



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2016/19

Appeal by An Taisce of Tailors Hall, Back Lane, Dublin and by Others against the decision made on the 27th day of August, 2019 by Dublin City Council to grant subject to conditions a permission to the Royal College of Surgeons in Ireland care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development of an education and research building comprising of demolition of Block A Ardilaun Centre (vacant office of varying heights from five to eight storeys over basement/lower ground floor) (7,904 square metres), number 4 Proud's Lane (office) (three storeys) (265 square metres), an ESB substation and security hut to the rear of number 26 York Street at Cuffe Lane (12 square metres and 11 square metres, respectively) and the podium and basement car park and associated ramp access via Cuffe Lane serving number 26 York Street and Ardilaun Centre (1,135 square metres), and construction of a third-level education building including research (laboratories), teaching, faculty, administration, staff and student services (including catering, recreation and welfare facilities), ancillary teaching and learning spaces, public engagement space and associated ancillary spaces, building infrastructure and support. The development will consist of the

construction of a building of varying heights from five to eight storeys (including setbacks) (with roof top plant) of 10,339 square metres gross floor area (including roof top plant of 74 square metres) over lower ground floor (1,420 square metres) and basement (1,585 square metres) levels. The development will also include the provision of: a ground floor level entrance lobby to number 26 York Street to its south elevation (12 square metres); a second floor level link connecting the new building to second floor level of number 26 York Street; and an ESB substation and security hut to the rear of number 26 York Street at Cuffe Lane (11 square metres and nine square metres respectively). The development includes a cantilever at third and fourth floor levels to the east elevation, and terraces to the north elevation at third floor level, to the south elevation at third, fourth and fifth floor levels, and the east elevation at fifth floor level. The development will include: the reconfiguration of the existing vehicular ramp; the relocation of existing bicycle parking spaces (100 number) for number 26 York Street to lower ground floor level and the provision of an additional 96 number bicycle parking spaces at this location; related elevational works; vehicular and bicycle access via Cuffe Lane and pedestrian access via Saint Stephen's Green, Proud's Lane and Cuffe Lane; changes in level; boundary treatments (and revisions to existing boundaries, where applicable) and access gates; balconies and terraces; associated lighting; the relocation of a 450 millimetres combined public sewer from underneath the Ardilaun Centre car park and associated ramp to the proposed landscaped courtyard; associated site servicing (foul and surface water drainage and water supply) and related pipework and tanks; the provision of SUDs measures, including attenuation tanks and green roofs; disabled car parking; solar panels; waste management areas; all hard and soft landscaping (including tree and planting removal); boundary treatments; changes in level; and all other associated site excavation and site development works above and below ground, all on a site of circa 0.3945 hectares comprising Block A Ardilaun Centre (also known as numbers 112-114), Saint Stephen's Green, number 4 Proud's Lane, part of number 26 York Street, and part of the courtyard of the Ardilaun Centre, Dublin.

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 –

- (a) the provisions of the Dublin City Council Development Plan 2016-2022,
- (b) the existing pattern of development in this city centre location,
- (c) the planning history in the area,
- (d) the design, scale and layout of the proposed development,
- (e) the submissions and observations on file, and
- (f) the report of the Inspector,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with development plan policy, would not detract from the visual amenities of the area or the character and setting of the adjoining protected structures, or the Saint Stephen's Green Architectural Conservation Area, would enhance the visual amenities of the area, and would be acceptable in the context of the residential amenities of adjoining properties. 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 received on the 31st day of July 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 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 of materials, colours and textures of all 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 visual amenity.

3. The developer shall comply with the following conservation requirements:
 - (a) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works.
 - (b) All works hereby approved shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued by the Department of Arts, Heritage and the Gaeltacht.

Reason: To ensure that the integrity of the adjacent protected structures is maintained and that all works are carried out in accordance with best conservation practice.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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 order to safeguard the amenities of property in the vicinity.

5. 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.

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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 who shall monitor all site investigations and other excavation works, and provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

7. Prior to occupation of the development, the developer shall submit to and agree in writing with the planning authority a mobility management/ traffic plan for the proposed development.

Reason: In the interest of orderly development and to provide for sustainable travel patterns for the users of the site.

8. Prior to commencement of construction works on site, the developer, following consultation with the Railway Procurement Agency, shall submit to and agree in writing with the planning authority details of construction vehicle traffic management arrangements for the proposed development.

Reason: In order to avoid conflict with works involved in the construction of the Luas Cross City.

9. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

10. Drainage requirements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

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] [within each house plot] 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 developer shall comply with the requirements of Transport Infrastructure Ireland. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure no adverse impact on the operation and safety of Luas infrastructure.

13. 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 traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

14. 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.

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.

16. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City 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 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Paul Hyde

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

Dated this day of 2020.