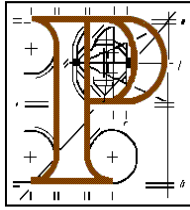


An Bord Pleanála



Inspector's Report

Appeal Reference No: PL29S.246188

Development: Extensions to office building at 4th and 5th floor level and new 6th floor level resulting in a 7 storey building. Plant areas at 4th floor level, sedum roof at 6th floor and all site works at Bishop's Square, Lower Kevin Street, Dublin 2.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 4074/15
Applicant: Hines GREIT 11 Ireland Fund ICAV
Planning Authority Decision: Grant Permission

Planning Appeal

Appellants: 1) An Taisce
2) News Corp UK & Ireland Ltd, News UK
Type of Appeal: Third Party
Observers: None
Date of Site Inspection: 17th of May 2016

Inspector: Angela Brereton

1.0 SITE LOCATION AND DESCRIPTION

Bishop's Square is currently a 6 storey mixed use office block in Dublin City Centre. The building is located between Kevin Street and Bishop Street in Dublin 2. The building was constructed over a decade ago and has an art deco design element. The site is bounded by Bishop Street to the north, Redmond's Hill to the east, Kevin Street Lower to the south, and commercial development to the west including the 8no. storey Boat House building. It is approx. 300m west of the south western corner of St. Stephen's Green.

It is currently occupied by a number of tenants with all floor fitted out as offices. The part five and six storey commercial building is over two basement levels. The upper basement area is used for staff carparking accessed via a ramp off Bishop Street. The building currently accommodates a number of tenants including such as Tourism Ireland, Department of Justice and Equality, News International PLC and the Revenue Commissioners and employs a considerable number of people. There is a separate ownership Starbucks commercial unit located within the ground floor of the Kevin Street frontage of the building.

The area is characterised by old and new developments with a variety of land uses including commercial, retail, residential and educational. D.I.T is located in the former Jacob's biscuit factory on the opposite side of Bishop Street, with entrance to Aungier Street and the College of Technology on the southern side of Kevin Street Lower. There are residential local authority flats with access off Bishop Street to the west and on the opposite side of Redmond's Hill. The subject building adjoins a Conservation Area and there are a number of Protected Structures including the former Moravian Church and school in the vicinity.

2.0 PROPOSED DEVELOPMENT

The proposed development is to consist of:

1. Extensions to the office building at existing Fourth Floor level (additional 663sq.m floor area) and existing Fifth Floor Level (Additional 531sq.m floor area);
2. A new Sixth Floor Level (1,960sq.m floor area) over the existing six storey building;
3. Plant areas, including louvered screening at Fourth Floor Level;
4. A sedum roof at Sixth Floor Level;
5. Associated Elevational Changes;
6. Cycle Parking at Upper Basement Level; and
7. All associated site development works.

As given in the details submitted the overall site area is 4,430sq.m (0.443ha), the existing development is 22,050sq.m and the proposed development is 3,154sq.m i.e. (new and retained) is 25,204sq.m. A Schedule of the existing and proposed gross floor areas and additional floor areas are enclosed. The application form provides that the proposed plot area is 4.7:1 and the proposed site coverage is 83%.

The following documentation has been submitted with this application:

- Planning and Environmental Report – Tom Philips & Associates 23rd of November 2015;
- Photomontages – ditto;
- Daylight and Sunlight Analysis – ditto;
- Appropriate Assessment Screening Report – Denyer Ecology;
- Site Specific Flood Risk Assessment – O'Connor, Sutton, Cronin Consulting Engineers;
- Part L Compliance Report – ditto;
- Conservation Assessment 20th of November 2015 – Rob Goodbody, Historic Building Consultants.

3.0 PLANNING HISTORY

Details of planning history are given in the documentation submitted with the application i.e the Planning and Environmental Report and in the Planner's Report and it is considered that the following are the most relevant:

Subject site:

- Reg.Ref.1170/99 – Parent Permission granted by DCC subject to conditions (Office and Two Retail Units). This included demolition of the existing buildings on site and the construction of a new building to provide 15,953sq.m i.e. 15,657sq.m of office accommodation with two retail units (296sq.m) and 105no. underground car parking spaces. The proposed building comprised a five storey over ground level block fronting onto Kevin Street with setbacks at 4th and 5th floor levels

The following permissions relate to amendments/ subsequent applications to the parent permission Reg.Ref. nos. 2933/99, 1562/07, 2421/14. A copy of the Council's decision to grant permission for the most recent of these is included in the History Appendix to this Report.

Neighbouring site:

Reg.Ref.6131/05 – Permission granted subject to conditions by DCC for the construction of a new 7 storey over 2 storey basement office building with single storey glazed link to the former Moravian Church (P.S) g.f.a 1825sq.m. This included the restoration and material change of use of the former Moravian Church (P.S) at 15A Bishop Street from warehouse to office use.

Reg. Ref.1993/07 - An additional eight storey to this building was refused by DCC. Subsequent to a First Party Appeal permission was granted subject to conditions by ABP (Ref.PL29S.223546) on the 6th of November 2007 for the following reason:

Having regard to the zoning objective for the area as set out in the Dublin City Development Plan 2005 – 2011 and to the criteria set out therein for the consideration of applications for medium and high rise buildings, and having regard to the proposal to increase the height of the proposed seven-storey office building by a total of 3.675 metres by the addition of an eighth storey and the increase in the size and height of the plant area, together with alterations to the design and façade of the building, and having regard to the

adjoining former Moravian Church, a protected structure, it is considered that the proposed development, subject to compliance with the conditions set out below, would not be overbearing or unduly prominent in the context of the urban character of Bishop Street or the surrounding area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

This history refers to the 8no. storey Boat House Building to the north west of the site and a copy of this decision is included in the Appendix of this Report.

4.0 PLANNING AUTHORITY APPLICATION

Technical Reports

External

Transport Infrastructure Ireland (TII) note that the proposed development falls within the area set out in the Metro North Section 49 Levy Scheme.

An Taisce

They note that the subject building was only constructed a decade ago and are concerned that the proposed additions would produce a building of excessive scale and bulk and have particular concerns about the overall visual impact. Their subsequent grounds of appeal are summarised separately below.

Tourism Ireland

They occupy and are leaseholders on the 5th floor of the building. They are concerned that the proposed scheme would result in a loss of natural light and ventilation and demise in their external space and are concerned about undue levels of noise during construction.

Internal

Roads and Traffic Division

They note that as part of the proposal it is proposed to provide additional cycle spaces. Given the location of the development close to the city centre close to public transport facilities no additional parking facilities are proposed. They provide a number of recommendations relative to construction issues.

Engineering Department Drainage Division

They do not object subject to standard conditions including the incorporation of SUDS.

The Environmental Health Officer does not object to the proposal and recommends a number of conditions regarding construction related issues.

Submissions

News UK & Ireland are occupiers of the 4th floor of the Bishops Square Building have concerns about the scale and height, loss of light and visual impact of the proposed development. They also refer to no additional parking provision and traffic congestion in the area. Their subsequent appeal is summarised below.

The Planner's Report

This has regard to the locational context of the site, planning history and policy and to the observations raised concerning the proposed development. They had regard to all the documentation submitted and concluded that the additional office development in the form of extensions and an additional floor, can be accommodated on the site in a satisfactory manner while complying with the standards, objectives and policies in the current development plan.

5.0 PLANNING AUTHORITY DECISION

On the 28th of January 2016 Dublin City Council granted permission for the proposed development subject to 9no. conditions. These include the following:

- Condition no.2 – Development Contributions
- Condition no.3 – Section 49 supplementary contribution for the Metro North Scheme.
- Condition no.4 – Compliance with Drainage Requirements
- Condition no.5 – Compliance with Road and Traffic Requirements
- Condition no.6 - Compliance with Environmental Health Requirements
- Condition no.7 – Compliance with Codes of Practice
- Condition nos.8 & 9 - Relative to construction works and practices.

6.0 GROUNDS OF APPEAL

Two separate Third Party Appeals have been submitted. Their grounds of appeal are summarised as follows:

6.1 An Taisce

- They have regard to the design of the existing building which includes Art Deco and Postmodern architecture styles, completed approx. one decade ago and consider that this has resulted in a well-integrated and satisfactory building, while the proposed extensions and additions are as a whole excessive in scale and extent.
- The proposed development, on account of its scale and design in relation to the existing building and surroundings, would be contrary to the provisions of the current Dublin City Development Plan relating to Protected Structures, Conservation Areas, plot ratio, architectural design and the site's land use zoning objective.
- They provide details of Protected Structures in the vicinity and note that the site faces a Conservation Area on the east side (pertaining to Aungier Street/Redmond Hill/Camden Street corridor).
- They consider that the scale and design of the proposed development does not comply with planning policies relevant to the protection of these areas.
- They note that the City Architect and Conservation Officer have not made comments on this application and consider that the Planning Authority should have been utilising this available professional expertise.
- They are concerned that the proposed height of the building is not appropriate to this area which is generally defined by a traditional city scale of three to five stories. While they note the eight storey building in proximity they provide that

this cannot be considered as creating a precedent for height increases in Bishop's Square.

- They include Figs. 1 to 5 showing the proposed Views of the building in context of the surrounds and provide detailed comments on these. They are concerned that the increase in the overall height and bulk of the building is not in keeping with the design of the building or the character of the area.
- They consider that the proposed plot ratio would be excessive and not in accordance with planning policy or take into consideration the setting of adjoining Protected Structures and a Conservation Area and would be inconsistent with the proper planning and development of the area.
- Aerial photographs suggest there would be some scope for extending the top two floors of the building on the south side (Lower Kevin Street) but a revised application would be required.
- The current proposal would breach the plot ratio requirements for the site and would not meet the high standards set out for design of new development in the city. It would result in an over-scaled visually dominant building and as such would be contrary to the proper planning and sustainable development of the area.

6.2 News Corp UK & Ireland Ltd

Hughes Planning and Development Consultants have submitted a Third Party Appeal on their behalf. They are the occupiers of the 4th floor of the building and refer to their objection to the original planning application and their grounds of appeal include the following:

- It is considered that the proposed development will significantly impact on their daily operations leading to serious levels of disruption and disturbance to the existing uses within the office building.
- They provide details of the tenants of the current building and note that it employs approx. 1,000 people.
- The level of disruption generated from the construction of the proposed development is completely unacceptable and it will have a significant impact on the existing users and operations.
- The disturbance of the existing commercial use of the building will lead to a significant drop in productivity and decrease in the overall business functions of the company.
- They are concerned about health and safety issues and refer to noise, dust and other impacts on their amenities from construction works.
- They note that the site is located in a Conservation Area and consider that the height and scale of the proposed development will significantly affect the architectural quality and integrity of the Protected Structures due to overpowering and overbearing impact. They include an aerial view and a number of photographs.
- The existing building is well designed and the scale and height is proportionate to its location.
- The proposed extensions will detract from the proportions of the building resulting in a top heavy, visually dominant and obtrusive form of development,

inconsistent with surrounding developments and will seriously injure the streetscape of the area.

- They consider that the proposed development does not comply with development plan policies and have regard in particular to Section 17.6.3 (Assessment Criteria for High Buildings). Figs.4 - 6 provide a superimposed 3D view of the subject site with the extent of the proposed development outlined in red.
- They consider that the proposed development has a serious impact on the character of the ACA and the existing Protected Structures in the area. The overbearing effect of the development due to the sheer extent of the proposed alterations is of serious concern.
- The proposed development will significantly reduce the quality of the protected structures in the vicinity and does not comply with planning policy to maintain and enhance these structures.
- They consider that the Planning Authority has not addressed the severity of the effects and ask the Board to ensure that development respects the principles of sustainable development and proper planning in an efficient and fair manner and refuse permission for the current proposal.

7.0 RESPONSES TO GROUNDS OF APPEAL

7.1 Planning Authority response

They provide that the substantive planning matters and reasons on which the P.A's decision on this application, are based are set out in the planning report, which had already been forwarded to ABP. The Planner's Report still stands and they ask the Board to uphold their decision.

7.2 First party response

Tom Philips & Associates have submitted a response on behalf of the First Party to the grounds of appeal. This includes the following:

- The proposed increase in height is fully consistent with the Development Plan's policy on building height for inner city areas i.e. a maximum of 7 storeys/28m. The height of the existing atrium will not change.
- The form and footprint of the building is maintained in the 'ziggurat' design form of the existing building. As such the building and proposed design of the extensions continues to integrate well into the site's receiving environment.
- They submit that the building is suitable in scale when compared to the neighbouring precedent development at the Boat House and at Redmond's Hill immediately adjoining these lands.
- The majority of the site does not lie in the Conservation Area and they note that the Conservation Report does not consider that the building will have an adverse impact on this or the Protected Structures.
- The existing plot ratio exceeds that of the Development Plan indicative standards and the proposed plot ratio is not significantly greater.
- The lands are strategically located for office use and are also close to transport links.

- The proposal if permitted will deliver up to 300 additional employees in high quality office space and is consistent with the Z5 zoning objective.
- The development is not speculative and they have regard to increased demand for office market activity and to compliance with planning policy.
- The proposed development represents the most sustainable use for further office development. It enhances the supply of floorspace stock and fulfils the policies and objectives of the DCDP.
- They provide that it is clear that the Planning Department in the Council evaluated all material considerations regarding the proposed development in an open and transparent manner in line with the Development Management Guidelines 2007.
- The permitted development conforms to the applicable DCDP building height policy, the proposed development does not increase the height of the atrium and they include Figs.3.1 to 3.3 to show this. They consider that an assessment under Section 17.6.3 is not warranted in this case.
- The proposal continues in design and layout to provide a transition in scale and set back which is in keeping with the building, Fig. 3.4 of their response relates.
- They request that the Board reviews the photomontages as a whole rather than the appellant's cropped versions as they give a more contextual representation to the scale of the development relative to its setting and surroundings.
- It is their opinion that the existing regeneration development in its current form does not represent the most sustainable use of these lands and that the site has the capacity for the proposed extensions.
- They refer to earlier planning history relative to the Tesco/Costa Coffee development recently completed at Redmond Hill and note its low scale. The extent of this is shown on Fig.3.7.
- They provide details of other larger scale buildings in the area and provide that historically the L.A has allowed a greater scale of buildings in the area.
- They consider that they have illustrated that the scale and height of the proposed development is appropriate and note that their 3D Views are representative, whereas they provide those superimposed by the Third Party are inaccurate.
- They consider that the scale, design and height of the development is consistent with the existing building form, developments in the vicinity and precedent developments granted by the Local Authority.
- The site is not within an ACA and they contend that DCDP Policy FC41 does not apply.
- The majority of the site does not lie within the Conservation Area. They consider that the format of the building proposed including the setbacks on the upper floors of the building continues to fully respect the Conservation Area to the East – Fig.3.9 relates.
- They refer to the Conservation Report with particular regard to the Moravain Church and School and do not consider that the building works proposed will adversely affect the character of the Protected Structures.

- They have regard to the planning history of the Boat house building to the northwest and consider that this sets a precedent for higher buildings in the area and is fully compliant with planning policy.
- They refer to the Shadow Analysis submitted with the application and provide that this illustrates there are no overshadowing impacts on the surrounding area including the Protected Structures.
- There is a precedent for infill office development abutting a Conservation Area and Protected Structure and refer to other such buildings in the area and include photographs of these including the Camden Court Hotel and Block B Harcourt Centre and the current proposal is inherently suitable to the site.
- They refer to plot ratio and note that An Taisce have included the upper and lower basements, which is incorrect, they should have only included the floor area above ground level. They consider that the site can accommodate the marginal increase in plot ratio proposed and that relative to its central location near transport links a higher ratio complies with planning policy and will not impact adversely on the character of the area.
- The Applicant must obtain agreement from all tenants to proceed with the works having regard to the 'quiet enjoyment' clause of their lease. The applicant is committed to working through all items of concern with tenants prior to and during construction.
- They provide that they will comply with the Council's conditions regarding Construction Management issues.
- Best practice construction methodology will be employed in implementing the scheme if permitted. They include a Construction Plan dated March 2016 by Sisk in Appendix E.
- The Project Monitoring Committee will ensure the development is in line with best practice at construction stages.
- They consider that the proposed scheme strikes the correct balance between providing additional commercial development in the city centre and protecting the amenities of the wider area.
- They conclude that their response to the grounds of appeal fully addresses the Third Party concerns, complies with planning policies, is sensitive to the character of the area and will produce a sustainable development of this site.

7.3 Third Party response to First Party

Hughes Planning & Development Consultants has submitted a response on behalf of News Corp UK & Ireland Ltd dated May 2016, which includes the following:

- The proposed development will significantly impact on their daily operations leading to serious and completely unacceptable levels of disruption and disturbance on the existing uses within the building.
- Bishop's Square and its environs are located in a sensitive area adjoining a Conservation Area characterised by heritage buildings and low rise development.
- The overall height and scale of the proposed development is excessive and overbearing addition to the existing building and injurious to the character of the area.

- The criteria for assessing high buildings in Section 17.6.3 of the DCDP needs to be considered having regard to specific objectives. They do not consider that the proposed development is consistent with these criteria.
- The eastern side of the site occupies a portion of a Conservation Area and should be treated as such, regardless of the extent to which the site applies.
- The immense scale of this proposal fails to address the sensitive nature of the locale, which includes protected structures and the Conservation Area to the east.
- They note the importance of the Moravain Church and School P.S. in the vicinity and consider that this proposal impacts on the integrity of their surroundings.
- They are concerned about the construction impacts on the Fourth Floor and surrounding tenants in particular relative to noise, vibration and dust.
- They consider that the Construction Management Plan prepared by SISK (March 2016) is a generic management plan and they are not convinced of its workability in practice.
- While they accept that there will not be significant overshadowing of the Protected Structures, they are concerned that the proposal effectively takes away daylight from the interior of the subject building, through the application of screening graphics which they consider unacceptable.
- They also have concerns regarding personnel access, disruption and protection of existing finishes.
- They include Figs. showing the depth of the proposed extension to Fourth and Fifth Floor Levels.
- They consider that despite noise and vibration monitoring that the proposed extension will have a negative impact on their operations and that the implementation of this proposal will be detrimental to their productivity and working practices.
- Their profession includes a combination of media, news, education and information services and operates such well known businesses as 'The Times' and 'The Sun' newspapers. This business is a 24 hour 7 day a week business.
- The construction hours proposed in Condition no.6(ii) of the Council's permission do not benefit their client.
- The proposals for noise mitigation are not acceptable to their client. The out of hours works proposed by the applicant are not in accordance with both the planning guidelines and the development plan and they provide details of this.
- They strongly contend that the proposed development is seriously injurious to the existing commercial use of the building, and in particular to the tenants on the 4th floor level.
- The proposed development will be generally out of character with the area and will create an undue precedent for other developments in this highly sensitive area. They consider that the proposed development will be seriously detrimental to the overall quality of the area and that it should be refused.

8.0 POLICY CONTEXT

8.1 Dublin City Development Plan 2011-2017

This includes a number of policies and objectives that are relative to the site.

Section 7.2 refers to Built Heritage. FC27 seeks: *The preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.*

Section 7.2.5.2 refers to Protected Structures and the Built Heritage. FC30 includes: *To protect these structures, their curtilage and the setting from any works that would cause loss or damage to their special character.*

FC31 seeks: *To maintain and enhance the potential of protected structures and other buildings of architectural/historic merit to contribute to the cultural character and identity of the place, including identifying appropriate viable contemporary uses.*

Section 7.2.5.3 refers to Conservations Areas including ACAs.

FC41 seeks: *To protect and conserve the special interest and character of Architectural Conservation Areas and Conservation Areas in the development management process.*

Chapter 9 refers to *Revitalising the City's Economy*. Policy RE2 relates to promoting and enhancing Dublin as an economic driver. Section 9.4.5 and Policy RE22 relates to promoting and enhancing the role of the city for economic recovery and growth and consolidating employment provision in the city.

Chapter 15 refers to Land Use Zoning and as shown on Map E the site is located within City Centre - Zone 5 and the objective is provided in Section 15.10.5 and referred to in the Assessment below.

Section 16.4 provides the general *Principles for Building Height in a Sustainable City*. Section 16.5 refers to *Promoting Economic Development and Employment Growth*.

Chapter 17 provides the 'Development Standards' and also includes regard to sustainable site and building design and relative to Protected Structures, Conservation Areas and ACAs.

Section 17.6.2 provides the Definition of High Building relative to the heights for low-rise, mid-rise and high rise. Section 17.6.3 includes the Assessment Criteria for Mid-Rise and High Buildings, which all such buildings must have regard to i.e. Urban Form and Spatial, Environmental/Sustainable, Social/Economic and Transport/Movement Criteria. This includes: *Different character areas will require different approaches to the issue of building heights.*

Section 17.10 provides the Development Standards for Works to a Protected Structure. This includes that a detailed conservation method statement shall accompany planning applications for works to protected structures and details are given of the criteria for this. Also, that all works to protected structures shall be carried out in accordance with best conservation practice.

Section 17.10.2 refers to criteria for works for development within the curtilage of a Protected Structure including that the design of new development, should relate to and compliment the special character of the protected structure.

Section 17.10.8 refers to Development in Conservations Areas and ACAs. Having regard to design and layout this requires that: *All new buildings should complement and enhance the character and setting of conservation areas.*

Appendix 10 refers to Protected Structures and buildings within Conservation Areas. Appendix 11 refers to Proposed Architectural Conservation Areas.

Table 17.1 provides the Car Parking Standards for Various Land-Uses and Table 17.2 the Cycle Parking Standards.

8.2 Architectural Heritage Protection Guidelines for Planning Authorities issued by the DoEHLG in 2004/2011

This has regard to Architectural Heritage and Conservation including development relative to Protected Structures and within an ACA. A Protected Structure includes the interior of the structure and all fixtures and features which form part of the interior or exterior and within the curtilage of the structure. An ACA is used to protect groups of structures of distinctiveness or visual richness or historical importance including the setting of Protected Structures where it is more extensive than its curtilage.

Chapter 2 refers to the Record of Protected Structures in the Development Plan and has regard also to those buildings within the curtilage of a P.S. Section 2.2.1 provides: *A 'protected structure' is defined as any structure or specified part of a structure, which is included in the RPS.*

Chapter 3 includes regard to The Development Plan and to ACAs and regard is had to Categories of Special interest, Architectural interest and to the Historical interest and Character of the Area.

Chapter 6 provides policies and objectives for Development Control, which seek to ensure the protection of the architectural heritage so that these structures retain their character and special interest and continue to contribute to the social and economic mix of the area. This also relates to the sensitivity of works within the curtilage of protected structures and attendant grounds and/or ACAs.

Part 2 includes Detailed Guidance Notes relative to works to the Interior and Exterior and Access to Protected Structures. Chapter 9 refers to Roofs and Chapter 10 refers to Openings: Doors and Windows.

Chapter 13 refers to Development within the Curtilage and Attendant Grounds. Section 13.1.1 provides: *By definition, a protected structure includes the land lying within the curtilage of the protected structure and other structures within that curtilage and their interiors.* Section 13.2 refers to *Determining the Attendant Grounds of a Protected Structure.*

9.0 ASSESSMENT

9.1 Principle of Development and Planning Policy

The subject site is within the Z5 land use zoning in the current Dublin City Development Plan which aims: *To consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity.* It is also provided that: *The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development.* A range of permissible uses are given which includes offices. As such offices are acceptable in principle within this zoning. It is noted that the further development of this building for additional office use does not provide for a dynamic range or diversity of uses as envisaged in this land use zoning. However there is one separate retail unit at ground floor level and the surrounding area has a mix of both old and new development with a variety of land uses including commercial, retail, residential and educational. It is also noted that the area is easily accessible by public transport.

The Planning and Environment Report submitted provides that the proposal represents the most sustainable use of lands by extending the existing office floor area on a fully serviced, strategically located site. The provision of the additional floor space proposed will have capacity for a number of additional employees above the existing c. 1,000 employees and as such is in accordance with the Development Plans policy to promote further opportunities for employment in the city centre. The promotion of the role of Dublin as an economic driver is supported in Policy RE2. Section 9.4.5 of the DCDP supports the provision of a good choice and consolidation of office accommodation in the city. Policy HR6 provides: *To support the role of the city as the primary mixed use employment and retail destination which is also well connected by public transport.* It is provided that the proposed development complies with this relative to consolidation and increased provision of office use and will provide additional high quality office accommodation in the City Centre. In view of its locational context and the larger scale buildings in the area it may be considered that the principle of the proposed development in this urban context, results in the sustainable use of land in a strategic, centrally located site, close to transport links, which currently provides sought after office floorspace.

The Third Parties consider that the proposed development is excessive in terms of scale and bulk relative to the existing well-proportioned and integrated contemporary office building and will give rise to significant visual impacts to the detriment of the character of the adjoining Conservation area and in particular the adjacent Protected Structures. They are also concerned that the proposed development will have a significant adverse impact on the amenities of existing users of the building particularly during construction phase. Regard is had to these issues relative to the Design and Layout and impact on the Character and Amenities of the area and to the proper planning and sustainable development of the area in this Assessment below.

9.2 Design and Layout

The existing building is a large scale six storey office building constructed over a decade ago. The design includes elements of Art Deco and Postmodern architectural styles. From street level the existing building is four storeys in height with an additional two storeys well set back from the front and side of the building which is finished off with a domed atrium. It is considered that the existing building is a well-designed and integrated development that is proportionate to its contextual location. The current proposal involves extensions to the fourth and fifth floors and a new and additional sixth floor resulting in a seven storey building, no extensions are proposed to the other lower floors. It is provided that this proposal is a function of the necessity of additional floor space for the existing tenants with the equal necessity to respect the existing streetscape and urban topography. Also, that the existing fourth and fifth floor accommodation has a 'ziggurat' form, which is continued in the proposed extension.

Section 3.2 of the Planning and Environment Report submitted with the application includes Table 3.1 which provides details of the breakdown of existing (22,050 s.q.m) and proposed (25,204 s.q.m) overall gross floor area for the building i.e including at lower and upper basement, ground, first, second, third, fourth, fifth and proposed sixth floor. The overall scheme will result in an additional 3,154sq.m. g.f.a.

Table 1 below shows the changes proposed by the current application

	Existing g.f.a s.q.m	Proposed g.f.a s.q.m	Additional g.f.a s.q.m
Fourth Floor	1,894	2,557	663
Fifth Floor	1,599	2,130	531
Sixth Floor	0	1,960	1,960

Floor Plans, Elevations and Sections have been submitted showing the existing and proposed development. The Planning and Environment Report submitted contains a number of aerial photographs showing the subject building relative to its surrounds including the Boat House building. Fig.3.1 of this Report shows a comparison between the existing building and that with the proposed extension and contends that the proposed development compliments the surrounding built context.

The existing material palette of the Fourth and Fifth Floor Levels comprises metal insulated panels, with large areas of fenestration. There are louvered screens to disguise plant at fourth floor level. The proposed materials for the extensions to these floors will match the existing, in colour, texture and fenestration. The main treatment for the Sixth Floor is glass, both to minimise the visual impact and to 'cap' the building in a more satisfactory manner.

There is concern that the proposed additions to the fourth and fifth floors and the construction of an additional sixth storey, will result in a more imposing higher building form i.e 7no. storeys which would not be in character with the area. Also that it will result in a top heavy and more bulky building that is overbearing, visually dominant and inconsistent with the streetscape of the surrounding area. A booklet of

Photomontages showing existing and proposed views of the building from various vantage points has been submitted with the application. It is provided that the extensions and additional storey have been designed to retain the 'ziggurat' design form of the existing building with setbacks for the proposed new floors to minimise the potential for adverse visual impact on the adjoining Conservation Area. The Third Parties however, are concerned about the lack of empathy of the proposed extensions to this already large building to its sensitive surrounds and have submitted a number of views to provide a demonstration of this issue. They consider that the existing building forms an adequate transition from a more bulky structure at street level to a gradually set back and minimally scaled building at the upper floors, whereas the proposed extensions do not maintain this transitional setback.

Regard is had to the existing significant setback of the upper floors and to the increase in floor area shown on the plans submitted. It is noted that the extensions to the Fourth and Fifth Floors are shown set back from the parapet of the Kevin Street frontage, while a new Sixth Floor is proposed. Fig. 3.4 of the First Party response shows the existing and proposed setbacks colour coded. The floor plans show the proposed fourth floor extension is shown set back c.2.5m from the Kevin Street frontage, and also set back from the plant area on either side. The proposed fifth floor is shown set back c.4.5m from the Kevin Street frontage and also set back from the plant area on either side. This will result in a significant increase in floor area to the Kevin Street frontage. The proposed sixth floor is shown set back c.6.5m from the Kevin Street frontage and further set back from the side areas. To decrease the overall bulk of the top part of the building and continue its transitional form it is considered that this set-back between levels should be increased to a minimum 3m setback from the parapet of the Kevin Street frontage at Fourth Floor Level, 6m at Fifth Floor Level and 9m at the new Sixth Floor Level.

Figs.5.2 and 5.3 of the Planning and Environment Report submitted show the existing and proposed Bishop Street elevations. On the floor plans the Sixth Floor is shown set back c.3.6m from the Bishop Street frontage. It is considered that to reduce the overall bulk of this new storey there should also be a greater differentiation and the Sixth floor should be set back by a further 3m from this frontage which would allow for a greater (i.e minimum 6m) set-back for this new floor level. If the Board decide to permit it is recommended that in the interests of achieving transitional setbacks and the visual amenity of this sensitive area that this increase to set backs of the floors be conditioned.

As outlined in the O'Connor Sutton Cronin's Part L *Compliance Report* the proposal fully complies with Plan L (Conservation of Fuel and Energy) of the Building Regulations. The use of renewable energy and low carbon technologies is supported.

The design rationale is to continue the form of the existing building, using matching materials and only deviating from those materials on the new top floor to achieve a sustainable crown on the top. It is provided that the palette of facing materials in the new additions would be similar to those on the existing upper floors, such that a

contrast is provided and the strong colour of the red brick facing is confined to the existing lower floors, while the paler colour that is more muted against the sky is continued in the new work. In summary it is provided that the aim of the proposed development is to provide high quality office accommodation in the city centre.

9.3 Impact of the Proposed Development

Regard needs to be had to the Development Management Standards taking into consideration issues such as Plot Ratio, Site Coverage and Building Height. Section 17.4 of the DCDP relates and provides that in the Z5 City Centre zoning the plot ratio is 2.5 – 3.0. The site has a current plot ratio of 4:1(17,538sq.m above basement/4,430sq.m site area). As such the existing plot ratio exceeds the Development Plans indicative standards. In Section 5.7 of the Planning and Environment Report they estimate the plot ratio to be 4.7:1 based on the site area of 4,430sq.m (0.443ha) and a g.f.a of c.20,737sq.m (above basement).

Having regard to the proposed floor area as per the application form if the total building area (existing/including basement and proposed at 25,204sq.m) were to be applied to plot ratio this would be 5.7:1. An Taisce is concerned that the existing plot ratio which is almost 5.0 is very high and considering this together with the setting of the adjoining protected structures and a Conservation Area, the proposed increase would be inconsistent with the proper planning and sustainable development of the area. The First Party response provides that having regard to plot ratio only the area above ground level should be considered and this would be 4.7:1. They consider that this is not significantly above the existing 4:1 and that the site can accommodate the proposed plot ratio without seriously impacting on the surrounding streetscape and is appropriate for the site's ' Z5' City Centre location near transport links.

It is of note that S.17.4 of the DCDP provides that in certain circumstances a higher plot ratio may be permitted such as adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses are proposed, and where a site already has the benefit of a higher plot ratio. Also, that plot ratio needs to be used in conjunction with other development control measures including relative to an office development; site coverage, building height and parking provision.

Section 17.5 of the DCDP provides that the indicative site coverage for the Z5 zone is 90%. The First Party provide that as the development does not propose an increase in the footprint of the building, the proposal will not alter the site's existing site coverage of 83%.

The Third Party concerns about additional height and bulk are noted. The First Party contends that the proposed development complies with the subject site's planning history and will complement the neighbouring 8no. storey office building without adversely impacting on the surrounding Protected Structures, in particular the Moravian Church. The height of this building relative to the extensions proposed to the subject building is shown on Fig.3.16 of the First Party response, which they consider sets a precedent. However it must be noted that the overall bulk and

massing of the subject building is not comparable to the tall narrow Boat House office building that adjoins to the north west of the site.

The First Party point out the existing part five and part six storey building currently measures 41.175m AOD at its highest point. Regard is had to the existing and proposed elevations and sections which show that the existing overall height to the top of the atrium. It is noted that this development will provide for an additional floor (i.e the Sixth Floor Level) of office accommodation which will result in a seven storey building. The height of the existing atrium does not increase/change as part of this proposal. The proposed development while it will increase the upper floors of the building in scale, height and width, adding an additional Sixth Floor it will not increase the overall height of the building at the existing atrium. The First Party provide that the maximum height of the parapet of 7no. storey building will be at 27.16m or at a maximum of 39.960mOD with the atrium remaining unchanged at 41.175mOD. Figs. 3.2 and 3.3 of their response to the appeal show the proposed changes to elevations relative to this issue.

Section 17.6 of the DCDP relates to Building Height in a Sustainable City and includes regard to different character areas and the need to protect Conservation Areas and the architectural character of existing buildings etc., and to protect and enhance the urban character and make a positive contribution to the skyline. Fig.21 provides guidelines on Building Height in Dublin. The Development Plan outlines in Section 17.6.2 that the maximum building height permissible in the inner city area is 6 storeys residential and 7 stories commercial (19m/28m). This also relates to the prevailing local height and context. Therefore it is considered that the proposed development does not exceed these criteria and does not fall into the mid or high range category of development as referred to in Section 17.6.3 (Assessment Criteria for High Buildings) of the Plan.

In relation to the matter of overshadowing the design of schemes should be guided by the principles of good site planning to allow for access to daylight and sunlight for the proposed development and in particular the offices and adjoining properties. A Daylight and Sunlight Analysis has been submitted with the application. This shows the shadow impact of the existing and proposed on 21st of March, June, September and December. This shows the proposed development in the context of the neighbouring buildings. The shadow diagram shows that the proposed development will not cause increased overshadowing to neighbouring properties.

It is noted that the plans show the retention of the central atrium at Fourth and Fifth Floor Levels and that this will be continued at Sixth Floor Level. This is considered to be important as it forms a light well and an attractive inner space and internal courtyard area which enhances the amenities of the office development.

9.4 Conservation issues

A Conservation Report has been submitted with the application which provides details of the Protected Structures and adjoining Conservation Area.

The site is located adjacent to some Protected Structures. These are as follows:

- Nos.40-41 Kevin Street Lower ,former Moravain Church and school (Ref.4185) abutting the site to the west;
- No.5 Kevin Street - Shop and Upper Floors (Ref.4184) located on the opposite side of the road to the building;
- Peter Row – Dublin Institute of Technology; Stone archways of the former Jacob’s factory (Ref.6705);
- No.43 Aungier Street – Licensed Premises (Ref.306) and
- No.40 Wexford Street - Licensed Premises (Ref.8552) is located on the opposite side of Kevin Street Lower on its junction with Wexford Street.

Having regard to Protected Structures Policy FC30 of the DCDP is of note: *It is the policy of Dublin City Council to protect these (such) structures, their curtilage and the setting from any works that would cause loss or damage to their special character* And also FC31 which seeks to maintain and enhance their potential.

The site is partially within a Conservation Area which runs in a north south direction and includes Wexford Street, Redmond’s Hill and Augier Street. Section 17.10.8 of the DCDP refers to protection of ACAs and Conservation Areas and includes a number of policies and objectives relative to this issue. The site is not adjacent to an ACA, rather to a Conservation Area, the location of which relative to the east and Redmond Hill side of the building is shown on Map E of the DCDP and Fig. 3.9 of the First Party response. It also includes the top part of the Bishop’s Street and Kevin Street elevations. There is concern that the proposed 7no. storey development located within a conservation area will be overbearing and visually intrusive having regard to the surrounding area.

The First Party provides that the proposed design can be successfully delivered through the building’s ziggurat form, without negatively impacting on the surrounding Protected Structures or Conservation Area. It is their contention that the proposed development will not have a negative impact on the Conservation Area adjacent and respects the original form of the Bishop’s Square building by continuing to incorporate set-backs on the elevations. The importance of the provision of adequate setbacks having regard to reducing the bulk of the new build has been noted in the Design and Layout Section above. Policy FC40 is also of note and seeks: *To protect the special character of the city’s conservation areas through the application of the policies, standards and guiding principles on building heights.*

Regard is had to the impact of the proposed development relative to the protected structures and the conservation area. It is noted that a booklet of Photomontages and a Conservation Assessment report have been provided with this application. The latter assesses potential impacts from the proposed development on the surrounding Protected Structures and Conservation Area and provides details on these. The Conservation Area at Redmond’s Hill is included in this context. The current application proposes an extension to an already existing building complex at Bishop’s Square. A number of views are provided showing the frontages of the building relative to the surrounding area. The Conservation Assessment provides a more detailed Report and concludes that the proposal will not adversely impact on

these. The First Party response also has particular regard to the adjacent P.S to the west i.e. the Moravain Church and School (Figs.3.12 to 3.15 relate) and it is not considered that these will be adversely affected by the proposed development.

It is also of note that the subject site is located within a Zone of Archaeological interest that covers a large area of the city centre. It is provided that as this development does not include any excavation works below ground that the proposed development will not have any impact.

9.5 Access and Transportation

The site is located in the city centre area and is easily accessible by public transport. The St. Stephen's Green Luas stop is within approx.450m of the site, and in addition the site is within walking distance of the City Interconnector which is currently under construction. There are a number of bus routes in the immediate vicinity, servicing the city and suburbs. In addition it is provided that the site will be in walking distance of the proposed Airport/Swords- City Centre Bus Rapid Transit route (Figs.2.5 to 2.8 of the Planning and Environment Report submitted refer).

The site is located in Zone 1 as indicated on Map J of the DCDP. Parking in Zone 1 is restricted on account of the proximity of these locations to public transport. Section 17.40 provides: *An increased density of development may be permitted in certain instances in locations in Zone 1 and those parts of Zone 2 where the development is in close proximity to good public transport links.*

The main entrance foyer to the development is at ground floor and will remain unchanged off Kevin Street Lower. The entrance to the basement staff carpark will remain unchanged from Bishop's Street. 105 no. carparking spaces have been provided in the basement and in view of the city centre location and access to public transport it is not proposed to increase on site carparking. There are a number of Dublin bike stations in the surrounding area and cycling is encouraged with the provision of an additional 32no. cycle spaces in the basement area. Section 17.41 of the DCDP provides support for Cycle Parking and Table 17.2 sets out the standards.

9.6 Construction issues

The concerns of the Third Party i.e Fourth Floor tenants relative to the impact of the construction phase on their daily working activities and on the health and safety of their employees have been noted in their grounds of appeal. The construction phase of the proposal will impact on them and on the Fifth Floor tenants in particular. They do not agree that simply obscuring the view of construction works will mitigate the certain disruptive nature of construction works and are concerned about the application of screening graphics and loss of daylight and outlook for the Fourth Floor which they consider unacceptable. It is of note that they currently have an external patio/ deck area on the Fourth Floor Level, which will be removed to facilitate the proposed extension. The First Party response refers to the 'quiet enjoyment' clause of their lease and provides it is important to note that issues between landlord and tenant are commercial considerations in the first place and not relevant to planning. They provide that best practice construction methodology will

be employed in implementing the scheme if granted. Regard is also had to Policy, Legislation and Guidelines relative to disposal of construction and demolition waste.

Appendix E of their response to the appeal includes a Construction Management Plan prepared by SISK Building Contractors, for the implementation of the construction phase of the development and sets out the arrangements and measures to be implemented. This includes regard to the scope and phasing of the works in a live environment. It provides that plans will be in place and continuously reviewed to protect and minimise disruption of the working environment and that tenants will be consulted. They have regard to the importance of minimising dust and noise and vibration generation and to mitigation and monitoring measures. Plans will be in place to protect existing finishes, this includes particular attention to the protection of the stair-core and lift as well as the windows and atrium in the works. Regard is also had to logistics and traffic generation/management including crane location in this Report. It is important that any obstruction of traffic is minimised in working practices. Details are given relative to Deliveries/Waste Management and they refer to compliance with condition no.8 of the Council's permission. They provide that a separate emergency stairs will be used for construction access. Details are given of proposed enabling and construction phases. This includes the stair and lift core extension to the upper floors. Details are given of proposed working hours. No Sunday work would generally be permitted and they refer to compliance with the Council's condition 6(ii) in this regard. It is of note that while this is not a residential building, the amenities of the working environment of the existing office tenants need to be taken into account and there is residential property in relatively close proximity to the northwest. They provide that the proposed works will be carried out in compliance with the conditions of the Council's permission. Project monitoring will be a key issue in this case.

The Construction Management Plan is a live document and needs to be site specific and updated and amended to ensure the successful delivery of the project. The Council's Environmental Health Officer's recommendations regarding an assessment of noise, working hours etc are noted on file and relevant to the Council's condition nos. 6, 8 and 9. The First Party response provides an examination of these conditions and notes that they are prepared to comply with such conditions. It is provided that a baseline noise survey will be conducted and various noise mitigation measures will be employed. The Construction Plan outlines a series of measures to protect tenants against dust and noise. It is considered important in the interests of the amenities of existing tenants that if the Board decide to grant permission that it be conditioned that such measures be implemented.

The Third Parties have expressed concerns regarding the Construction Management Plan submitted is generic in form and are not convinced of the workability of the Plan and in particular mitigation measures in practice. They are particularly concerned with regard to the impact on the daily working operations of the Fourth Floor tenants having regard to the construction issues arising from noise, dust, loss of outlook and working hours. If the Board decide to permit it is recommended that it be conditioned that a detailed Construction Management Plan be submitted prior to the

commencement of development for agreement of the Council to address these issues.

9.7 Regard to Flood Risk Assessment and Drainage

A Site-Specific Flood Risk Assessment has been submitted with this application. This provides details of the site location and context. It includes reference to the Greater Dublin Strategic Drainage Study and *The Planning System and Flood Risk Management Guidelines for Planning Authorities* and provides that the proposed development has been designed in accordance with the relevant standards and regulations. Table 4 notes that the office use puts the site within the *Less Vulnerable Development* category. They have regard to the OPW flood map data on fluvial flood risk. Based on the information submitted it can be concluded that the development is within the Flood Zone C for fluvial and tidal flooding, and in accordance with *The Planning System and Flood Risk Management Guidelines for Planning Authorities* there is no significant risk of fluvial or tidal flooding. They provide that in the event of a pluvial flooding event, any overland flow will be channelled away from the building and Bishop Street and Kevin Street Lower in an easterly direction. The existing ground floor offices are located at a level of 12.1mAOD and the lower basement level is located at a floor level of 4.985m AOD. The remaining risk of pluvial flooding is considered to be negligible and no further mitigation measures are required.

Details are given of the existing drainage network and of the proposed drainage infrastructure. It is recommended that the proposed drainage network system incorporate SUDS that will control the discharge rate from the site. It is also provided that a green roof be installed on the proposed extension. The proposed development is designed to attenuate all surface water runoff from the site to DCC requirements and the information submitted provides that it will result in a reduction in the risk of flooding, on and off site, as a result of the proposed drainage infrastructure. Appendix A provides drawings relative to the drainage of the proposed development. Appendices B -G provide information relevant to Flooding and Drainage. Appendix H is relevant to the Geology of the area. It is recommended that if the Board decides to permit that a drainage condition be included.

9.8 Appropriate Assessment

An AA Screening Report has been prepared by Denyer Ecology in accordance with the requirements of Article 6(3) and the EU Habitats Directive. Table 2.1 provides the Relevant Project information and has regard to issues such as Drainage and Flooding. Table 2.2 provides Site information and considers potential impacts on Natura 2000 sites within 15km of the project. It provides that the proposed project site is located over 3km from the nearest Natura 2000 site and is not connected hydrologically to any of these sites. It is not considered that there are any cumulative impacts. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

10.0 CONCLUSIONS AND RECOMMENDATION

Having viewed the application site and had regard to the documentation submitted, to the First and Third Party submissions and to Planning Policy and Guidelines it is considered that while the proposed development for the extensions to provide additional office development at this site is acceptable in principle and in accordance with planning policies and objectives relative to the Z5 City Centre land-use zoning, it is within a sensitive location abutting a Conservation Area and in close proximity to Protected Structures. Regard must also be had to the impact of the proposed development on the streetscape in this sensitive area and to the scale and massing of the proposed scheme. The Assessment above has recommended that if the Board decide to permit that it be conditioned that the setbacks to the extensions to the Fourth and Fifth Floors be increased and that the proposed new Sixth Floor be further setback to reduce the overall bulk and visual impact of the building.

In view of the Assessment above it is recommended that permission be granted subject to the conditions below.

11.0 REASONS AND CONSIDERATIONS

Having regard to the 'Z5' City Centre zoning objective for the area as set out in the Dublin City Development Plan 2011-2017 and to the proposed development for extensions to the office accommodation, where the maximum height for low rise buildings as per Section 17.6.2 of the Plan, would not be exceeded, and subject to compliance with the conditions set out below, it is considered that the scale and massing of the proposed development would not impact adversely on the character and setting of the building abutting a Conservation Area and in close proximity to Protected Structures. The proposal would therefore be in accordance with the proper planning and sustainable development of the area.

12.0 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 received by An Bord Pleanála on the 22nd day of March, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The setback of the proposed southern elevation facing Kevin Street Lower shall be revised so that it be increased to a minimum of 3 metres from the parapet at Fourth Floor Level, 6 metres at Fifth Floor Level and 9 metres at Sixth Floor Level.

- (b) The setback of the proposed Sixth Floor shall be also set back a minimum of 6 metres on the northern elevation facing Bishop Street.

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

Reason: In the interests of visual amenity.

3. Details including samples of the materials, colours and textures of all the external finishes to the proposed extension to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. 32 no. bicycle parking spaces shall be provided within the basement carpark area of the building. The layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interests of sustainable transportation.

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

Reason: In the interest of public health.

6. All service cables associated with the proposed development (such as electrical, telecommunications) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual amenity.

7. 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 amenities of property in the vicinity and the visual amenities of the area.

8. Site development and building works shall be carried out only 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 amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise, dust and traffic management measures, and off-site disposal of construction/demolition waste.

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

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

(b) During the construction phase, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control'.

- (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works and in the interest of the amenities of the area.

11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of proposed Metro North 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.

Angela Brereton,
Planning Inspector
23rd of May 2016