustainable than its removal and replacement.
- Noise from plant and machinery is overlooked in planning assessments but has a serious impact on residential amenities. A condition with restrictions on noise emission during operational stage is essential. Condition No 9 of the grant of permission, under ABP Ref. 303566-19 is suitable.
- The views on transition and height are reiterated particularly with regard to the footprint of the proposed and existing structures relative to the party boundary with No 60 Power Court. The applicant's response regarding these considerations is rejected and it is stated that the visual assessment is subjective.
- The contentions as to overdevelopment particularly with regard to the relationship with the surrounding development on 'residential' and 'residential conservation area' zoned lands and as to adverse impact on residential amenities of properties along Powerscourt are reiterated it being submitted that the residential area and community would be destroyed having regard to the following.
- The proposed piling and 'propping' and basement construction is not accepted as a suitable and reliable construction measure. There is no commitment to secant piling in the application.
- The appellant's agent states that he has developed a good understanding of weather patterns:- 'Storm 'Ellen' and Storm 'Francis' and various storm and hurricane events dating back to 1787 are referred to in support of the claim as to adverse impact on the wind micro climate and as to the BRE report submitted by the applicant being inadequate and irrelevant to the current proposal. It is submitted that winds from the south are not correctly reflected in the weather records for Dublin Airport especially regarding the prevailing winds.
- With regard to overlooking reference is made to screen planting implemented on foot of a grant of permission under P.A. Reg. Ref. 3391/15 which it is submitted does not reflect the screen plating shown in the application as an

example of the contention that there is seldom adherence to planning requirements in this regard.

- It is not accepted that the loss of daylight and sunlight would be slight. Balconies and terrace and possible future development are not excluded from consideration in the BRE guidelines. There is serious loss of residential amenity due to the impact on sunlight access at the properties on Powerscourt
- The basement is primarily a carpark and should be omitted given the applicant's case about proximity to transport options.

7.0 Assessment

The issues central to the determination of the decision and considered below are:

- Visual impact and transition.
- Intensity of development
- Overlooking
- Overshadowing
- Demolition and Construction Stage Impacts
- Wind Micro-climate
- Property devaluation
- Commercial Development – Demand for Office space.
- Environmental Impact Assessment Screening
- Appropriate Assessment Screening.

7.1. Visual Impact and Transition.

- 7.1.1. The visual impact on the streetscape character along Warrington Place featuring the nineteenth century terraced houses included on the record of protected structures and the Z2 zoned lands on the west side of Powerscourt is positive. It is considered that this has been satisfactorily demonstrated in the Visual and Townscape Impact assessment having regard to Views 1-6 for the Grand Canal Corridor and Warrington Place and View 7 from Percy Place.

- 7.1.2. The site location, on which there is an existing commercial building is at the edge of an area subject to the zoning objective Z6 (*“to provide for the creation and protection of enterprise and facilitate opportunities for employment creation”*) and adjacent to an area subject to the Z2 (residential conservation area) objective characteristic by historic houses overlooking the Grand Canal and to the rear by an area subject to the zoning objective Z1, (*“to protect, provide for and improve residential amenities”*) in which the terraced houses at Nos 60 – 71 Powerscourt are located.
- 7.1.3. Having regard to the zoning objectives a positive transitional relationship between areas of contrasting character in design, building scale and form, height, materials and finishes and intensity of development is achieved in the current proposal. There is complementarity to and integration with the adjoining Bord Gas Energy Building with the proposed building at the edge of the contemporary commercial stretch along Warrington Place which is clearly distinguished from the historic streetscape of nineteenth century terraced houses on the other side of Powerscourt.
- 7.1.4. Powerscourt comprising terraced two storey houses to the south west along with surrounding streets come within the area subject to the zoning objective Z1 adjoins the site of the existing and proposed block. It is reasonable to take as a baseline, the extant relationship whereby the commercial block forms a back drop to and adjoins the terrace along Powerscourt. The existing and proposed block is neither to the front or rear of these dwellings and the proposed block abuts the footprint of the side extension to the end of terrace dwelling at No 60 Powerscourt.
- 7.1.5. While relative to the existing block there is a significant increase in overall height and the footprint abuts the party boundary the setbacks at the upper levels, stepping away from the terraced houses ameliorates any overbearing impact. It also be borne in mind that the highest element of the proposed block is towards and adjacent to the Bord Gas Energy Building and somewhat removed from the Powerscourt dwellings. It is agreed, as submitted in the response to the appeal that the selection of light coloured high quality materials at the lower levels and opaque glazing at the upper levels also significant ameliorates potential for overbearing impact, especially relative to the dark coloured brick finishes to the existing block.

7.2. Intensity of development.

- 7.2.1. With regard to the dispute between the parties as to the calculations of site coverage and plot ratio, the calculation based on the area (803 square metres) within the application site in the applicant's ownership (i.e. excluding the space subject to the proposed public realm improvements) are reasonable and are regarded as consistent with Section 16.5 of the CDP providing for indicative plot ratios.
- 7.2.2. Flexibility in providing coverage and plot ratios well in excess of the CDPs indicative site coverage and plot ratios for commercial developments facilitating economic and employment growth and sustainable development within the central business district has been supported by the planning authority and the Board following appeal within the lifetime of the current CDP subject to specified criteria such as proximity to transport corridors being established.
- 7.2.3. It is agreed with the planning officer that the proposed building would enhance the streetscape, close to a range of public transport options and it is considered that a replacement building would deliver greater utilisation of the site by way of increased capacity to accommodate employees. Furthermore, the current national policy as provided for in the National Planning Framework 2040 (NPF) and specifically Objective 11 encourages appropriate opportunities for intensification and consolidation of development, employment creation and sustainable use of underutilised serviced sites in the city.
- 7.2.4. It is not agreed that the proposed development constitutes overdevelopment, as contended in the appeals.

7.3. Overlooking.

- 7.3.1. The Powerscourt dwellings have front gardens facing south west onto Powerscourt and the boundaries of their rear gardens are along Warrington Lane. At No 60, there is rear terrace accessed from a bedroom at first floor level there also being a requirement under condition No 2 of the grant of permission under P. A. Reg. Ref 1713/05 for development at No 60 Powerscourt, there is a requirement for omission of external amenity space at attic level.
- 7.3.2. It is considered that overlooking and perceptions of overlooking over the rear gardens and facades of the terraced houses at Powerscourt are satisfactorily addressed in the further information submission and response to the appeal whereby

translucent glazing is introduced to supplement fins to close off side views towards the rear gardens of the properties along Powerscourt and potential for viewing to the rear gardens of properties on Warrington Place is addressed by the addition of perforated metallic panelling. With the incorporation of the additional measures included in the response to the appeal, the proposed development is satisfactory in this regard.

7.4. Overshadowing.

- 7.4.1. The properties at Powerscourt and Warrington Place are located to the south west side of the application site. The methodology, and the selection of assessment points employed in the daylight assessment and sunlight assessment to internal habitable rooms are considered reasonable and appropriate for the purposes of establishing potential for overshadowing and obstruction of daylight at Powerscourt and Warrington Place properties. The supplementary statement submitted with the response to the appeal has been noted with regard to consistency with the guidance in *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. (P.J. Littlefair) BRE.
- 7.4.2. The location of rear garden/courtyard space at No 60 Powerscourt has limited access to sunlight and is additionally overshadowed by the rear extension to the property. Where predevelopment access to sunlight falls short of the advisory targets as is indicated in the result for four of the thirteen rear gardens where shading is predominantly caused by other factors, the estimation as to the year round average sunlight is accepted as justification that the proposed development would not have a significant adverse effect. The proposed development is satisfactory in this regard.

7.5. Demolition and construction stage impacts.

- 7.5.1. The proposed development involves significant demolition, deep excavation, and extensive site preparatory works to facilitate the construction of the development including the basement element in respect of which the protection of structural stability of adjoining property is essential. It is reasonable that preparation and finalisation of a methodology for these works be provided within a comprehensive demolition and construction management plan to be agreed with the planning authority by condition.

- 7.5.2. Given the investigations undertaken for which a statement has been included in the response to the appeal, that it is unlikely that the gas pipe through the wall of the adjoining property would impede construction as contended in the appeal.
- 7.5.3. Resolution, in the event of damage to third party property, would come within the legal remit and is not a direct planning matter.
- 7.5.4. Control of noise disturbance and air pollution comes under separate specific codes compliance with which are standard requirements and are addressed in a comprehensive demolition and construction management plan, which would also include a plan for arrangements for C and D waste management and construction traffic management. These are supplemented by planning requirements, such as management of hours of works, specifically to ensure, clarity as to protection residential amenities as is the case with the subject proposal and the wider interests of proper planning and sustainable development. Such an approach is recommended in the case of the current proposal and a condition similar to the example provided in the response to the appeal can be included if permission is granted.

7.6. **Wind Micro-climate**

- 7.6.1. Mr Doran in one of the appeals demonstrates wide ranging historic and current knowledge about wind climate and the distinct characteristics for the area in which the site is located, which it is submitted differs from the meteorological recordings at Dublin Airport. However, it is not clear that there is a scientific basis to support the contentions as to significant adverse impacts attributable to the proposed new building a in the wind microclimate. It is considered that the wind microclimate study provided with the response to the appeal would be reliable in eliminating concerns. The effects of exposure to approaching winds of the existing and proposed buildings are assessed and the conclusions that the proposed development, which would have a reduced size gap between it and No 60 Powerscourt and which steps upwards and away from it, would not result in conditions that are unsafe for pedestrians and cyclists at ground level and that there is a likelihood of increased shelter for the residential properties are persuasive. The proposed development is satisfactory in this regard.

7.6.2. Property devaluation

7.6.3. It is not accepted that devaluation of adjoining residential properties could be directly attributable to the proposed development in that it is not accepted that it would result in adverse impact on residential amenities or the visual amenities of the area and is arguably an enhancement.

7.6.4. Commercial Development – Demand for Office space.

7.6.5. While the remarks in one of the appeals as to the changes in working arrangements brought about by the current coronavirus situation and as to possible reduced demand for office space in the future is of note, there is no current statutory policy or basis and as such it would be premature and outside of the scope of consideration in the assessment of the current proposal.

7.7. Environmental Impact Assessment Screening.

7.7.1. Having regard to the nature of the existing and proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.8. Appropriate Assessment Screening.

7.8.1. Having regard to the location of the site which is on serviced land, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld, and that permission be granted based on the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the existing development on the site, to the established pattern and character of development in the area, to the Dublin City Development Plan, 2016-2022 according to which the site location is subject to the zoning objective Z6 “*To provide for the creation and protection of enterprise and facilitate opportunities for employment creation*”, to the contemporary design, form, materials and finishes, for the proposed development it is considered that subject to compliance with the conditions below, the proposed development would not seriously injure to the residential and visual amenities of the area or the character and setting of the protected structures on Warrington Place, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

10.0 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 lodged with the planning authority on 21st April, 2020 and by the further plans and particulars lodged with An Bord Pleanála on 17th July, 2020 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, the applicant shall submit and agree in writing with the planning authority, a comprehensive construction management plan which shall include full details of the following requirements.

- (a) the location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during construction.
- (b) The timing and routing of construction traffic and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (c) Details mitigation measures for noise, dust, and vibration, and for monitoring, including noise monitoring locations for the purposes of the construction phase of the proposed development. Noise levels shall accord with the standards set out in BS 5228: *“Noise Control on Construction and Open Sites Part 1 Code of Practice for Basic Information and procedures for noise control”* and, shall not result in grounds for complaint as provided for in B.S. 4142. *“Method for rating industrial noise affecting mixed residential and industrial areas”*
- (d) 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.
- (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (f) 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 interests of clarity, residential and public amenities, health, safety, and sustainable development.

3. Site clearance and development works shall be carried only out during the construction phase between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, excluding bank holidays and, between 08.00 to 14.00 on Saturdays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To protect the residential amenities of property in the vicinity of the site.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, which shall incorporate SUDS drainage methods and shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. Prior to the occupation 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 which shall 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. To encourage the use of sustainable transport modes.

7. Proposals for a name and associated signage for the proposed block shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and orderly development.

8. No advertisement or advertisement structure (other than those shown on the drawings submitted with the planning application) shall be erected or displayed on the building 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.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

10. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour, or nuisance at sensitive locations.

Reason: In the interests of visual amenity.

11. Details to including samples of the materials, colours and textures of all external finishes 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.

12. A plan containing details for the management of waste, 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, especially recyclable materials, in the interest of protecting the environment.

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, communal spaces, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, prior to occupation of the development.

Reason: In the interest of amenity and orderly development.

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 of roads, footpaths, watermains, drains, 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 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 of the development.

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 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.

Jane Dennehy

Senior Planning Inspector
7th October, 2020.