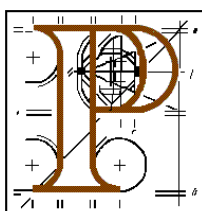


# An Bord Pleanála



## Inspector's Report

**PL29S.246119**

**Site Location:** Current Garda offices on site bounded by Charlotte Way and Harcourt Street, Dublin 2.

**Proposed Development:** 10 year permission for Phase 2 of a mixed use development of retail and offices and minor amendments to permitted Phase 1 (Ref. 2527/15) for allow integration with the proposed Phase 2 development.

### **PLANNING APPLICATION**

**Planning Authority:** Dublin City Council.

**Planning Authority Reg. No.:** 3987/15

**Applicant:** Hibernia Reit plc

**Application Type:** Permission

**Planning Authority Decision:** Grant Permission.

### **APPEAL**

**Appellants:** An Taisce

**Type of Appeal:** Third Party v Decision

**Date of Site Inspection:** 20th April, 2016

**Inspector** Stephen Kay

## **1.0 Site Location and Description**

- 1.1** The appeal site is located at the northern end of Harcourt Street and forms part of part of an office development known as Harcourt Square. The overall site comprises lands at the junction of Harcourt Street and Charlotte Way encompassing the entire Garda office site however the current application only comprises the southern part of this site.
- 1.2** The appeal site comprises part (approximately half) of the central block (Block 2) and the southern block (Block 1) in the existing Harcourt Square office complex. The site also extends to include a strip along the frontage of the site on Harcourt Street which is currently in use for parking and access to a substation structure located on the site.
- 1.3** The area in the vicinity of the site comprises a mix of uses and forms of development. To the north the site adjoins the balance of the office development at this location comprising the Garda offices and the development on this northern part of the site extend to a maximum of 8 storeys in height in the centre of the site. Beyond the Garda site to the north, the site adjoins the Georgian development on Harcourt Street and the city centre beyond. To the west, the site adjoins development on Camden Street comprising a red brick 5 storey, predominately residential mixed use building at the corner of Camden Street and Charlotte Way which extends east to the boundary with the appeal site and to the north of this a mix of predominately three storey buildings.
- 1.4** The site is located in close proximity to the Harcourt Street LUAS stop and the LUAS line runs along Harcourt Street to the front of the building.
- 1.5** The existing scale of development on the site comprises office development of 5 and partially 6 storeys in height along the southern end of the site (Block 1) The site is contiguous to the rest of the Garda office site located to the north on Harcourt Street. This balance of the site comprises the northern half of the 8 storey Block 2 and the 6 storey Block 3 located at the northern end of the overall site. Block 4 at the north east corner of the site comprises a mock Georgian building comprising 4 storeys which forms the end of terrace building on the western side of Harcourt Street. This building is included on the Record of Protected Structures.
- 1.6** Existing access to the site is from Harcourt Street with two vehicular access points serving the existing development, including one located at the south east corner of the site. The existing development on the site is stated to have

in excess of 158 no. parking spaces and there are an additional 17 no. on street parking spaces that have been utilised by occupants of the site.

**1.7** The stated area of the appeal site is 0.387 ha.

## **2.0 Description of Proposed Development**

The proposed development comprises the demolition of the existing central block and the southern block on the site (Block 1) and the redevelopment of this part of the site. The development is advertised as comprising Phase 2 of an overall redevelopment of the site. Phase 1 comprising the demolition of the existing central block and the northern block on the site as well as the link between the northern block and No.40 Harcourt Street and the development of a new office development comprising seven storey buildings above two levels of basement development accommodating a total of 15,274 sq. metres of office accommodation was granted permission under Ref. 2527/15. It is noted that the site on which Phase 1 was granted permission under ref. 2527/15 overlaps to some extent with the current appeal site with the southern end of Block 2 and surrounding site included within the red line boundary indicated for both applications.

A Masterplan for the overall development of the site has been prepared and the justification for the subdivision of the redevelopment of the site into two parts relates to tenancy issues on the site, specifically the southern block (Block 1).

The following is a summary of the main aspects of the proposed development which comprises Phase 2 of the overall redevelopment:

- The demolition of the existing buildings on the site including the central north south orientated Block (block 2) and the existing c. 2 metre high way that forms the southern boundary of the site to Charlotte Way.
- The development of a mixed use office and commercial / retail development extending to 7 storeys above ground level with a setback at the top floor level, a lower ground floor level for office and a single basement level. The development is proposed to incorporate retail / restaurant / cafe units fronting onto Charlotte Way which are indicated as having a total floor area of 1115 sq. metres and which would be served by an outdoor seating area that would front onto Charlotte Way.
- The main east facing elevation to Harcourt Street is proposed to be stone with glazing and the south block incorporates glazing set back from the façade. The layout of the façade incorporates double height elements that break the elevation into three sections vertically.

- The stated area of the proposed office accommodation to be provided in Phase 2 is stated to be 15,515 sq. metres. Roof terraces and a green / sedum roof are proposed to be provided.
- A landscaped open space / plaza area is proposed to be provided to Harcourt Street and the removal of the existing boundary wall to the south of the site would open up the site to the south.
- The closure of the existing vehicular access points to the site from Harcourt Street and the opening of a new vehicular entrance from Charlotte Way which would provide access to the proposed basement car parking area and for service access. The basement car park is proposed to accommodate a total of 81 no. car parking spaces of which the current proposal (Phase 2) is indicated as providing 43 no. car parking spaces.
- As part of the current application minor revisions to the development permitted under Ref. 2527/15 are proposed comprising minor revisions to the southern elevation southern façade.

The applicants have sought a 10 year permission on the basis that the subject application is Phase 2 of an overall development and it is stated that it is their intention that the entire development (Phases 1 and 2) would be undertaken concurrently.

The application is accompanied by the following reports / documents:

- A Stage 1 Screening Assessment for Appropriate Assessment prepared by Openfield Ecological Consultants.
- CGI Images and verified Views By HJ Lyons Architects
- Architectural and Urban design Statement prepared by HJ Lyons Architects.
- Reports by Cronin and Sutton Consulting regarding Statement of demolition, Traffic Report, Engineering Services Report, Outline Construction management Plan, Waste Management Statement for construction and Operation and Mobility Management Plan.
- Kennett Consulting Landscape and Visual Impact assessment report
- Archaeological desktop Study, Courtney Deery Heritage Consultancy.
- Conservation Report, Cathal Crimmins and Associates.
- Landscape Design, Mitchel and Associates.
- Daylight, Sunlight Planning Report, Energy Statement, Sustainability Strategy and Wind Modelling Study, OCSC Consulting Engineers.

### 3.0 Planning History

The following relates to the appeal site:

- Dublin City Council Ref. 2527/15; ABP ref. 29S.245022 – Permission granted by the Planning Authority for the demolition of Blocks 2, 3 and 4 on the existing Garda office site and for redevelopment at seven storeys in height with setbacks at fifth, sixth and seventh floors. This development would comprise Phase 1 of the overall redevelopment of the site. This Notification of Decision was the subject of third party appeal which was withdrawn prior to determination by the Board.

With the exception of the above, there is no significant planning history relating to the appeal site and all planning history are for minor works. There are a number of applications relating to development in the wider area and specifically sites on Charlotte Way and Hatch Street that are of note and which are referenced by the first party in their appeal response. These applications are as follows:

- Dublin City Council Ref. 2350/08 – Permission granted by the planning authority for the addition of two storeys to the five storey office building located at the Earlsfort Centre on Earlsfort Terrace. The plot ratio on this site up to 5.6 : 1.
- Dublin City Council Ref. 5257/08 – Permission granted by the planning authority for the development of a site at the corner of Hatch Street and Earlsfort Terrace and which has a plot ratio of c. 4.5 : 1.
- Dublin City Council Ref. 3700/10; ABP Ref. PL29S.239323 – Permission granted by the planning authority and decision upheld on appeal to the Board for the development of Teach Earlsfort and Garryyard House for a seven storey mixed use development with a floor area of 17,388 sq. metres and plot ratio of c. 4.5 : 1.

### 4.0 Planning Authority Assessment and Decision

#### 4.1 Internal Reports

The report of the Planning Officer notes the content of the objection received and the internal reports received and concludes that the design and scale of the proposed development is acceptable and would be consistent with the zoning of the site and the pattern of development in the vicinity. A grant of

permission that is consistent with the Notification of Decision which issued is recommended.

Drainage Division – No objection subject to conditions.

Environmental Health Officer – No objection subject to conditions.

Roads and Traffic Planning – Report states that no objection to the proposed development subject to conditions including the submission of a method statement to Transportation Infrastructure Ireland (TII) regarding the relocation of LUAS infrastructure and proposals for the implementation of the measures set out in the MMP.

Conservation Officer – No report on file.

## 4.2 Notification of Decision

Permission was **Granted** by the Planning Authority subject to 12 no. conditions, the most significant of which can be summarised as follows:

- Condition No.3 requires the payment of a financial contribution in respect of the provision of Metro North.
- Condition No. 4 requires the submission of details regarding the exact nature of the retail uses proposed to be provided along the Charlotte way frontage to the site.
- Condition No. 9 specifies a number of requirements related to traffic, parking and access to be implemented in the development and agreement with, inter alia, TII regarding aspects of the proposed works.

## 5.0 Grounds of Appeal

### 5.1 Third Party Appeal

An appeal has been submitted by An Taisce and the following is a summary of the main issues raised in the appeal submitted by the first party:

- That the proposed development would, due to its scale and design have an adverse impact on the Georgian streetscape in this location and would be contrary to the provisions of the City Development Plan regarding protected structures, conservation areas, views and prospects and transitional zones and would be contrary to the

provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

- That the scale of the development is very important given the visually prominent location of the site and the curved layout of the street.
- That 17.10.8 of the Plan requires that new buildings within conservation areas should complement their character and location and not constitute a visually dominant form of development.
- That policy FC30 of the Plan states that it is policy to protect protected structures, their curtilage and setting from development that would cause the loss or damage of their special character.
- That policy SC7 seeks to protect important views in the city.
- That the site is located in a transitional zone between Z6 to the south and the Z8 conservation area zoning to the north on Harcourt Street. The Plan states at 15.9 that developments in such zones should avoid abrupt transitions in scale and that the amenities of the more sensitive zone should be protected. The proposed development would be contrary to this principle.
- The proposed development would also be contrary to Policy FC26 relating to protection of the city's built heritage and character, Policy SC2 protection of the scale of city streets and Policy SC30 the facilitation of development that is in harmony with the city's historical spaces and structures.
- That the photomontages submitted with the application are not an accurate representation of the scale and visual impact of the development proposed.
- That the photomontages used have structures in the foreground which block clear views of the proposed development.
- That the fenestration, in particular the double storey façade articulation is inappropriate for the location and would constitute a discordant, obtrusive and over scaled development.

## **6.0 Response Submissions / Referrals**

### **6.1 Planning Authority Response**

The Planning Authority responded to state that the appeal has been reviewed and that it is considered that subject to conditions the proposed development is consistent with the proper planning and sustainable development of the area.

## 6.2 First Party Response to the Grounds of Appeal

The following is a summary of the main points raised in the first party response to the grounds of appeal:

- That the granting of permission for Phase 1 sets an important context for the current application. Permission has already been granted for development on the northern part of the overall site and this application was prepared in the context of an overall masterplan for the development of the site.
- That the scale of the development has been carefully considered to avoid abrupt transitions in scale and to relate directly to the permitted Phase 1.
- That the criticisms of the accuracy of the photomontages are not accepted. The extensive number of views and CGIs submitted with the application are a comprehensive indication of the visual impact that would arise from the development. Views 6-11, 13, 14, 16 and 21 are particularly noted.
- Notwithstanding the above, a further view has been prepared from the location indicated as View 1 in the appellant's submission.
- That the references to the submitted views being obscured by on street furniture is inevitable given the range of such items in the street scape in this location.
- Regarding the lens used in photomontages and the alleged distorting effect of the use of a wide angle lens, it is stated that a 24mm focal length was used in the images.
- That the proposed development would constitute a significant improvement on the current buildings in terms of design, visual appearance and the relationship to Harcourt Street. The existing building on the site is of poor quality and the development is introverted. The division of the façade into 4 elements has been done to reflect the pattern of Georgian architecture. The use of the double height frontage elements allows for the elevations to be read with a vertical emphasis.
- That the design of the proposed development articulate the transition between the Georgian development and the more modern development to the south by the provision of a landscaped open space. The existing development also has an open space but lack legibility and the proposed layout will better signal the transition between the historic streetscape and the new development.
- The proposed development is considered to be fully consistent with the relevant provisions of the Dublin City Development Plan, 2011-2017



and the Architectural Heritage Protection Guidelines for Planning Authorities.

- That the existing development is introverted and contributes little to the environment of either Harcourt Street or Charlotte Way. The proposed development would create a frontage to Charlotte Way with active uses and a widened pavement. The set back to Harcourt Street would allow for the provision of a landscaped publically accessible space and a wider footpath.
- Regarding height, the existing buildings on the site range from 5 to 8 storeys. The permitted Phase 1 has 7 storeys and what is proposed on the site for Phase 2 is a similar 7 storeys with the top level set back. Compared to surrounding development to the south and west the height is not excessive. Considered that a lower building height on the site would be out of scale with the surrounding development, existing and permitted.
- That the more efficient use of the site as part of the redevelopment would be consistent with national and regional planning policy.
- That contrary to the claims of the appellant, Views 13 and 16 do not indicate a jump in scale but rather a strong visual consistency with the roofscape and elevations of the nearby Georgian properties. The parapet line of the setback blocks reflects that of the Georgian buildings while that of the Block that fronts Harcourt Street forms a transition to the building line and elevation established by the more modern development to the south.
- That there are no protected structures on the appeal site and the proposed Phase 2 development is removed from any protected structures such that Policy FC30 of the Plan would be complied with.
- That the site is not located within an ACA and Policy FC41 is therefore complied with.
- That the appeal site is zoned Objective Z6 and the character and nature of surrounding development is primarily commercial. The proposed development would provide an appropriate scaled transition between the Georgian development to the north and the commercial development to the south.

### **6.3 Third Party Comments on First Party Response to Appeal**

The following is a summary of the main issues raised in the response submission received from An Taisce:

- That the proposed development does not follow the established built form at other sites where larger scale development set back from the street is complemented by lower scale development fronting the street that respects the surrounding scale of development. Examples include the Bank of Ireland HQ and the Irish Life Centre.
- The scale proposed of 6/7 storeys is excessive in this location.
- That the location of the site is especially sensitive given the Z8 zoning and there is a need to be respectful of the environmentally sensitive zone.
- That the revised photomontages submitted with the appeal response are welcomed and show the concern of the appellants. There is an inappropriate jump in scale of development.
- That the content of an appeal submitted against Phase 1 are noted and are considered relevant. The issues raised in this submission include concerns regarding the need for a 10 year permission, the accurate representation of the site coverage and plot ratio given the splitting of the proposal, the impact of construction activity and ambiguity in the application process and confusion for third parties.

### **6.4 Other Referrals**

Details of the application was referred to the Department of Arts, Heritage and the Gaeltacht (Development Applications Unit), the Heritage Council, An Chomhaire Ealaíon and Fáilte Ireland for comment.

No responses to these referrals were received within the period specified.

The first party response was also referred to the Planning Authority for comment and no response was received within the time period specified.

## 7.0 Policy Context

### 7.1 *Dublin City Development Plan, 2015-2021*

The site is located on lands that are **zoned Objective Z6** under the Dublin City Development Plan, 2011-2017. This zoning objective seeks ‘to provide for the creation and protection of enterprise and facilitate opportunities for employment creation’. Under this land use zoning objective Office is identified as an Open for Consideration use on lands that are zoned Objective Z6. Section 15.1.6 of the Plan identifies the general comments and development principles for Objective Z6 lands and state that such lands are an important land bank for employment use in the city which it is considered strategically important to protect. The focus in uses is innovation, research and science and technology based industry. It is noted that the principles for redevelopment of such lands states that redevelopment proposals should ensure that the employment element on the site should be in excess of that on site prior to redevelopment in terms of numbers employed and / or floorspace.

Section 17.4 and 17.5 of the plan relates **to site coverage and plot ratio**. On Z6 lands the indicative plot ratio is 2.0-3.0 and site coverage 60 percent. Regarding **building height**, section 17.6 of the plan states that in low rise areas, of which the appeal site is one, in the inner city the maximum number of storeys of office development is 7 and the maximum overall height is 28 metres.

There is provision in 17.6.1 for account to be taken of existing height where it is over and above the maximum specified in the development plan. This would be assessed on a case by case basis against the other relevant provisions of the plan.

The maximum **parking** provision for office developments in the central area (zone 1) is 1 space per 400 sq. metres of GFA and 1 no. cycle space per 100 sq. metres of GFA.

Chapter 7 of the Plan relates to Conservation and includes policies and objectives relating to protected structures, conservation areas and architectural Conservation Areas.

The site is not located within the identified zone of archaeological potential for Dublin City and is not located within an Architectural Conservation Area (ACA).

Harcourt Street, including the area fronting the site is included within an area identified as a specific objective for a conservation area. This specific objective appears to extend a short distance into the frontage of the site and encompasses the street as well as the buildings on the opposite (east) side of the street and Harcourt Street to the north of the Garda site.

## 8.0 ASSESSMENT

The following are considered to be the main issues in the assessment of this proposed development:

- Principle of Development
- Design, Layout and Impact on Amenity
- Conservation Issues
- Access and Parking
- Appropriate Assessment

### 8.1 Principle of Development

8.1.1 The appeal site is located on lands that are zoned Objective Z6 *'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'*, under the provisions of the Dublin City Development Plan, 2011-2017. Under this land use zoning objective the use of the site for office development is identified as being open for consideration. Restaurant and Shop (neighbourhood) are both identified in the plan as being 'Permissible Uses' on lands that are zoned Objective Z6.

8.1.2 The proposed use of the site is described as offices in the public notices and does not therefore match with the stated primary intended use of Z6 zoned lands which is the promotion of employment through innovation, research and science and technology based industry. The proposed office use is however listed in the Plan as an open for consideration use and is consistent with both the existing office use of the site and with the prevailing office uses on Charlotte Way and Hatch Street to the east. The granting of permission for the proposed development would, in my opinion be consistent with the provisions of the development plan which seek to protect the employment use of Objective Z6 lands. I also note that the scale of the proposed development at c. 15,515 sq. metres GFA is significantly larger than the 4,230 sq. metres GFA currently on the site and which is proposed to be demolished to make way for the proposed development. In view of the above, it is my opinion that the principle of office use in this location is acceptable in principle. With

regard to the principle of the proposed restaurant and café uses, I note the fact that restaurant is identified as a permissible use under the Dublin City Development Plan. The principle of the provision of a non-office or employment use on that part of the site which faces Charlotte Way is therefore in my opinion acceptable in principle and would have an overall beneficial effect in terms of opening up the site and creating activity on the Charlotte Way frontage where none currently exists.

8.1.3 With regard to the principle of demolition of the existing buildings on the site, I note the age of the existing structures and the likely significant works which would be required in order that they would be re developed into modern energy efficient accommodation that would meet modern office demands. As part of the application, the first party has submitted a number of reports which detail the high environmental efficiency of the proposed design including an Justification and Outline Method Statement for Demolition of Existing Building prepared by Cronin and Sutton Consulting Engineers. This assessment notes, inter alia, that the building does not meet the floor to ceiling heights of a modern office so as to facilitate electrical equipment and cooling, that the thermal performance of the building is sub-standard, that the floor plates are not large enough and the building is deficient in terms of fire safety and disabled access requirements. The first party makes the case that having regard to these factors that the building is not capable of being let in its current condition and that the cost of refurbishment of the building would be prohibitive. In view of this and the existing dated appearance of the structures which will be commented upon in more detail in section 8.2 below, it is my opinion that the principle of the demolition of the existing structures on site is acceptable.

8.1.4 I note the way in which the overall redevelopment of the site has been approached and specifically the fact that the current application forms the second part of an overall two phase redevelopment of the site. The first party have stated that it is desired that both phases of development, incorporating the current proposal and a future permission for Phase 2, would be undertaken concurrently, however this is dependent on what happens with the tenancy of the existing Block 1. Given this uncertainty I can see merit in why a 10 year permission is sought though it is not clear why the entire development was not included in a single application. Such a single application could have been the subject of a phasing plan if desired and in the event that there were issues with regard to the tenancy of Block 1 (part of Phase 2) then the development could have been completed in two Phases.

8.1.5 I also note the fact that the areas covered by the current application and that for Phase 1 which was granted permission by Dublin City Council (Ref. 15/2725) exhibit a degree of overlap with the result that the individual plot ratio

and site coverage figures for each part of the application may not give an accurate representation of the overall level of development proposed. In the current circumstances however, permission has been granted for Phase 1 of the development and it is therefore considered appropriate that the assessment of plot ratio and site coverage would have regard to the relevant figures for the overall site incorporating Phases 1 and 2.

## **8.2 Design, Layout and Impact on Amenity**

- 8.2.1 Given the scale of the site, the extent of demolition proposed and its location relative to surrounding properties the proposed development would have potentially significant impacts on the amenity of the occupants of properties in the vicinity. The applicants have submitted a construction management plan for the Phase 2 development and during the course of the assessment of Phase 1 I note that the first party submitted additional proposals relating to the control of noise, dust and vibration at the site. Methods proposed in this document include alternative piling techniques, compliance with BS noise standards, and site operation standards. Regarding dust, a commitment is given that background pre construction monitoring will be undertaken and dust levels during construction monitored and the use of dust suppression measures are proposed. On site wheel wash and road sweeping measures shall be implemented and vibration monitoring undertaken for the duration of the works. Reference is also made to the use of an off-site staging or holding area which would limit the delay in vehicles and equipment accessing the site.
- 8.2.2 Access to the site during construction is stated to be via the main access onto Harcourt Street. I note however that the development permitted is subject to restrictions by way of condition relating to hours of operation, noise and construction management and in the event of a grant of permission it would be appropriate that conditions controlling these areas would be attached. Given that the proposed development would involve a significant amount of demolition, it is considered appropriate that a grant of permission would include a condition requiring the submission of 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. Such a plan would detail the nature of wastes likely to be generated and submit proposals for their disposal and / or reuse.
- 8.2.3 The adjoining building to the west is in residential use on the upper floors and has a gable end facing the proposed development site. This gable does not contain any windows to habitable rooms and the layout of the proposed development with the entrance to the car park located adjacent to this boundary and the setback proposed are such that I do not consider that the

proposed development would have an adverse impact on the residential amenity of the occupants of this adjoining development.

- 8.2.4 With regard to the overall design and layout, the scale of the proposed replacement structure is proposed to be a seven storey building over two basement levels with setbacks provided at the top floor. The maximum overall height of the proposed development is indicated as being 27.3 metres above ground level. The overall height of the building is therefore slightly below the 28 metre maximum indicated in the development plan for office development on low rise inner city sites. The proposed height is also almost 4 metres lower than the maximum height of the existing Block 2 in the centre of the site. In principle therefore the proposed development would be consistent with the height policy as set out in the Dublin City Development Plan, 2011-2017.
- 8.2.5 In terms of the assessment of the design, scale and bulk of the proposed development the first party puts significant emphasis on the fact that the current proposal is Phase 2 of a two phase development and that Phase 1, comprising the demolition of Blocks 2 and 3 and the redevelopment of the northern part of the site to a level of 7 storeys above ground and an overall height of c. 27.2 metres has been permitted. I accept that the granting of permission for Phase 1 on the northern half of the site sets a context for the assessment of the current application, however I would also highlight the differing location of Phase 2 in terms of its location at the corner of Charlotte way and Harcourt Street and its proximity to the street on Harcourt Street such that its potential visual impact and impact on the character of the street and the setting of the protected structures on the street is significantly greater than was the case with Phase 1.
- 8.2.6 The impact of the proposal on the setting of the protected structures to the north on Harcourt Street and on the Conservation area centred on Harcourt Street will be addressed in more detail in the section below, however, in principle I do not consider that the scale and bulk of development proposed would have a significant adverse impact on the setting and character of the conservation area.
- 8.2.7 In terms of the design and elevational treatments proposed, the design statement submitted states that the design approach focusses around the development of four east-west orientated blocks with a generous forecourt area providing a strong urban setting while providing for the transition in character and scale between the Georgian development to the north and the more modern designs to the south. The overall design with the four projecting elements would require the development of both Phases one and two to be complete however the application the subject of this appeal is for Phase 2 and

first party made the case in PL29S.245022 that the Phase 1 development which is the subject of the current application is a standalone development of high quality capable of implementation in isolation of Phase 2.

8.2.8 The first party has set out the rationale for the design approach followed in the detailed Architectural and Urban Design Statement submitted with the application. The elevational design incorporates a series of double height elements which are stated to create a vertical emphasis to the façade. The third party appellants contend that this double height approach is inappropriate however I am of the opinion that what is proposed would serve to break up the elevations and the scale of the building and reflect the classical forms of the Georgian development to the north. The approach of east west orientated elements provides for natural light to the building and also breaks up the overall bulk of the development when viewed from Harcourt Street. This design also presents narrower elevations to the street that have a more vertical emphasis reflecting the narrow plot widths and vertical emphasis of the Georgian terrace along Harcourt Street. This basic approach to the elevations is complemented by the use of recesses (described by the first party as loggias) in the elevations where the glazing is set back from the main elevation. I do not consider that the use of this feature is inappropriate in this location. In terms of materials, the main elevations comprise stone with ceramic glass panels breaking up the double height stone surrounded openings and bronze coloured anodised aluminium cladding on the top floors. The materials proposed are, in my opinion generally acceptable.

8.2.9 In terms of scale relative to its surroundings, the location is clearly a transitional location between the Georgian development on Harcourt Street and the more modern larger scale development to the south around Charlotte Way and Camden Street. The first party appeal response on file contains a useful map that clearly sets out the range of heights in the general area of the site and the scale of development to the south ranges from generally 5 to 8 storeys. In terms of height, the existing height context on the site is 8 storeys in Block B in the centre part of the site with Block A, to the south currently being 5 storeys in height. The current proposal would result in the height in the centre part of the site remaining approximately the same as existing, albeit relocated such that it would be c.17 metres from the eastern boundary of the site rather than the c.35 metres which is currently the case with Block 2. The block to the south would be increasing in height from a current parapet height of c.17.3 metres above ground level to the proposed c.23.4 metres to parapet and 27.3 metres overall. In terms of visual impact therefore the primary impact is that arising from the increased height proposed at the southern end of the site where the proposed development would be c.6 metres higher than the existing to parapet height and c. 10 metres higher overall.



8.2.10 The impact of the proposed development is clearly indicated in the submitted CGI images and verified Views submitted with the application and augmented by the additional views submitted with the appeal. The third party appellants contend that the proposed development is not accurately represented in the images presented and specifically that the images are unclear due to their positions relative to street obstructions (railings, signs, traffic lights etc.) and also that the wide angle view used does not give an accurate representation of the scale of development. Regarding the view locations, the submitted views cover a wide range of locations, however I would agree with the third party that there are a number of the images that could have been better sited in terms of potential obstructions. Against this, I note the fact that the first party has submitted additional views along Harcourt Street towards the proposed development and consider that these provide clear, less obstructed views of the development that can be used as an aid to assessment. Regarding the methodology used, I note the comments of the first party in the appeal response and from a review of the images I do not consider that the submitted views clearly under scale the proposed development. In making this assessment I note the fact that the main element of the proposal visible in the views from along Harcourt Street is the southern part of the development that extends out to the corner of Harcourt Street and Charlotte Way and also the impact of the degree of separation between this part of the development and the southern end of the Georgian terrace on Harcourt Street. In my opinion when allowance is made for perspective and the development is assessed relative to the scale of development on the opposite side of Harcourt Street that the views presented are accurate and are such that they can be used as an aid to the assessment of the proposal.

8.2.11 In terms of scale I do not consider that the height and bulk of development proposed is such that it would have a significant adverse impact in terms of visual amenity. As noted previously, the scale of development is consistent with that to the south and the set back of the bulk of the development from the Harcourt Street frontage serves to mitigate the visual impact when viewed from the north on Harcourt Street. This set back creates a degree of a visual break between the proposed development and the Georgian terrace to the north which in my opinion helps to make the transition between the Z8 conservation area zoning to the north and the higher more modern development to the south. The impact of the proposed development on the specific conservation policies and objectives set out in the third party appeal, and specifically the impact on the view from Harcourt Street and the conservation area zoning in this area are considered in more detail in section 8.3 below.

8.2.12 In terms of other views, the visual impact of the proposal from the east on Hatch Street and the south at the junction of Harcourt Street and Adelaide Road is in my opinion acceptable. On Charlotte Way, the removal of the existing boundary wall and the creation of commercial units in this location will act to animate this frontage and taken in conjunction with the proposed widening of the footpath in this location would result in a significant improvement of the public realm in this south facing site frontage.

8.2.13 In addition to animating the southern edge of the site, the proposed development would, taken in conjunction with the proposed Phase 1 development, result in a publically accessible open space area to the Harcourt Street frontage of c. 875 sq. metres or c. 11.5 percent of the overall site area, (Phases 1 and 2). Such an open space provision is above the minimum open space required on Objective Z6 lands specified in the development plan and contrasts with the existing layout where the site is not publically accessible. A landscaping layout for this area has been submitted, prepared by Mitchel and Associates landscape architects and I would agree with the first party that the provision of this landscaped space would result in significant improvements to the public realm in this location. The proposed works would also result in the removal of the existing on street parking in the area fronting the site on Harcourt Street which would also, in my opinion, have significant beneficial impacts on the streetscape in this location.

8.2.14 In terms of the overall quantum of development proposed and compliance with the site coverage and plot ration standards in the Plan I note that the stated plot ration of the subject application is 3.8 and the site coverage 57 percent. The plot ratio proposed for Phase 2 is therefore above the indicative range for Objective Z6 lands as set out in the development plan (2.0 – 3.0). As set out in 8.1 above, I consider that it is appropriate that some assessment of the plot ratio for the overall site would be undertaken as part of this assessment given the fact that the current proposal comprises Phase 2 of an overall development and having regard to the fact that Phase 1 has already been permitted. Before examining these figures it is worth noting that the plot ratio figures given in the development plan are indicative and that they are an aid to the assessment of a proposal in conjunction with other relevant factors such as height. It is also noted that the plan provides for the height strategy and the maximum permissible heights specified to have precedence over the indicative plot ratio standards and also that the objectives of the Z6 zone clearly indicate that redevelopment proposals should ensure that the employment element on the site should be in excess of that on site prior to redevelopment in terms of numbers employed and / or floorspace.

8.2.15 Section 6.34 onwards of the Planning Supporting Statement submitted with the application gives some details regarding the plot ratio and site coverage standards for the overall development site. This indicates that the overall site coverage figure for Phases 1 and 2 would be of the order of 46 percent and therefore less than the indicative maximum of 60 percent. It is also stated that the plot ratio for Phases 1 and 2 together would be c. 3.0 excluding the upper basement level accommodation (office). From these figures it would appear that the overall development of the masterplan lands would slightly exceed the indicative plot ratio standard in the plan if the upper basement level accommodation is included. The degree to which this would be the case is not specified and it is not possible to accurately calculate on the basis of the information presented on file. In stating this however, I would note the fact that the overall development is within the terms of the height policy as set out in the plan. I would also note that this height policy takes precedence over the indicative plot ratio and site coverage standards and that there is specific provision for the plot ratio standard to be exceeded in the case of mixed use developments in close proximity to public transport corridors. Finally I would note that the real purpose of a plot ration figure is to determine the bulk of development on a site and that this is particularly the case in a location such as the appeal site where the primary consideration is the bulk of development in the streetscape and integration with the existing pattern of development in this transitional location. A strong argument can be put that the real measure of this bulk is plot ratio measured in terms of the above ground floor area relative to site area. For all of these reasons it is my opinion that the overall scale of development on the Masterplan site is not clearly excessive relative to plan standards or such that there is a clear significant issue in terms of bulk, massing and scale

8.2.16 The application is accompanied by a daylight and sunlight analysis undertaken by O'Connor Sutton Consulting Engineers. This analysis indicates that the proposed development would not result in any additional shadowing of adjoining properties that would be contrary to the standards set out in the BRE Daylight and Sunlight Guidelines. From a review of the analysis submitted, and having regard to the comparative existing and proposed layouts, I am satisfied that the analysis submitted is accurate and that no significant daylight issues would arise on foot of the development proposed in Phase 2.

8.2.17 Overall, the design is, in my opinion respectful of its position at a transitional location in built form and scale of development between the historic Georgian core to the north and the more modern, larger scale development to the south. The scale of development proposed is not higher in overall terms than that existing on the site and the bulk and scale of the overall site development proposed is consistent with the provisions of the development plan for lands

zoned Objective Z6. I consider that the form and proportions of the frontage and materials used have regard to the pattern of the Georgian development to the north on Harcourt Street and surrounding more modern development and that the basic design approach with double height façade is appropriate in this location. The following section addresses some of the specific issues raised by the third party appellants regarding conservation issues arising and particularly the potential impact of the proposal on the streetscape of Harcourt Street, the impact of the development on the setting of protected structures on the street and the Conservation Area zoning of the area to the north of the site and the compatibility of the proposal with Plan policy regarding transitional zones. .

### **8.3 Conservation Issues / Visual Impact**

8.3.1 The main issues raised in the third party appeal relate to the potential impact of the proposed development on the setting of the protected structures on Harcourt Street and the adverse impact that the scale and visual prominence of the proposed development would have on the setting of these structures. Specific concern is also expressed by the appellant with regard to the impact of the proposed development on the Z8 Conservation area zoning of the area to the north of the site on Harcourt Street and also the degree to which the proposed development acknowledges the transitional location of the appeal site and adjoining Phase 1 site between the Georgian area to the north and the larger scale more modern commercial development to the south of the site. As set out in 8.2 above, it is my opinion that the scale of the proposed development is consistent with the Objective Z6 zoning of the site and with the existing scale of development on the site. I am also of the opinion that the basic design approach including double height fenestration and materials are appropriate for the site and are sympathetic to the adjoining Georgian development.

8.3.2 With regard to protected structures, the appellants cite Policy FC30 of the Plan which, inter alia states that it is the policy of the council to protect such structures and setting from any development that would cause loss or damage to their special setting and character. In addition to the, in my opinion, appropriateness of the design proposed I would note the fact that the bulk of the proposed development and that of the permitted Phase 1 is set back from the building line formed by the Georgian development to the north on the western side of Harcourt Street. The effect of these setbacks is to create a visual break between the proposed development (Phases 1 and 2) and the adjacent Georgian development. When the views of the proposed development are examined the most visually prominent element is the southern part of the development where the block extends out to the corner of

Harcourt Street and Charlotte Way. I accept that the proposed development in this location at 6 storeys with a setback 7<sup>th</sup> floor is significantly higher than the Georgian development to the north, (c. 42 metres overall as against c. 32 further to the north). I also accept that the curve of the street is such that the eye of a viewer to the north of the site on Harcourt Street is drawn towards the top of the street. Against this however, the degree of separation between the block at the southern end of the site and the closest building in the terrace on the western side of Harcourt Street is significant at c. 60 metres and the top floor of this part of the proposed development would be set back by c.35 metres from the main Harcourt Street elevation. This visual break and the reduction in scale due to distance, combined with the design of the building including the set back of the top floor would, in my opinion, result in a development that would not have a significant adverse impact on the setting or character of the protected structures to the north. I do not therefore accept that the proposed development would be contrary to Policy FC30 of the Plan.

8.3.3 The appellant also cites Policy FC41 which seeks to protect the character of ACAs and conservation areas. As noted previously the area to the north of the site on Harcourt Street is characterised by buildings zoned Objective Z8 which is a conservation area zoning reflecting the presence of a concentration of protected structures, the architectural character of the area and the importance of the streetscape in this location. The area to the north is also characterised by a specific conservation area objective as indicated by the horizontal red hatching on the land Use Zoning map. I note that the site is not located within an architectural conservation area and that the appeal site is not covered by the conservation area specific objective indicated on the land use zoning map. For essentially the same reasons that I do not consider the development likely to impact negatively on the character and setting of protected structures I similarly do not consider that the form and scale of the proposed development would have an adverse impact on the identified conservation area to the north and east of the site. In particular, the scale of development, the building setbacks and the separation between the area covered by the conservation area objective and the most visually prominent part of the development at the southern end of the site are such that the proposed development would be in accordance with Policy FC41. For the same reasons I do not consider that the proposal would be contrary to Policy SC7 (the protection of important views and vistas in the city) and Policy FC26 (protection of the city's cultural and built heritage).

8.3.4 The appellant has made specific reference to section 15.9 of the Plan relating to transitional zones. This provision cites the importance of avoiding abrupt transitions in scale between zones and that it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. In the case of the appeal site and the site of

Phase 1 to the north I agree that this is a transitional area. As previously highlighted in this assessment however I would also note that the built form proposed is such that there is significant setback of the building line from that formed by the development to the north on Harcourt Street, particularly at the northern end of the Garda site. This set back acts to significantly reduce the visual impact of the proposed development when viewed from the north on Harcourt Street. As previously noted the separation distance between the block at the southern end of the site which extends to the corner of Harcourt Street and Charlotte Way and the Georgian terrace on Harcourt Street is c. 60 metres while the separation between this part 6 and part 7 storey block and the 6-8 storey development on the southern side of Charlotte Way is less than 25 metres. By virtue of its design, scale and varied set back, together with the creation of a landscaped public accessible area fronting onto Harcourt Street it is my opinion that the proposed development does take account of its transitional zone location and is consistent with the principles set out in 15.9 of the development plan. In particular, it is my opinion that the design and scale of development would not be detrimental to the amenities of the more environmentally sensitive zone, in this case the lands to the north covered by the Objective Z8 and conservation area specific objective.

## **8.4 Access and Parking**

- 8.4.1 The existing site has in excess of 158 no. on-site parking spaces and there are a further 17 no. spaces on Harcourt Street that are used by the Garda offices. The permitted Phase 1 of the site redevelopment has a total of 38 no. basement parking spaces and a total of 153 no. cycle parking spaces are also proposed as part of Phase 1. In phase 2 an additional 42 car parking spaces are proposed and 166 no. bicycle parking spaces. At an overall site level, the proposed parking equates to a total of 80 no. spaces which does not exceed the development plan standard of maximum of 1 space per 400 sq metres of gross office floorspace. The proposed bicycle parking across the site is also in accordance with the minimum provision as set out in the development plan.
- 8.4.2 in terms of access, the grant of permission for Phase 1 of the development indicates that access to the basement car parking for that phase and service access is proposed to be from a position on the Harcourt Street frontage that is close to the existing main vehicular access. For Phase 2 the access arrangements are indicated as being on the Charlotte Way frontage close to the south west corner of the site and it is stated that on completion of Phase 2 that access to the new entrance would be provided and the previous access from Harcourt Street would be closed. It is apparent from the previous application that there were some concerns on the part of the Railway Procurement Agency (Transport Infrastructure Ireland) regarding the access

to Harcourt Street. No significant concerns with regard to traffic or potential conflict with the Luas have been raised regarding the Charlotte Way access and it is considered that this proposed access route is accessible in principle.

8.4.3 I also note the fact that in the current application arrangements for the relocation of some infrastructure connected with the powering of the Luas require agreement with TII. These issues can be the subject of condition and a requirement that they be agreed prior to the commencement of development.

8.4.4 The traffic assessments submitted indicate that the junctions in the vicinity of the site and specifically the Hatch Street, Harcourt Street Charlotte Way junction, would operate within capacity on completion of the development and the figures submitted show these junctions operating satisfactorily with both Phases 1 and 2 in place. In terms of traffic generation it should be noted that the level of vehicular traffic attracted to the site would be significantly less with the proposed development in place due to the significant reduction in on-site parking that would arise.

8.4.5 The development proposes the removal of the existing 17 no. on street parking spaces located on the Harcourt Street frontage and the provision of a lay by / set down area in this location. This is considered to be acceptable.

8.4.6 The layout indicates the provision of a dedicated service area located off the access ramp to the car park and via which the servicing of the site would be undertaken. The location and layout of this service access area is considered to be acceptable in principle. A mobility management plan indicating how the desired modal split on completion of the development and the reduction in car parking has been submitted with the application. Given the central location of the site and its proximity to public transport it is considered that the modal split targets set out are achievable. Overall, the parking and access arrangements to the site are considered to be acceptable.

## **8.5 Appropriate Assessment**

8.5.1 The application is accompanied by a screening for appropriate assessment which concludes that the proposed development would not be likely to have significant adverse impacts on the conservation objectives of any Natura 2000 sites. The screening assessment notes the fact that the site is currently developed and that the proposed development would result in better attenuation and management of surface water than is currently the case. The assessment notes the fact that this will be set against an increase in the discharges of foul effluent from the site due to the increased scale of

development and that these discharges are to the Ringsend Waste Water Treatment Plant. This waste water treatment plant is currently not in compliance with the Urban Waste water Treatment Directive and the capacity of the plant is due to be increased from 1.64 million p.e. to 2.15 million p.e. by the end of 2016.

- 8.5.2 The screening assessment identifies two sites as worthy of examination for potential impacts, these being the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and the South Dublin Bay SAC (site code 000210). The conservation features of interest for the South Dublin Bay and Tolka Estuary SPA are as follows: Light bellied brent goose, Oystercatcher, ringed plover, grey plover, knot, Sanderling, Dunlin, Bar Tailed Godwit, Redshank, Black Headed Gull, Roseate Turn, Common Tern and Arctic Tern. The screening assessment submitted by the first party notes that while a number of these species have experienced declines over recent years, there is no evidence that such declines are related to deterioration in water quality.
- 8.5.3 The available information does not indicate that the poor water quality is currently impacting on the conservation objectives of Dublin Bay. It is also noted that the proposed upgrade of the Ringsend waste Water Treatment Plant will address potential pollution and that other than the pathway via the treatment plant that there are no other pathways between the appeal site and any Natura 2000 site.
- 8.5.4 On the basis of the above, it is my opinion that the proposed development is not likely to have a significant adverse effect on any European site having regard to the conservation objectives of the relevant site.

## **8.6 Other Issues**

- 8.6.1 With regard to financial contributions, it is noted that the Planning Authority attached a condition requiring the payment of a contribution in respect of the Metro North development contribution scheme. This scheme has since been revoked and therefore, pending permission for a revised Metro North scheme and an associated s.49 development contribution scheme, no contribution in respect of Metro North is applicable.



## 9.0 RECOMMENDATION

Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

### REASONS AND CONSIDERATIONS

Having regard to the Objective Z6 (enterprise and employment) zoning objective for the area and the pattern of development in the area including the proximity to the south inner city office core, to the existing use of the site for office accommodation and the dated form of this accommodation and to the scale and design of the proposed new development, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not have a significant adverse impact on the character or setting of any protected structure or conservation area and would 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 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. 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 interest of public health.

3. 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 interests of sustainable waste management.

4. 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:
  - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network including the location of the proposed off site staging area;
  - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
  - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (j) 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;

- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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 interest of amenities, public health and safety.

5. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 [residential] amenities of property in the vicinity.

6. Locations for the monitoring of noise, dust emissions and vibration during the construction phase of the proposed development together with appropriate limits, the methodology to be employed and procedures for recording and reporting of results shall be agreed in writing with the planning authority prior to the commencement of any development on site.

**Reason:** To protect the amenities of property in the vicinity

7. Details of the materials, colours and textures of all the external finishes, to the proposed buildings including signage to the proposed commercial units fronting Charlotte Way 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.

8. Prior to the first occupation of the proposed commercial units, details of the exact use of the ground floor units fronting Charlotte Way and the hours of opening of these units shall be submitted and written agreement obtained from the Planning Authority.

**Reason:** To ensure consistency with the uses indicated in the planning application and to protect the amenities of surrounding properties.

9. Prior to the commencement of development the following requirements of the Roads and Traffic Planning Division of the Council shall be complied with:
- (a) The submission of a method statement for the in situ protection, and later relocation of the Luas Tram stop cubicle and other associated electrical equipment, including overhead conductor system (OCS) poles located adjacent to the existing southern boundary of the site.
  - (b) The developer shall liaise with Dublin Bus and the National Transport Authority regarding any works impacting on the existing bus stop on the northern side of Charlotte Way adjoining the site.

**Reason:** To ensure the protection of existing transportation infrastructure in the development.

10. Prior to the opening 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 to 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:** In the interest of encouraging the use of sustainable modes of transport.

11. 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.

12. The landscaping scheme shown on Mitchel and Associates Drg no. LHAR001, as submitted to the planning authority on the 10th day of November, 2015 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interests of residential and visual amenity.

13. 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.

14. The developer shall pay to the planning authority a financial contribution of € 853,737.14 (eight hundred and fifty three thousand seven hundred and thirty seven euro and 14 cent) 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. 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. The application of any indexation required by this condition 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.

**Reason:** It is a requirement of the Planning and Development Act 2000 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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**Stephen Kay**  
Inspectorate  
8th May, 2016