



An
Bord
Pleanála

Inspector's Report P29S.247352

Development	Demolition of existing office building and replacement with a new office building of 7 storeys over basement level and external roof plant area.
Location	157/164 Townsend Street (Spring Garden Land & Cards Lane) Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2719/16.
Applicant(s)	Carlisle Trust Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions.
Type of Appeal	Third Party
Appellant(s)	The Tenants Committee (25-32 Townsend St).
Date of Site Inspection	December 14 th , 2016.
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located on the south side of Townsend Street, Dublin 2. It accommodates a five- storey former office building over basement carpark, which is currently vacant. The site is bounded to the east by Spring Garden Lane with an existing office building opposite, to the south by Cards Lane with the Grace Community Centre and Trinity Capital Hotel beyond, and to the west by the five-storey over basement building that houses the headquarters of Dublin City Fire Brigade. The railway bridge over Townsend Street and elevated rail line, which serves commuter and Dart services, dominates the urban environment to the east.
- 1.2. On the opposite side (north) of Townsend Street lies a small three-storey block of residential units (25-32 Townsend Street). The units are set back from the footpath with stepped access to the first floor units. Immediately to the rear there is an enclosed residents' car park. The railway line runs to east and there is a vacant four storey building to the west. Further west there is the Trinity Gate seven-storey apartment block.
- 1.3. The area is one of mixed uses, predominantly office and residential, with ground floor retail uses infiltrating to the western end of Townsend Street.

2.0 Proposed Development

- 2.1. The development as described in the public notices submitted with the application seeks the following;
 - Demolition of existing 5 storey (5087m²) office building over basement car park (1268m²),
 - Construction of a new 7 storey building (9330 m² gross floor area) over basement level (1309 m²) with external roof plant,
 - The development will include a ground floor reception access off Townsend Street and vehicular access to the basement car park off Spring Garden Lane. Access to the switch room and sub-station will be provided off Cards Lane.

Accommodation will consist of office space at ground to sixth floor levels (7642 m² net internal floor area), together with ancillary space (1680 m²) such as ground floor

reception area lifts, stairs, circulation areas etc. At roof level a screened plant area will be provided (919 m²) including areas of green roof. The basement level will comprise 23 no. car parking spaces, including 1 no. mobility impaired space, 2 no. motorcycle spaces and 97 no. bicycle spaces, waste compound, plant spaces and storage.

The building will incorporate a glazed and metal finned cladding system which wraps around the building façade. The ground floor to Townsend Street will comprise a tall glazed entrance space which will be set back from the office areas overhead, with a mixture of glazed and solid panels along the front façade of the street. A dark coloured stone façade is proposed to the walls adjoining the fire station to the west, the elevation to Spring Garden Lane and at ground floor level. A contrasting light stone cladding is proposed as a plinth to the building and will extend to form a canopy over the main entrance. The façade at ground floor level to the rear of the building will consist of stone and glazed panels.

The application was supported by the following documents;

- Architectural report prepared by MCA Architects.
- Mobility Management Plan prepared by Cronin & Sutton Consulting.
- Outline Construction Management Plan prepared by Cronin & Sutton Consulting.
- Engineering Services Report prepared by Cronin & Sutton Consulting.

3.0 Further Information

The planning authority sought further information on the application on 15th June 2016 on the following matters.

- The development's mono-office use particularly at ground level and the policy objectives of the Georges Quay LAP to provide for active ground floor uses at street level in this location.
- The height of the building which exceeded the maximum height policy standard of 28m at this location.

- Clarity on whether Appropriate Assessment is required.
- The submission of satisfactory drainage information.
- Swept path analysis for vehicles entering the proposed car lifts from Spring Garden Lane.

The applicant's response was received on August 18th, 2016 and included the following;

- Further Information Planning Report including Screening for AA
- Architectural drawings
- Structural and Civils drawings

The height of the proposed building was reduced to 28m including the roof plant enclosure. This resulted in the increase in area of the lower basement level, and the reduction in the sixth floor area to accommodate an area of external plant enclosure. The overall gross internal floor area of the proposed building has been reduced to 9248 sq.m.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the development subject to 13 no. conditions. Apart from standard construction and engineering conditions, the decision includes the following conditions of note;

Condition No 2 – Section 48 Contribution.

Condition No 3 – Section 49 Contribution.

Condition No 4 – Requires that the glazing panels on the ground floor elevation be extended further south along the Spring Garden Lane elevation. Revised ground floor plan and elevation to be submitted for written agreement with the planning authority.

Condition No 5 – Requires that prior to the commencement of the development a detailed layout plan of the interior of the breakout/café space be submitted for written

agreement with the planning authority, to include details/specifications of the fit out including the design and layout of all fixtures, fittings and lighting etc (see text).

Condition No 6 – Drainage requirements including measures to minimise the risk of basement flooding, flood risk assessment to be carried out etc.

Condition No 8 – Requires that a Construction Management Plan including traffic management proposals etc., be submitted for written agreement.

Condition No 12 – Specifies that no additional development shall take place above roof level, unless authorised by a prior grant of permission.

Condition No 13 – Bond.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The planning officer's report of 13/9/16 considers that the further information is adequate and addresses the concerns raised. The new building with its contemporary design and material finishes will sufficiently animate the street and provide a visual improvement along this area of Townsend Street. It is concluded that the proposed development is both welcome and acceptable. It is considered that the proposed development is in accordance with the provisions of the Dublin City Development Plan 2011-2017 and with the proper planning and sustainable development of the area.

It is noted that the plot ratio for the proposed development at 6.59 exceeds the indicative range for Z5 zoned area which is between 2.5 and 3.0. The existing building's plot ratio is 3.59. The provisions of the development plan are noted where higher plot ratio may be considered in certain circumstances. Due to the site's location close to Tara Street and in an area in need of urban renewal it is considered reasonable that a higher plot ratio would be considered in this area. The proposed site coverage is 93.80% which would be acceptable for an infill site in an inner city location.

The height of the overall scheme has been reduced to 28m including the roof plant enclosure. The lower basement has been increased slightly and the sixth floor area reduced to accommodate an area of external plant enclosure. Additional risers are

also included on each floor as a result of the proposed reconfiguration of the plant areas. The overall gross internal floor area of the building has been reduced to 9248m².

The planning officer's report also addresses the concerns regarding the lack of animation on the ground floor and other matters, which are discussed in more detail in the assessment below.

4.2.2. Other Technical Reports

The **City Archaeologists** Report of 20/5/16 noted that the proposed development is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City), which is subject to mandatory protection under Section 12 of the National Monuments (Amendment) Act, 1994. The report raised no issues subject to conditions.

The **Drainage Division** in their report of 24/5/16 raised no objection to the development subject to standard type conditions.

The **Roads & Traffic Road Planning Division** in their report of 12/9/16, following the receipt of further information, raised no objection to the proposed development subject to conditions.

4.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) in their submission of 18/5/16 noted that the proposed development falls within the area set out in the LUAS Red Line Docklands Extension Section 49 Levy Scheme. It requested that in the event of permission being granted for the development that a Section 49 contribution be imposed.

Iarnrod Eireann in their submission of 11/3/16 noted that the proposal did not provide any information on the design of the foundations for the proposed development. This was of concern due to the size of the structure and the proximity to the DART line. A large scale excavation in the area could undermine section of Iarnrod Eireann's property.

It was noted that the applicant had failed to provide any details of the proposed methods of demolition and construction. It stated that due to the proximity of the railway boundary, the height restricted bridge on Townsend Street and the proximity

to the DART Overhead Line Equipment any misuse of a crane in this area could cause the immediate shutdown of the adjacent railway.

It was also noted that the applicant had failed to show in any of the documents elevations relating to the height and proximity to Iarnród Éireann's property, with only one proposed east side elevation contained in the application.

Further observations are made regarding boundary treatment, maintenance of the security of the line during construction, set back distances, location of services, lighting, noise and vibration etc.

4.4. Third Party Observations

The Tenants Committee 25-32 Townsend Street raised issues regarding the proximity of the proposed development to the homes of residents, increase in noise and air pollution and impacts on natural light penetration.

Mr Stephen Wall noted the provisions of the Georges Quay LAP and that large office buildings with office use at ground floor level fail to animate streets outside office hours and contribute very little to the life of the street and neighbourhood during the day. He noted that Townsend Street is a major street in the LAP and with proximity to Tara Street Station the location provides significant footfall. The area will also see the redevelopment of the Hawkins House site in the near future and the development of a high density scheme at Tara Street station. The importance of Townsend Street as a pedestrian/retail environment is likely to grow, and hence a retail use at this location would be beneficial in realising the aims of the LAP.

5.0 Planning History

No details of any relevant planning history has been forwarded by the planning authority.

6.0 Policy Context

6.1. Development Plan

Dublin City Council Development Plan 2016-2022

The operative development plan is the Dublin City Council Development Plan 2016-2022, which came into effect on October 21st, 2016.

The site is located in an area zoned Z5 with the following objective;

'To consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity'.

Office use is a permitted use in this zoning category.

Georges Quay LAP

The site is located within the Georges Quay LAP area. The overall strategy for Georges Quay LAP is to support and facilitate the delivery of a strong character area, consolidating the area as a major employment hub benefiting from excellent public transport connectivity; linking the City Centre to Docklands with a focus on sustainable development.

6.2. Grounds of Appeal

- The appeal is made by the tenants of 25/32 Townsend Street.
- The proposal will impinge on the daily lives of the residents who due to their age spend the vast proportion of their time in their homes and gardens.
- The scale of the development will transform the area resulting in overshadowing and an overbearing impact, which will adversely impact on the enjoyment of the dwellings and gardens.
- It will be visually obtrusive, particularly from the side garden of No 32, which is the only private space that the residents of No 32 have. The building will block any sunlight to this property and will result in any invasion of privacy and personal space for the residents.
- The proposal infringes the legally established right to light which has been enjoyed by the residents for many years.
- Impacts during the demolition and reconstruction phase (noise, dust, nuisance and inconvenience) which will impact on the lives of residents.
- All necessary measures must be taken to ensure that impacts on property are minimised, which the planning authority have failed to do.

6.3. Applicant Response

The response to the grounds of appeal which was prepared by John Spain Associates is summarised below and is considered in more detail in the assessment.

- The proposed 7 no. storeys building (28m) is in accordance with the height strategy set out in the Dublin City Development Plan 2016-2022.
- The proposed development involves the demolition of an existing 5 no. storey building and its replacement with a 7 no. storey building which will significantly improve the quality of the existing streetscape and enhance the overall character and appearance of an underutilised and run down area.
- It is the policy of the Council to promote the provision of high quality office accommodation within the city. The Georges Quay LAP states *'it is a key objective of the plan to provide for this necessary additional commercial floor area and to strongly encourage the high quality redevelopment of the existing outdated office stock in the Georges Quay area'*. The proposed development will provide for a high quality office development that will enhance the overall character of the area and will improve the quality of the existing streetscape.
- The daylight/sunlight assessment prepared by O'Connor Sutton Cronin states the rear gardens of the existing properties are already in shade and therefore the rear of the properties are not affected by overshadowing from the proposed development. There is a slight increase in overshadowing impact to the front of the existing properties at certain times of the year, however when considering the year as a whole, it is submitted that under the existing situation overshadowing to the front gardens is already apparent.
- The daylight/sunlight assessment states that there will be a slight reduction in the daylight levels currently being experienced. However, the reduction for the great majority of test points is less than 20% of the former values and is therefore considered minimal.
- It is not therefore considered that the proposed development will pose significant overshadowing impacts on the existing residential dwellings. The proposed development will significantly increase the quality and character of

the area and will improve the provision of office accommodation in the city centre.

6.4. Planning Authority Response

The planning authority response states that it does not wish to comment further, noting that the planning officer's report adequately deals with the proposal.

6.5. Appellants' Response

- The tenants strongly oppose the development and are not happy with applicant's response to the grounds of appeal.
- It is unclear from paragraph 3 of applicant's response what improvements (landscaping etc) are proposed.
- Replacing the existing vacant building with a modern building will not enhance the quality or amenity of residents in the area. The improvements will be achieved at the expense of the local residents whose homes will be overshadowed and overlooked.
- Whilst residents are surrounded by higher buildings, none of these block natural sunlight or overlook private gardens. To state that the proposal will only marginally decreasing sunlight is not acceptable.
- Traffic associated with vehicles entering/exiting the car park. Impacts on fire brigade and ambulance services. Implications of construction traffic on access to residents car park.
- Other construction related impacts such as noise and disturbance. The working hours of 07.00 to 18.00 and Saturday working hours are not acceptable.
- The fact that the proposed development is close to public transport facilities is not a valid reason to go two storeys higher. Requests that the building be maintained at the height it is.

7.0 Assessment

7.1. The main issues that arise for determination by the Board in respect to this appeal relate to the following matters;

- The principle of the development
- Compliance with development plan standards
- Impacts on residential amenity
- Building design
- Traffic
- Impacts on Iarnród Éireann property.

Principle of the development

The proposed development is located within a Z5 zoned area where office use is permissible. The proposed development is therefore acceptable in principle in this area. The site is also located within the boundaries of the Georges Quay LAP area, which is identified in the plan as a *'highly suitable location for new high quality office type uses, located between the heart of the City and the main banking, financial and legal district in the Dockland's adjacent to Trinity College and sited between major transport nodes serving the City'*.

The proposed development will replace an established office use on the site. It will bring sustainable employment into the area in accordance with the aspirations of the LAP. It will replace an existing vacant building with a more modern and innovative design which will rejuvenate and bring vitality and life to the area. It will maximise development of an underutilised site in close proximity to good public transport infrastructure. It will therefore support the provisions of both the development plan and the LAP in terms of strengthening the central area of the city and is therefore considered acceptable in principle.

Compliance with development plan standards

The proposed development is in accordance with relevant development plan standards. At 28m and seven storeys high, it accords with the height strategy for inner city areas set out in the development plan. The development also complies

with the relevant car and cycle parking standards. Under the provisions of the plan the site is located in Zone 1 for parking control purposes. The maximum standard for office development is 1 space per 400 sq.m of gross floor area, which generates a requirement for a maximum of 23 spaces, as proposed. Adequate cycle parking is also proposed to ensure compliance with the development plan standard of 1 space per 100 sq. m of gross floor area.

The proposed development exceeds the plot ratio and site coverage standards set out in the development plan. The indicative plot ratio standard within Z5 zoned areas is 2.5-3.0 and the indicative site coverage of 90%. The plot ratio of the proposed development is 6.59 and the site coverage is 94%. The planning authority raised no serious concerns in this regard, noting that the existing development already exceed the plot ratio standard and that the development plan makes provision for higher plot ratio's/site coverage in areas adjoining major public transport termini and corridors, areas in need of regeneration etc., This would appear unreasonable in the context of the proposed development.

Impacts on residential amenity

The substantive issue raised in this appeal relates to the impact of the proposed development on the residential property located on the opposite side of Townsend Street, to the north of the subject site.

The properties in question form a small block of three-storey terraced residences which are set back from the footpath. The scheme consists of ground floor units with two-storey duplexes above accessed by external staircases. There are small garden areas to the front. To the rear, confined yards are enclosed by a high wall.

The houses are surrounded by structures that are considerably higher. To the west, the blank gable wall of No 24 Townsend Street, a vacant four storey property, projects forward from the front of the houses. Immediately to the rear of No 24 fronting onto Luke St there is also a four storey vacant building which lies to the west of the rear yards of the houses. Further west is Trinity Gate, a seven- storey complex. To the east there is the elevated railway line. On the opposite side of Townsend Street, taller buildings including those occupied by Dublin City Fire Brigade and the five storey office building on the subject site dominate the

streetscape. The proximity of these structures to the residences result in overshadowing of these properties.

The proposed development will replace the existing five-storey building with a seven-storey structure. To address the concerns raised by the tenants of 25-32 Townsend Street, the applicants commissioned a Daylight/Sunlight Report which was submitted in response to the request for additional information. The report examined existing conditions experienced at No's 25-32 Townsend Street and what will occur with the new development in place in order to identify the magnitude of the change and determine potential impacts.

The report had regard to the guidance provided in BRE '*Site Layout Planning for Sunlight and Daylight: A Good Practice Guide*' (2011) and uses Vertical Sky Component (VSC) analysis to establish daylight results and shadow analysis to determine overshadowing and loss of sunlight. The focus of the study was on the front (south facing elevation) of the houses and front gardens as the rear of the property is already overshadowed by the building itself.

The VSC was calculated for each of the sixteen windows in the front façade of the block. The results of the analysis indicate that with the new building in place all of the windows (with the exception of No. 4) are within or above 80% of the former daylight experienced. In accordance with the BRE Guide, as the reduction in the VSC value is less than 20% of its former value, no noticeable loss of daylight would be experienced. It is concluded in the report that the impacts on daylight will be negligible.

Shadow analysis was carried out for each month and images presented for 9am, 12pm and 3 pm on the 21st of each month (Appendix A of report) to establish the potential loss of sunlight at the properties. It is apparent from the analysis that the front gardens of these houses already experience overshadowing from the existing built environment, including the walls and steps at the front of the properties.

The analysis demonstrates that for the majority of the year (i.e. seven months January -March and September -December) the proposed development will not result in any greater impact than is already being experienced under existing conditions. This is with the exception of No 32 during March and September where at midday the garden will experience an increase in overshadowing. However, at 9

am and 3pm there will be no change in the shadow already experienced in the garden.

The proposed development will result in a marginal increase in the level of overshadowing at No's 26-32 during the months of April and August at midday. The overshadowing that will occur at 9 am will be as a result of the walls and stairs at the front of the properties and by 3 pm the proposed development has no impact on overshadowing.

There will be no impacts arising from the proposed development during the summer months of May, June and July.

The proposed development will result in negligible impacts on daylight and whilst the level of overshadowing will marginally increase over the existing situation, it will be limited and will not result in a serious diminution of residential amenity. The residences are already impacted by existing higher structures in the vicinity and the level and degree of overshadowing that will arise as a result of the proposed development is not considered to be significant.

I do not accept that there will be any significant impacts on the privacy of these houses as a result of the proposed development. The front gardens are only semi-private and are capable of being overlooked by passing pedestrians.

The residents also raise issues regarding impacts during demolition and construction. I accept that the proposed works have the capacity to increase noise and general disturbance in the vicinity of the site. I draw the attention of the Board to the Construction Noise & Vibration Management Plan submitted in response to the request for further information. It sets out the measures to be employed and procedures to be followed to ensure the effective management of noise and vibration associated with the construction stage of the development.

The existing dwellings are located in an urban environment which experience significant noise levels associated with general city centre activity including road traffic and intermittent rail noise. The proposed development will introduce additional noise sources during the construction stage. However, these impacts will be temporary and can be effectively mitigated by conditions controlling noise/vibration levels from the site, restrictions on hours of operation etc.

Building design

I accept that the proposed development, which will replace an existing monotonous 1970's redundant building with a more modern design will make a positive contribution to the streetscape. The height of the proposed development will not be inconsistent with adjacent developments which extend up to seven storeys in the vicinity of the site. The use of significant glazing will help to create a more vibrant urban space with the perception of increased interaction between the building and the streetscape. I consider that the design and finish of the building is appropriate and that it can be effectively integrated into the existing streetscape in this location.

Whilst the planning authority raised no major concerns regarding the overall design, it raised issues with the lack of provision of active ground floor uses within the building at street level. The Georges Quay LAP 2012 emphasises the need to achieve more active streets. It is a stated land use objective to provide for active ground floor uses at the street level of new developments, particularly where the structure faces a higher order street including Townsend Street (section 4.1).

Whilst I accept that the provision of a ground floor retail use which would provide direct interaction with the street would be the optimum solution, it would appear that there is no commercial appetite to do so at present. The applicant has provided examples of where past attempts have failed and it may well be that the regeneration of the area and the infiltration of more employment opportunities will be the catalyst going forward. In the interim, I accept that the provision of the and coffee dock/staff break out area will replace the existing dead frontage associated with the existing building and introduce a level of vibrancy and animation to the street. I accept that extending the glazing elevation at ground floor level along Spring Garden Lane as required by the planning authority, will significantly improve this elevation.

Traffic

Issues have been raised regarding the impacts of the development on traffic in the locality and the potential for construction traffic to block the access to the residents' car park on the opposite side of the road.

I would point out to the Board that although the proposed development increases the overall floor area of the building, the number of car parking spaces that will be provided is significantly reduced. The existing basement provides 66 spaces, the

new building will provide 23 spaces i.e. a third of the original. Access to the car park will be via Spring Garden Lane at the existing basement access location. Spring Garden Lane operates as a one-way street southbound from Townsend Street to Pearse Street. A lift system is proposed for vehicles entering /exiting the building with a traffic light control system proposed at the vehicle access to inform basement car park users of the availability of a car lift.

The reduction in available car parking spaces on the subject site will reduce car traffic associated with the subject site. This will have positive outcomes in terms of reducing traffic on the city streets and it will encourage the use of alternative and more sustainable forms of transport such as public transport, bicycle usage etc.

Whilst the Road Planning Division stated that access via car ramps is preferable to car lifts due to potential queuing, it considered the proposal acceptable in this case due to the low traffic volumes on Spring Garden Lane and the considerable reduction in the number of car parking spaces to be provided. Whilst concerns were expressed regarding the ability of cars to access the lifts in one car movements, I note that Dublin City Council reviewed the swept path analysis (Dwg No B042-016) submitted in response to further information and raised no objection in this regard.

The Outline Construction Management Plan (OCMP) submitted in support of the application states that it will be necessary to set up an off-site Construction Staging Area, to allow the effective delivery of materials and personnel due to the restricted confines of the site. The location of the staging area has not been identified. Whilst I appreciate the concerns of residents, arising from the potential to use the pull in area off the carriageway adjacent to the entrance to their car park, traffic management considerations during construction will be subject to agreement with Dublin City Council. I note from the OCMP that it is proposed to operate a 'Just in Time' approach to ensure deliveries take place result in minimal disruption to other road users.

Impacts on Iarnrod Eireann property

Iarnrod Eireann raised issues regarding the lack of information on various aspects of the development including the design of the foundations, lack of detail of proposed methods of demolition/construction, use of large equipment such as cranes etc., with

the potential to undermine section of Iarnród Éireann's property or impact on the operation of the railway line.

I draw the attention of the Board to Section 9.0 of the Engineering Services Report (Commentary on Railway Bridge) submitted with the application. It refers to consultation with Irish Rail. It focuses on potential impacts on the bridge abutments noting that there will be a 14.5 clearance between the proposed basement and the bridge abutments. It concludes that the redevelopment of the site will not involve excavations which would impact on the bridge abutment foundations.

In order to ensure that the concerns of the Iarnród Éireann are fully addressed, I recommend, should the Board be minded to grant permission for the development, that a condition be attached requiring the developer to consult with Iarnród Éireann to establish its requirement to protect the railway line and that the required work practices are incorporated into a Construction Management Plan to be submitted to and agreed with the planning authority prior to commencement of the development.

Appropriate Assessment

In response to the request for further information, Stage 1 Screening for Appropriate Assessment was carried out. It identified 3 no. Natura 2000 sites which were considered to fall within the zone of influence of the subject site. These included South Dublin Bay & River Tolka SPA (Site code 004024), South Dublin Bay SAC (Site Code 000210) and Poulaphouca Reservoir SPA (Site Code 004063), from which the drinking water supply for the proposed development will originate.

Having regard to the nature of the development and its location in a city centre site where public water and foul water collection systems are in place and the distance to Natura 2000 sites, I accept the conclusions reached in the screening report i.e. that the proposed development, by itself, or in combination with other plans or projects, would not adversely affect the integrity of any European site, in view of the site's conservation objectives. Stage 2 Appropriate Assessment is not therefore required.

8.0 Conclusion

The proposed development will achieve the sustainable redevelopment of an inner city site. It will maximise the development of a brownfield site in close proximity to good public transport infrastructure. It will replace a redundant building with one of superior design and finish which will make a positive contribution to the streetscape. The proposal is consistent with the existing character of the area which supports buildings up to seven storeys in height. The proposal will not result in additional significant impacts on the residential amenity of adjoining property and will help to consolidate this inner city location in accordance with the provisions of the plan.

Recommendation

- 8.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the Dublin City Development Plan 2016-2022, the provisions of Georges Quay LAP, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that planning permission be granted for the proposed development for the reasons and considerations set down below.

9.0 Reasons and Considerations

Having regard to;

- (a) The provisions of the Dublin City Development Plan 2016-2022 including the zoning objective for the site 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity',
- (b) the provisions of the Georges Quay Local Area Plan 2012,
- (c) the pattern of development in this city centre location,
- (d) the established use of the site, and
- (e) the height of the existing building on the site and adjacent buildings

it is considered that, subject to the compliance with the conditions set out below, the proposed development would comprise the sustainable redevelopment of a city centre site, would not detract from the streetscape or the visual amenities of the area, would not result in significant impacts on the residential amenity of residential property in the vicinity and would, therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18th day of August, 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. Details of the materials, colours and textures of all the external finishes to be proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The glazing panels of the ground floor elevation shall be extended along the Spring Garden Lane elevation to the car lifts. A revised ground floor plan and elevational drawing incorporating these changes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interest of visual amenity

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment.

Reason: In the interest of visual amenity

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

6. Drainage requirements including proposals to minimise the risk of basement flooding and the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 Prior to any development taking place on the site, the developer shall consult with Iarnród Éireann to establish its requirements to protect railway infrastructure during demolition and construction activity and agreed work practices shall be incorporated into the Construction Management Plan.

Reason: To protect railway infrastructure.

10. 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 measures to protect railway infrastructure, noise/vibration monitoring and management and traffic management measures.

Reason: In the interests of public safety and residential amenity.

11. The car parking facilities shall be reserved solely to serve the proposed development and shall not be utilised for any other purpose.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

13. 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.

14. The developer shall pay to the planning authority a financial contribution in respect of the Luas Red Line Docklands Extension (Luas C1) - Bus Aras to the Point 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.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision satisfactory completion and maintenance until taken in charge by the local authority of services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement shall be referred to an Bord Pleanala for agreement.

Reason: To ensure the satisfactory completion of the development

Breda Gannon
Planning Inspector

14th January, 2017.