



An
Bord
Pleanála

Inspector's Report PL29S 247907

Development	Demolition of Apollo House and Long Stone Pub and, construction of a commercial building ranging height from five to twelve storeys.
Location	Tara Street, Townsend Street and Poolbeg Street, Dublin 2.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	3036/16
Applicant	Tom O'Brien and Simon Coyle, Mazars, Joint Receivers of Cuprum Properties Ltd.
Type of Application	Permission.
Decision	Grant Permission
Appellant 1.	Balark Properties Ltd.,
Appellant 2.	Corn Exchange Management Ltd.
Observer 1.	Brokerage Management Ltd.,
Observer 2.	Catherine Kelly.
Date of Site Inspection	24 th March and 5 th April, 2017.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The combined sites of Apollo House and the Long Stone public house at Nos 9-11 Townsend Street which have a total stated area of 2,925 square metres are surrounded by Poolbeg Street to the north, Tara Street to the East, Townsend Street to the south and Hawkins Street to the west. Apollo House, constructed in the 1960s and previously occupied by Government Departments is a ten storey unoccupied office block with one hundred and fifty on-site parking spaces. The Long Stone Public House (now vacant) has frontage onto Townsend Street and is adjoined by, “The Brokerage”, an apartment development at the corner of Townsend Street and Tara Street. Hawkins House, a large office block built in the 1960s and occupied by the Department of Health is to the north west side and has frontage onto Poolbeg Street to the north and Hawkins Street to the west. The demolition and redevelopment of Hawkins House on the adjoining site is subject of the concurrent application and appeals. (PL 29S 247912/ P A. Reg. Ref. 3037/16 refers) College House an office block in multiple occupancy is located to the west side with frontage on Townsend Street. It is beside The Screen Cinema, now vacant with frontage onto Hawkins Street and Townsend Street.
- 1.2. The application site and concurrent application site come within the Hawkins House ‘Key’ site,¹ one of three ‘key’ sites identified in Georges Quay Local Area Plan, 2012 (GQLAP) as opportunity sites for regeneration and redevelopment, providing for a vibrant new urban quarter.
- 1.3. In the environs, Tara Street Station is located to the north east of Poolbeg Street East on the east side of Tara Street on which the Irish Times block and Fire Station are also located. Further to the north on both sides of Tara Street there are vacant, mainly nineteenth century buildings in poor condition some of which are unoccupied. The River Liffey and the Quays are to the north and east -west direction with the front of Custom House and along Burgh Quay are to the north. The relatively recently completed Rosie Hackett Bridge providing for the LUAS cross city southbound route which continues along Hawkins Street and on to College Green,

¹ The term “Hawkins House ‘key’ site is used throughout in reference to the are enclosed by Hawkins Street, Poolbeg street, Tara Street and Townsend Street designated as one of the three ‘key’s sites providing an opportunity for redevelopment in the GQLAP whereas the term “Hawkins House site” is used in reference solely to the site of Hawkins House, subject of the application and appeal under PL 247912.

bus, and cyclist and pedestrian traffic directly links Marlborough Street with Hawkins Street. Pearse Street Garda Station, the site of a former office block (Oisín House) currently being redeveloped for student accommodation for Trinity College and the Trinity College campus itself are to the south.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for:

- the demolition in entirety of the existing office block on the Apollo House site and the Long Stone public house on the adjoining site;
- construction of a five to twelve storey commercial building with a total stated floor area of 16,205 square metres, incorporating café, restaurant and retail units (160 square metres) and a bar/café/restaurant (460 square metres) at ground floor level.
- new civic space onto Poolbeg Street including hard and soft landscaping, features and boundary treatment to adjoining Hawkins House development.
- vehicular off Tara Street and separate cycle access off new civic space to basement providing for forty car spaces and 175 cycle spaces, plant and ancillary facilities.
- Roof terraces on west and south elevations at tenth level, on west elevation at sixth level, on east elevation at eighth level and south elevation at fifth level.
- Green roofs, signage, electricity substation, associated services, excavation and site development works above and below ground.
- Included with the initial application are a planning report, architect design report and accompanying drawings, a master planning report, sustainability report and drawings, a mobility management report, landscape and public realm report and drawings, wind microclimate report, visualisation report, daylight and sunlight report, visual impact assessment images and report, a conservation report, archaeological assessment report, acoustic criteria and design report, operations waste management report, floor risk assessment report, traffic report, outline construction management plan, outline method statement for demolition, waste management statement, public lighting report,

redevelopment strategy, tree survey report and an appropriate assessment screening report. The application was subject to a request for additional information by the planning authority to which a response was submitted prior to the determination of a decision. (Details are outlined in paras 3.2.1-3.2.3. below.)

- 2.2. The application was subject to a request for additional information to which a response was submitted prior to the determination of a decision.
- 2.3. The proposal in the concurrent application for which the decision to grant permission is subject to appeal is for the demolition and redevelopment of Hawkins House, Hawkins Street and construction an eight to ten storey commercial building and associated development incorporating retail and restaurant use at ground floor level over basement parking with vehicular access from Poolbeg Street. (PL 247907/P.A. Reg. Ref. 3037/16) Although both development sites are in separate ownerships, the parties have collaborated in the preparation of a masterplan and the applications having regard to the designation of the block in which the sites are located along with third party property as one of the three opportunity 'key' sites for redevelopment in the Georges Quay Local Area Plan, 2012. (GQLAP)

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following receipt on 22nd November, 2016 of a response to a multiple item request for additional information issued to the applicant on 27th July, 2016, the planning authority decided to grant permission for the proposed development subject to conditions which include the following requirements:

Condition No 4: (a) Requirements for compliance submissions on detailed design and specifications for hard and soft landscaping, materials, lighting, street furniture for the public realm space; (b) Requirements for compliance submissions on a strategy to demonstrate management providing for public access to the linked east west (pedestrian) link and the central space which

form part of the diagonal route. The reasons are for amenity, ecology and delivery of the public realm objectives of the City and Local Area Plans
Condition No 5: Requirements for compliance submissions on precise nature of use of the commercial ground floor units with planning applications being required for any proposed change of use.

Condition No 6: Requirements for compliance submissions on loading bay facilities, liaison with TII and LUAs operators, Construction management and construction traffic management plans, on site cycle parking standards, implementation of the submitted Mobility Management Plan and all standard requirements relating public roads and roads maintenance.

Condition No 8: Standard and specific requirements for Demolition and Construction to include (A) a Construction and Demolition Waste Management Plan which accords with DOECLG Circular 07/06 on best practice inclusive of arrangements for storage of hazardous waste at construction stage and (b) standardised requirements for waste management, storage, recycling and disposal at operational stage.

Condition No 9 and No 10: Requirements for compliance submissions relating to environmental health standards to include control of noise, dust and vibration during demolition and construction stages and compliance with BS:5228: Noise Control on Construction and open sites: Part 1 Code of practice.

Condition No 14: Requirements for archaeological testing and a report on archaeology incorporating impact assessment and method statement and a mitigation strategy.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer, in her report on the original application, taking into account the observations and recommendations on the internal technical reports, prescribed bodies and third party submissions, (outline details of which are in sections 3.3.1-3.3.4 below), concluded that a multiple item request for additional information should

be requested and it was issued to the applicant on 27th July, 2016 relating to the following:

- (1) A request to review height, massing, and façade treatment to address concerns about the visual impact, especially of the tenth and eleventh floors in views from sensitive conservation areas, particularly (Trinity) College Park, and Custom Quay. (Submitted photomontage Views 11b, 12b and 20b and 21b refer.)
- (2)
 - (i) A request to address concerns about vehicular access points and the public realm on Poolbeg Street, considering removal of adjacent accesses, and providing a temporary access on Townsend Street pending completion of the Hawkins House development with future access being provided through the site of the concurrent application for the redevelopment of Hawkins House.
 - (ii) A request to review the changes proposed for Poolbeg Street including the proposed removal of loading bays and parking in entirety and with a view to providing widen footpaths within the site boundary.
 - (iii) Details for small deliveries service arrangements at basement level.
- (3) A request for further analysis to be conducted, which would incorporate diagrammatic outline section drawings should the effect of requested modifications to form and height and which would address concerns about overlooking and daylight and sunlight effects on adjoining residential developments.

3.2.2. A response to the additional information request was lodged with the planning authority on 22nd November, 2016. Included are revised drawings, a supplementary planning report, photomontages with a visual impact assessment report daylight and sunlight report, and a report on traffic issues.

3.2.3. An outline of the further information proposals in response to the above follows:

- (1) Omission of 10th floor and modifications to the roof and roof plant area and façade treatment at eighth to roof level resulting in a building height reduction of 3.9 metres.

- (2) (i) Confirmation that shared access via the proposed the Hawkins House site entrance is not feasible owing to separate ownerships, but with provision in the basement layout for two-way connectivity, in the event of possible future shared access via Poolbeg Street.
- (ii) A revised layout providing for widening of Poolbeg Street/footpath into the site with provision for seven on street parking spaces and two loading bays.
- (iii) Confirmation that no servicing area is proposed or required at basement level.
- (3) A revised Daylight and Sunlight Assessment report is provided with an assessment of impact on the Brokerage Apartment development, based on alternative massing models for the proposed building. It is concluded in the report that the addition of a fifth floor would have the most significant impact on (Probable Annual Sunlight Hours (PASH) and the Vertical Sky Component, (VSC), but removal of further floors would have little additional impact at the Brokerage apartments. The modifications proposed comprise: an increased setback at fourth and fifth levels from the west boundary of the site and incorporation of fins on the elevation to prevent overlooking. In addition, the use of glazing and anodised bronze in the elevational finish is stated to mitigate daylight loss.

3.3. Internal Technical Reports

- 3.3.1. **The Roads and Transportation Department's** report of 25th July, 2016 on the initial application indicated a recommendation for an additional information request in relation concerns about the number of vehicular access points for the proposed and adjoining (Apollo House) development, road and footpath widening and on street parking and loading bays.
- 3.3.2. The **Roads and Transportation Department's** supplementary report dated 12th December, 2016 on the revised proposal in the further information submission, includes the recommended requirements provided for in Condition No 6. It indicates acceptance of the proposals for retention of seven parking spaces and provision for two loading bays on Poolbeg Street, retention of the carriageway width and increase in with the footpath which incorporates space within the site to 2.7 metres;

Agreement that a shared vehicular access (with the Hawkins House development) would not be feasible in the current application although connectivity is incorporated in the design in the event of possible future legal agreement acknowledgement that no servicing is to take place in the basement and acceptance of undertaking to liaise with TII with regard to any requirements in connection with the LUAS line to be addressed by condition.

3.3.3. **The City Archaeologist's** report notes the submitted archaeological impact assessment report and the site's location within the Zone of Archaeological Constraint for Recorded Monument DU018-020 and within a zone of archaeological interest in the Dublin City Development Plan, 2011-2017. Attachment of an archaeological assessment with a report and monitoring condition is recommended.

3.3.4. **The Waste Management Division's** report of 6th July, 2016 indicates recommendations which include attachment of a condition for submission of a construction and demolition management plan, compliance with statutory requirements on waste management at construction and operational stages. These requirements are included in Condition Nos 8 and 9 attached to the planning authority decision.

3.3.5. **The Drainage Division** report indicates no objection subject to conditions.

3.4. **Prescribed Bodies**

3.4.1. The report of **Transport Infrastructure Ireland (TII)** dated, 18th July 2016 indicates a recommendation for attachment of a condition for coordination in addressing impacts, in connection with Luas Cross City including construction traffic and pedestrian management.

3.4.2. The report of the **National Transport Authority (NTA)** dated, 4th July 2016 indicates support for the proposed development and a recommendation that the on-site parking provision reflect the level of public transport accessibility.

3.5. **Third Party Observations**

- 3.5.1. Observer submissions were received by the planning authority from six parties including An Taisce, which is a prescribed body. Support for the redevelopment of the site in principle is expressed but concern is expressed about limitations due to the lack of an integrated masterplan agreed to by all landowners for the Hawkins House 'key' site within the GQLAP. Specific concerns raised include: lost opportunity for enhanced public realm development and pedestrian environment as envisaged in the GQLAP generally and, (with regard to the College Green area within and adjacent to the Screen Cinema and College House site) landscaping, building form, design and visual impact, impact on amenities of adjoining properties, particularly residential properties, insufficient setback from the street edge at Poolbeg Street, selection of materials including possible reflective glazing, excessive scale, massing and height, impact on residential amenity of adjoining properties by reason of overlooking and overshadowing and noise and disturbance associated with late night facilities, and impact on traffic circulation and parking due to the proposed location of vehicular entrances.

4.0 **Planning History**

- 4.1. There is no prior, determined application for the complete demolition of the existing building and redevelopment of the Apollo House and Long Stone public house sites. There are a number of prior, minor applications, details of which follow:

P. A. Reg. Ref.2071/15: Permission for use of the Apollo House carpark as a commercial carpark for a period of eighteen months was refused.

P. A. Reg. Ref.3227/13: Permission was granted for retention of a boundary wall, fenestration and a gated emergency entrance on the west side of the public house onto Townsend Street was granted.

P. A. Reg. Ref.3229/13 and P. A. Reg. Ref. 4898/08 relate to grants of permission for retention of a beer garden, smoking shelter area and associated development works at the Long Stone Public House. (9-11 Townsend Street.)

- 4.2. The decision to grant permission for the demolition and redevelopment of Hawkins House, and for construction of an eight to twelve storey office building and associated development is subject of a concurrent undetermined appeal. (PL 247912/P. A. Reg.Ref.3037/16 refers.)
- 4.3. Recently permitted development within the area of the Georges Quay Local Area Plan 2012 (GQLAP) includes development at the other two (of three) 'key' sites identified as opportunity sites for major regeneration and redevelopment in the GQLAP. These are development at Tara Street Station, the seven-year duration of which expires in January, 2018, (Railway order RP A 0012 refers) and a large commercial building at City Quay, under construction at present (PL 29S 242942/P.A. Reg. Ref 2407/15 refers.)
- 4.4. Permitted development within the immediate vicinity includes refurbishment and extensions to Scotch House at the north western corner of Hawkins Street and demolition of Oisín House on Pearse Street and development of a six story student housing building with retail and associated development. (PL 29S 246121/ P. A. Reg. Ref 3084/15 and P. A. Reg. Ref. 3987/16 refer)

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2011-2016 which was brought into effect on 23rd October, 2016 shortly prior to the determination of the decision of the planning authority on the application.
- 5.1.2. The site location comes within an area subject to the zoning objective Z5: *“to consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design, character and dignity”*.
- 5.1.3. There are broad ranging strategic economic policy objectives for the central city area, inclusive of lands subject to the 'Z5' zoning objective, which provide for (i) promotion and enhancement of the city's function in the recovery of the national economy, (ii) enhancement of competitiveness in business and employment and for (iii) a positive and pro-active approach to economic development enterprise and

employment growth when considering major planning applications. (Policy Objectives RE2, R4 and RE14 refer.)

- 5.1.4. Policy objectives to facilitate and provide for the enhancement of a vibrant public realm include provision for pedestrian and cyclist route, protection of views and view corridors and landmarks in the views, protection and enhancement of the skyline and the sensitive historic built environment especially in consideration of proposals for mid-rise and taller buildings having regard to development plan standards. (Policy objectives SC3, SC7, SC18 and SC 20 refer.)
- 5.1.5. There is a specific objective (SC 21) for strengthening and creation of key public realm notes to include an improved concourse at Tara Street Station at the end of the new diagonal route across the block in which the site is located and enclosed by Tara Street, Townsend Street, Hawkins Street and Poolbeg Street.
- 5.1.6. There is also provision in the development plan's building height strategy for a mid-rise marker building within at the Tara Street/Poolbeg quadrant, (in which the site is located), announcing the entrance to a diagonal civic (pedestrian) route within this space. The plan also provides for key public realm objectives to include improvements to the concourse at Tara Street Station (at the north eastern of the diagonal pedestrian route across the Hawkins House 'key' site and for new civic spaces at City Quay). (There is detailed elaboration on these objectives and provisions within the Georges Quay Local Area Plan, 2012 – see paras. 5.2.1 – 5.2.6 below.)

5.2. **Georges Quay Local Area Plan, 2012 (GQLAP)**

- 5.2.1. The site location is within the area of the George's Quay Local Area Plan, 2012 according to which there are four 'character areas'. The land use strategy for the Georges Quay Area is for the promotion of a mixed use character in the area to support the creation of a vibrant central city district.
- 5.2.2. There are three distinct, designated "key" sites. They are the Hawkins House 'key' site, subject of the current and concurrent applications and appeals; the City Quays' 'key' site for which development on foot of grant of permission, following appeal, has commenced (PL 29S 245492 refers) and Tara Street Station, which has the benefit of an approved Railway Order (PLO/RPA 0012 refers).

- 5.2.3. The sites of Screen Cinema and College House (an office block in multiple occupancy facing onto Hawkins Street and Townsend Street) also come within the area of the Hawkins House 'key' site. In addition, there is a mix of other buildings on smaller sites within the block, mostly along Townsend Street which include the apartment block known as "The Brokerage".
- 5.2.4. The framework within the GQLAP for the Hawkins House site has five elements:
- (1) provision for the new east west civic pedestrian route with two smaller pedestrian connections. (This route is part of a route provided for in the development plan, linking Christchurch through the Bank of Ireland Plaza, providing a new civic space at the front of the Screen Cinema and onwards as far as Tara Street Station).
 - (2) provision for an urban plaza or space that marks both ends of the civic pedestrian route, uniting public realm improvements at College Green, a smaller public space at the corner of Tara Street and Poolbeg Street, and complimenting a new plaza at Tara Street Station.
 - (3) provision for a cultural use (cinema or theatre, in acknowledgement of the former Theatre Royal) on the site on the Screen Cinema site;
 - (4) appropriate scaled edge buildings on the Tara Street frontage, which is a wide street and where existing buildings require redevelopment in an appropriate design and scale and active ground floor uses and
 - (5) one or two mid-rise buildings up to twelve storeys (48 metres) in height.
- 5.2.5. The existing Hawkins House building is noted as being in one of the most prominent locations in the city centre. According to the GQLAP, it "*presents one of the best opportunities within the city for new international standard/office headquarter commercial facilities and also a critical opportunity to create an urban environment worthy of its valuable location*". It is not intended that the form of building or the shapes of spaces should be prescribed in the Plan. Instead a framework is set, within which innovative interesting and sustainable design approaches can be explored with provision for high quality architecture in recognition of the important role of the sites.

- 5.2.6. According to section 4.2.2 all landowners will be required to cooperate in the preparation and agreement of an overall integrated site masterplan, but that, “*where an individual landowner fails to engage in this process, other landowners can proceed with masterplans but must address how their site will successfully integrate with the adjoining site(s)*”. “No planning applications for large scale urban development will be granted planning permission until such time as an agreed individual site masterplan is in place”.

6.0 The Appeals

6.1. First Third Party Appeal: Balark Properties Ltd.

- 6.1.1. An appeal was received from Tom Phillips and Associates on 24th January, 2017 on behalf of Balark Properties, owner of the Screen Cinema and College House, which are located to the south and west of the Apollo House/Long Stone Pub appeal site and south of Hawkins House. An outline of the appeal follows in which it is argued that permission should be should be refused although the principle of redevelopment is supported.
- 6.1.2. Permission should be refused because the proposed development is premature pending the preparation of an agreed masterplan for the identified Hawkins House ‘key site’, by all landowners as mandated in the statutory GQLAP. There is a specific requirement in the GQLAP that a masterplan be prepared for the Hawkins House ‘key’ site’ in its entirety with cooperation of all the landowners (Section 6.2). Failure to comply with this requirement results in curtailment of preparation of a holistic proposal for the block in entirety and in sub-optimal development. The appellant would welcome the opportunity to contribute to a holistic Masterplan which is in compliance with GQLAP requirements. A grant of permission would have significant detrimental impacts leading to unsuccessful redevelopment of a critical urban block rather than realising its potential including potential greater height facilitated in the LAP which attracts indigenous and international high profile to locate in the heart of the city in a quality urban realm.
- 6.1.3. The GQLAP facilitates a scheme not exceeding a maximum of twelve storeys in height and it may have facilitated proposals for taller structures that the ten storey

block indicated in the modifications in the further information submission on the application. The rationale for this is avoidance of 'piecemeal' development as the Hawkins House 'key' site is such a critical block and the public spaces will not be delivered in the manner envisaged in the GQLAP. The applicant failed to engage with the appellant who was presented with a finalised (masterplan) document at a meeting. The appellant was precluded from an opportunity to engage meaningfully in the preparation of the masterplan. The appellant should have been engaged '*ab initio*' and meaningfully in the entire integrated masterplan preparation process.

6.1.4. The application does not comply with the GQLAP and the planning authority acted *ultra vires* its powers in issuing the decision to grant permission as it is clearly stated in the GQLAP that, "*no planning applications for large scale urban development will be granted planning permission until such time as an agreed individual site masterplan is in place*". There is no cut off in terms of the minimum amount of landowners or total site area involved in the masterplan process.

6.1.5. An integrated approach with a masterplan (with the participation of the appellant) would have addressed the following:

- The excessive number of vehicular entry points, when a reduced number of entrances and more efficient use of space could be achieved in the integrated masterplan approach. The contention that the basement parking proposed in the applications could facilitate access for the College House site is not feasible as demonstrated in Figures 5.2.1 and 5.2.4 in the appeal.
- Potential to remove or reduce vehicular traffic from Hawkins Street through a possible rationalisation of access ramps and further reduced access and exit points. An integrated plan would provide for an entrance via the underground carpark on Poolbeg Street and exit at Townsend Street traffic would be removed from Hawkins Street.
- The proposed development would have two accesses, at Townsend Street: the existing ramp for College House and the proposed ramp for Apollo House reducing active street frontage whereas the GQLAP designates Townsend street as a "Higher Order Street" in section 4.4 and a land-use objective which provides for active ground floor use at street level especially where the structure faces a higher order street. (section 2.2)

- Permeability, by way of the required diagonal pedestrian route, identified as a primary objective of the GQLAP, has not been achieved: There is no entrance to the south because it is dependent on the development of the appellant's property. A quality public realm, cannot be created without an appropriate relationship between all the surrounding developments. The proposal changes the form of the block and public realm indicated the GQLAP. It would place a burden on the appellant to adapt to (previously determined) circumstances.
- The development potential of the appellant's site is compromised in the masterplan report because not all development scenarios have been considered and addressed. Both College House and Screen Cinema could be refurbished rather than redeveloped. The visual and landscape assessment is incomplete because there is inadequate analysis because the impact with the College House and Screen Cinema site is not included resulting in an unclear and incomplete outcome.
- A void space is created adjacent the Cinema's northern boundary wall and a masterplan agreed by all landowners would have prevented inefficient use of this space which is at a critical location.
- There is failure to consider and minimise impact on the LUAS and public transport because of prolonged period of construction. An agreed masterplan could have minimised disruption.

6.2. Second, Third Party Appeal. Corn Exchange Management Ltd.

- 6.2.1. An appeal was received from Brock McClure on behalf of Corn Exchange Management Ltd., which represents an eight storey contemporary block on the Poolbeg Street frontage opposite the appeal site which adjoins the Corn Exchange Building, a four storey protected structure, which has frontage on Burgh Quay. It is stated that redevelopment is supported in principle, and the appeal includes observations on the application with particular focus on the further information submission which it is contended consists of minor modifications. It is requested that in conjunction with the issues raised in this appeal, the concurrent appeal

against the grant of permission for the demolition and redevelopment of Hawkins House, also be taken into consideration.

- 6.2.2. According to the appeal, as Cuprum Properties is in Receivership NAMA in its capacity as a state body has a controlling interest. It is therefore particularly regrettable that the rationalisation by way of shared access arrangements providing for two-way connectivity with the Hawkins House development is not delivered. Such rationalisation would provide for comprehensive and cohesive access arrangements and a better outcome, which protects the historic character of the location, as well as public and residential amenity. The removal of the Townsend Street access is not supported as it would remove the need for access on Poolbeg Street. Access from Townsend Street or Tara Street for Apollo House and (on a shared basis) to the Hawkins House carpark negating the need for an access from Poolbeg Street would be more beneficial to Corn Exchange building residents, the public realm and to traffic management. Removal of bus traffic from Poolbeg Street would enhance the environment and this street is not required for buses as there are three alternative east west bus corridors providing excellent facilities for bus traffic.
- 6.2.3. With the proposed access arrangements for both the proposed development and for the concurrent proposal on the Hawkins House site in place, Poolbeg Street would become a service street. Traffic generated by the proposed and adjoining Hawkins House development would increase traffic volumes on Poolbeg Street and along Hawkins Street, which is undesirable owing to the LUAS alignment.

6.3. **Observer 1. Brokerage Management Company Ltd.**

- 6.3.1. A submission was received from Brokerage Management Company Ltd, on 20th February, 2017 in which it is pointed out that the Brokerage apartment block is located immediately to the south of the appeal site and stated that the redevelopment of the site is a welcome opportunity for a vibrant urban quarter to be developed in principle. According to the submission:
- A Masterplan, agreed with all the landowners as provided for in the GQLAP and which has not been achieved would have rectified a number of issues regarding the proposed development and the entire block. Residents should have been consulted and given an opportunity to participate in the material

preparation and agreement on a masterplan and they should have a reasonable expectation that the GQLAP would be upheld by the planning authority. As this was not achieved the grant of permission is opposed and refusal of permission is requested.

- The development should not be permitted as it is not in accordance with the GQLAP and it is detriment to the established residential amenities of the apartments:
- The daylight and sunlight availability study, included in the further information, acknowledges that the Vertical Sky Component (VS) and Probable Annual Sunlight Hours (PASH) at the apartment are below BRE standards. The study fails to take the summer evening availability of sunlight to residents, justifying the sharp increased reduction in daylight hours to the apartments on the basis that north facing apartments only receive fifty hours of sunlight per year at present.
- The block will be visually imposing and will give rise to overlooking of the apartments. The effects of the setback proposed and use of bronze fins are meaningless and the application has failed to take into account the balconies at the rear elevation at the Brokerage building. Residential amenity will be seriously affected by the overlooking of the balconies at the rear of the Brokerage block from the fifth floor terraces and by the proposed solid ten storey elevation at eight metres separation distance from the balconies.
- There is a lost opportunity owing to the lack of an integrated, agreed master plan, to reduce traffic hazard affecting pedestrians and traffic volumes in front of the Brokerage building due to the location of the entrance adjacent to the College House on Townsend Street.
- There is no phasing in the demolition and construction plan, as a result of which, residents will experience many years of disruption.

6.4. Observer 2: Ms Catherine Kelly.

- 6.4.1. A submission was received from Ms. Kelly on her own behalf on 20th February, 2017. In principle she welcomes the concept of a dense mixed use development and

believes that this can be achieved without detrimental impact on amenity and residential development. The contents of the submission are outlined as follows

- If a shared access for the proposed development and concurrent proposal for the Hawkins House site is not possible, vehicular access should not be off Poolbeg Street West because it would preclude the active ground floor uses as required in the GQLAP.
- The cycle ramp should be secured as it could be used for anti-social behaviour.
- A single shared vehicular entrance providing for vehicular and cyclist and services should serve the proposed development and adjoining Hawkins House development allowing for the street to be kept free from loading and unloading. The entrance to the City Council Offices which is on a busy city centre route is a good example.
- Services and utilities facilities should not be along the Corn Exchange block's frontage on Poolbeg Street. The parking spaces on Poolbeg Street are inappropriate, would serve as a "collection point" and negatively affect adjoining developments and are not in the ownership of the applicant or the Hawkins House development.
- The application proposal would not allow for the trees and wider footpaths shown in the images because the building would have to be moved backwards. Planting, lighting and seating should be located on Poolbeg Street West as it a prominent entry for pedestrians coming from the Burgh Quay area and the Rosie Hackett Bridge cyclist and pedestrian route. The scheme design could provide for one vehicular ramp off Tara Street so that the Poolbeg Street entrance could be omitted and footpaths and loading bays constructed inside the site boundary.
- Poolbeg Street if reduced in width, and made into an attractive pedestrian street with buses and public parking excluded, could be an attractive entry point to the 'key' site. There are ample alternative bus routes and corridors.
- The streetscape view into Hawkins Street from the east west (secondary) pedestrian route is unattractive, whereas the Poolbeg Street pedestrian route which is referred to in the GQLAP would be available, could be implemented

and it would be notably more attractive as an alternative route. The proposed diagonal pedestrian route which cannot proceed to the corner on College Green (outside the masterplan area) and provision for the routing at the back of the Screen Cinema is unattractive. There is lost opportunity in the application for the development of an attractive pedestrian route along Poolbeg Street.

- There would be adverse impact on residential amenity due to anti-social behaviour and noise both from bars and restaurants in the vicinity and traffic, where the methodology and measurements in the noise impact assessment are contested.
- Overlooking and overshadowing from upper level north, facing terraces be omitted. (These matters would relate to the Hawkins House development.)

6.5. Applicant Response.

6.5.1. A submission was received from Brady Shipman Martin on behalf of the applicant, Tom O'Brien and Simon Coyle, Mazars, Joint Receivers of Cuprum Properties Ltd. on 2^{1st} February 2017 included with which is a written statement by, Tom O'Brien and Simon Coyle, Mazars, the Receivers. An outline of this statement and the responses to the appeals and observer submission follows:

6.5.2. The Receiver's Statement.

In this statement there is an account of communications and liaison with the prior owners of the College House/Screen Cinema site with a view to formation of a partnership and joint approach to the development of the entire block encompassing Hawkins House, Apollo House, College House and the Screen Cinema. Following approximately six meetings, the final meeting being in May 2016. It was established that the appellant party (who had subsequently acquired the College House site and noting that the acquisition of the Screen Cinema site remained uncertain at that time), were not in agreement with participation in a collaborative approach.

6.5.3. Response to the appeal by Balark Properties:

- The argument that the decision to grant permission is *ultra vires* is without foundation. The appellant's engagement was focussed on other matters

relating to the redevelopment of the block as opposed to joint engagement in the design and masterplan preparation which was not a compulsory planning requirement.

- Subsequently concurrent applications for the application site and for the Hawkins House site, incorporating a joint masterplan approach with the same design team being appointed by the two applicants, were lodged following consultations with the Planning authority. Satisfactory compliance with the GQLAP was confirmed by the planner in writing on 27th July, 2016. This approach included provision for a rationalised basement with potential for linkage to adjoining properties.
- The GQLAP clearly recognises the multiple ownerships of the Hawkins House 'key' site and the delivery of the intent of the GQLAP on the appellant's lands at a future date is not compromised.
- The space to the rear of the Screen Cinema which the appellant contends is not in the applicant's ownership is a staircase relating to the application site for the Hawkins House development and is not relevant.
- The Hawkins House 'key site in its entirety has six existing vehicular entrances. One vehicular access point replaces the three existing access points for the Apollo House proposed development, and one entrance (at Poolbeg Street) away from the LUAS alignment is to replace the two existing entrances in the Hawkins House development. These proposals facilitate the delivery of an enhanced pedestrian route in accordance with the GQLAP in providing for a rationalised vehicular access and ramp from Townsend Street. The design caters for possible integration of access for the proposed development and possibly the College House site at a future date, if required. It was agreed that separate accesses be proposed in the applications because of the separate ownerships. THE GQLAP is silent on precise locations of entrance points other than minimisation of the impact of servicing elements.
- Traffic volumes will be reduced by the reduced vehicle numbers entering the site where forty spaces replace the existing one hundred and fifty (and fifty-one spaces replace the existing one hundred and twenty spaces at

the Hawkins House development), which is in fulfilment rather than in contravention of the development plan and GQLAP objectives. The effect will be to minimise traffic and parking impact to the benefit of improved pedestrian cycling and public transport.

- With regard to the location of the Townsend Street vehicular access onto a “higher order street” as provided for in section 4.4 of the GQLAP, no absolute limit on access points or their location is set, other than that vehicular access be provided where needed. Such access should be through the most inactive and visually unobtrusive locations, in order to minimise its impact, and this was considered carefully with regard to both applications. The Townsend Street location is consistent with this and allows the open space and pedestrian corridor to be achieved. Future compatibility for shared access for the basements has been provided for in the design. There is no basis in the appeal to support the argument that the Screen Cinema and College House property is compromised by the proposed development and concurrent proposal for the Hawkins House site in that maximum scope, within the specific GQLAP objectives has been facilitated in the design.
- In drawing up the joint masterplan and the two applications, full cognisance was taken of the possible scenarios for future redevelopment options including a refurbishment option for the College House and Screen Cinema sites. The proposed development and concurrent proposal for redevelopment of Hawkins House make significant contributions to the overall public realm and stand on their own merit in providing for revitalisation with or without inclusion of the Screen Cinema and College House sites.
- It is not clear on what basis the claim as to prolonged construction impeding the minimisation of impact on the LUAS alignment and public transport due to a lack of integrated approach is based. Nor is it clear why a masterplan inclusive of the appellant site would preclude or have any bearing on timing of works. While both construction projects are significant, they can be delivered in accordance with a Construction Management Plan, thus minimising any negative impact.

- The contention that a suboptimal outcome with regard to height potential will occur due to the lack of a comprehensive masterplan for the entire block is rejected because the design framework in Figure 8 of the GQLAP only permits up to twelve storeys on the site of Apollo House site on the corner of Tara Street and Poolbeg Street. The reduced eleven storey permitted scheme addresses visual impact concerns at Trinity College.
- The points made in relation to issues relating to traffic and access arrangements in the appeal by Corn Exchange Management Ltd., the reasoning for the preparation of separate applications, independent implementation for the two sites, vehicular access and on-site parking provision which is radically reduced resulting on reduced traffic volumes, are reiterated. The argument that the viable option for the location of servicing/loading bays which will serve existing business as well as the proposed development is Poolbeg Street and that the eastern end of Poolbeg Street is to be significantly improved with enlivening active street frontages in combination with public realm upgrades and improvements is also reiterated.

6.6. Planning Authority Response

- 6.6.1. There is no submission on file from the planning authority.

7.0 Assessment

- 7.1. The issues raised in the submissions of the appellant and observer parties that are considered central to the determination of the decision and discussed below are:
- Consistency with Georges Quay Local Area Plan, (GQLAP) provisions for a Masterplan for the Hawkins House 'key' site.
 - Building Design and Quality.
 - Visual impact and the sensitive historic city context.
 - Public Realm objectives
 - Roads, traffic and parking and pedestrian facilities.
 - Construction and Demolition Stage Impacts.
 - Residential amenities.

- 7.2. **Consistency with Georges Quay Local Area Plan, (GQLAP) provisions for a Masterplan for the Hawkins House ‘key’ site.**
- 7.2.1. The current proposal for demolition of existing buildings and construction of new building on the combined sites of Apollo House and the Long Stone Public House, and the concurrent proposal which is for demolition of the Hawkins House and construction of a new replacement building (PL 29S 247912 refers) come within and account for approximately seventy percent of the Hawkins House ‘key’ site, one of the three sites identified as opportunity sites within the GQLAP. The two concurrent appeal sites are in separate ownerships but the same design team was appointed to draw up an agreed joint masterplan for the two sites and to prepare the two applications which the planning authority simultaneously assessed prior to the lodgement of the appeals.
- 7.2.2. The primary considerations which are central to the determination of a decision is as to whether validation of the application and determination of a decision to grant permission is *ultra vires* of the planning authority’s powers and whether the proposed development is in accordance with or in material contravention of the policies and objectives within the Georges Quay Local Area Plan, 2012 (GQLAP) for the regeneration and development of the Hawkins House ‘Key’ site as a new urban quarter.
- 7.2.3. The GQLAP, (which has a statutory basis) in seeking to provide a framework for a design approach for opportunities for regeneration and development of the Hawkins House ‘key’ site recognises the potential limitations of multiple ownership in its policy objectives which provide for the preparation of an integrated masterplan for the Hawkins House ‘key’ site. According to the GQLAP, all landowners are required to in cooperate in preparation and agreement of an overall integrated site masterplan but, *“Where an individual landowner fails to engage in this process other landowners can proceed with the masterplans but must address how their site will successfully integrate with the adjoining site (s)”*
- 7.2.4. It is clear from review of the documentation on file in connection with the application and the appeals, that the preferred option of preparation and completion of an agreed masterplan by all the current landowners for the site areas within the Hawkins House ‘key’ site as envisaged has not been feasible. This optimal

arrangement (as asserted in the appeal grounds) or the future development of the Hawkins House 'key site, is not prescribed in the GQLAP for the prior or current Dublin City Development Plans and it is not within the scope of the statutory planning code that all the parties are mandated to agree a masterplan. There is no basis on which consideration of an individual planning application should be withheld because a masterplan, agreed to by all the landowners is not available. As a result, an application in respect of part of the Hawkins' House 'key' site, if otherwise valid, and any subsequent appeals should be assessed, on the basis that the central consideration is whether a successful integration with the adjoining sites is achieved. The contention that the acceptance of the applications by the planning authority and subsequent decisions to grant permission is *ultra vires* of a planning authority's powers or that the proposed development is in principle in material contravention of the GQLAP due to the lack an agreed masterplan for the entire Hawkins House 'key' site, is therefore rejected.

- 7.2.5. The remaining option, which was for those landowners who were in agreement to prepare a joint agreed masterplan, and this has been achieved by the applicants for the current proposal and the applicants for the concurrent proposal on the combined sites of Apollo House and the Long public house within the 'Hawkins House 'key' site area. This is considered to be consistent with the GQLAP provisions for integrated development of the Hawkins House 'key' site.
- 7.2.6. However, the key primary considerations, which are in dispute regarding the subject proposal and concurrent proposal is firstly, as to whether the joint masterplan accords with the range of policies and objectives within GQLAP for the Hawkins House 'key' site and correspondingly as to whether optimal achievement of the full range of these policies and objectives is feasible. The second consideration is as to whether the delivery of the proposed development would compromise the development potential of the College House and Screen Cinema sites including an option confined solely to refurbishment of existing structures.
- 7.2.7. Several specific issues in this regard are raised in the Balark appeal which are disputed by the applicant and also appear to have been rejected by the planning authority. They include the contentions that the lack of an overall integrated masterplan results in the quality of the overall development of the Hawkins House 'key' site being sub-optimal and compromised, particularly with regard to potential

opportunities with regard to height and design, the quality of the public realm especially with regard to the design options for and integration of the diagonal pedestrian route and, civic spaces from Tara Street through to College Green via the College House/Screen Cinema site which under the control of Balark properties.

- 7.2.8. These considerations are addressed in the assessment of the issues identified in the following subsections. Conclusions can then be reached as to consistency with the GQLAP in order to establish whether the developments proposed in the applications accord with the GQLAP in the absence of an overall integrated masterplan and without compromise to the future options for the sites of the Screen Cinema and College House.

7.3. Building Design and Quality.

- 7.3.1. A major opportunity for regeneration and transformation of the Hawkins House 'key' site into a new urban quarter development incorporating Grade A office accommodation facilitating economic development and employment growth is identified in the Dublin City Development Plan 2016-2022 and GQLAP.
- 7.3.2. It is understood that the emphasis in the GQLAP is not to encourage development of a single, 'stand out' tall landmark/ statement building within the block but to facilitate creation of a high quality urban quarter in which there is an integrated group of buildings with high quality architecture incorporating the new pedestrian linkage across the site civic amenity and enhanced public realm. The policies and objectives of the Dublin City development plan, 2016-2022 clearly provide scope for taller buildings at other specified locations as a means of achieving the core strategy and in positively contributing, through good design to the receiving sensitive built environment. (Section 4.5.1 and 4.5.2 and Policy Objectives SC 16, SC17 and SC18 refer.)
- 7.3.3. There is no conflict in principle in the proposed development with the GQLAP provisions (Objective 9) for a 'mid-rise' building up to a maximum of twelve storeys and forty-eight metres in the north east quadrant of the Hawkins House 'key' site. Bearing in mind the development plan building height framework it is understood that the height parameters in the GQLAP for the 'mid-rise' building in the north east quadrant are prescriptive to this end. The contentions in the Appeal by Balark

properties that the proposed development does not respond to the opportunity to take advantage of possible opportunities for taller building development on the site are therefore not accepted. The modified proposal in the further information, although reduced to eleven from twelve storeys allowed for in the GQLAP and by four metres in height is consistent with the GQLAP as it has resulted in an enhanced mid-rise building form with a vertical emphasis in the elevations at the upper levels without concerns as to visual impact in the wider environs. The overall characteristics are compatible in the streetscape and the skyline context which is discussed further under Para 7.3. 1 – 7.3.5.

7.3.4. The response in the two concurrent proposals is to provide for two distinct separate but complementary buildings, when viewed in close proximity and in the wider public realm of high quality design material and finishes identifiable as part the new urban quarter in building form and detail such as vertical emphasis and solid to void ratios.

7.3.5. The contentions as to the proposed development being a visually imposing block as indicated in the appeal by The Brokerage Management Company are not accepted as being applicable to the modified proposal in the further information submission. (It would appear that these comments relate primarily to the impact of the block at the southern end on the amenities of the adjoining Brokerage apartment block.) It is demonstrated in the modified proposal that a high quality contemporary building in footprint, form and massing, particularly the stepped down element providing for transition at the southern end, rhythm, vertical emphasis and height on the street frontage at ground level and in the upper elevations, is achieved. The elimination of surface level parking, and defined setback site perimeter facilitating footpath construction and public realm enhancements are consistent with standards envisaged in, *The Heart of Dublin City Centre Public Realm Masterplan* (Dublin City Council, 2016). Effective permeability and civic amenity of the immediate built environment is achieved.

7.3.6. With regard to phasing, bearing in mind the separate ownerships of the sites of the two concurrent proposals, it is considered that each structure can be accepted into the Hawkins House 'key' site with or without the adjoining development in place, notwithstanding issues such as limitations to the completion of the diagonal pedestrian route.

7.3.7. It is concluded that the modified proposal, provided in the further information submission, is fully acceptable in terms of architectural quality both within the application site and in the context of the joint master plan for the proposed development and concurrent proposal and in the context of possible overall integrated development of the Hawkins house 'key' site, as envisaged in the GQLAP.

7.4. Visual Impact and Sensitive Historic City Context.

7.4.1. Although not a matter of major dispute between the parties, a comprehensive review of the visual impact assessment has been undertaken, particularly in view of the sensitivity and the extent of statutory protection of the city's historic built environment and the exposure and high profile nature of the application site, owing to the height of the existing and proposed development as seen within public views within the city.

7.4.2. The current development plan, clearly provides scope for taller buildings at limited locations as a means of achieving the core strategy and in positively contributing, through good design to the receiving sensitive built environment. (Section 4.5.1 and 4.5.2 and Policy Objectives SC 16, SC17 and SC18 refer.) There is no conflict in principle in the proposed development on the appeal site and concurrent proposal for the adjoining Hawkins House site, for mid-rise development up to twelve storeys and a forty-eight metre height, within the context of the development plan and the GQLAP provisions (Objective 9).

7.4.3. Ongoing change in the receiving built environment, comprising development which has the benefit of a grant of permission and/or possible future development, as provided in development plan should be borne in mind. Of note in this regard is permitted development along the Liffey Quays in for foreground views along and across the river, which includes the two other 'key' sites within the GQLAP, i.e. the Tara Street Station (PAO/RPA 0012), the City Quay development, under construction (PL29S 245492) and the permitted refurbishment at Scotch House at the corner of Burgh Quay and Hawkins Street. (PL 29s 246121)

7.4.4. Further to inspections and to review of the submitted Landscape and Visual Assessment reports and images of views from the wider public domain, it has been concluded that the views and recommendations of the planning officer on the original and revised design proposals can be fully supported. It is agreed that concerns as to

the original proposal could be confined to the impact views along the Liffey Quays, in the vicinity of Custom House and especially on views from within the Trinity College campus. (Views 11, 12, 20 and, 21 in the submitted Visual Assessment images refer.)

- 7.4.5. The modified proposal also provides for positive integration on the proposed building in the Tara Street streetscape. This can be accepted into the capacity of the sensitive historic environment context of the wider environs from all vantage points. With regard to the views from the Trinity College campus, the existing and proposed buildings are visible from College Park as is demonstrated in the images provided in the submitted visual assessment. The visual impact of the replacement structure in this context is regarded as neutral the slightly increased prominence of the new building relative to the existing building being offset by the architectural quality
- 7.4.6. With regard to views on approach along the Liffey Quays the modified building form, height reductions and design details at the upper levels shown in the further information, which enclose the plant, is satisfactory. With regard to views on approach along the Liffey Quays, the modified building form, height reductions and design at the upper levels shown in the further information and which enclose the plant, is satisfactory. The proposed development (alone or with the concurrent proposal for the redevelopment of site of Hawkins House site in place) would enhance, views from the east in the vicinity of Custom House. The building may be more pronounced than the existing structure in the views towards the site location from the immediate surrounding area including the approaches along Tara Street itself but it would be positive in effect owing to quality architecture design detail, form, materials and finishes. From most other location in and around the historic city, there is limited visibility and no significant impact.
- 7.4.7. In consideration of the visual impact at night time, it is recommended that the applicant be required, in the event that permission is granted, to provide for uniform blind system throughout the building. While desirable in daytime light this is considered essential in an artificial lighting scenario in ensuring the quality and uniformity in presentation of the facades within views from the public realm in the immediate vicinity and wider environs. This matter can be addressed by condition.

- 7.4.8. There is no obvious concern as to limitations with regard visual impact and scope for possible future options that might be considered for the College House/Screen Cinema sites due to the lack of an integrated masterplan for the entirety of the Hawkins House 'key site.
- 7.4.9. In view the foregoing, it is concluded that from the perspective of visual impact on the historic city, the modified proposal for the redevelopment of Hawkins House proposed development provided for in the further information submission is fully acceptable.

7.5. **Public Realm**

- 7.5.1. The pivotal, central city location of the Hawkins House 'key' site within the context of infrastructure development and enhancement of the quality and amenities of public realm is undisputed and is fully addressed in the GQLAP. Increased footfall in a central east west direction which is part of a 'civic route' between Tara Street Station and Christchurch via College Green is to be facilitated by way of the proposed diagonal pedestrian route across the Hawkins House 'key' site. Provision is made for civic spaces at the eastern end of Poolbeg Street West and College Green at the western end to the front of the existing Screen Cinema building, supported by two secondary routes and by increased permeability through the surrounding street and lane network over the River and between the Quays and College Green.
- 7.5.2. The core issue central to the dispute between the parties is as to whether the public realm objectives of the GQLAP, and, the Dublin City Development Plan, 2016-2022. particularly with regard to permeability and delivery of the diagonal pedestrian route across the Hawkins House 'Key' site can be satisfactorily delivered given the limitations of the application and concurrent application site areas. As the joint masterplan for the two application sites cannot deliver the diagonal pedestrian route in entirety it is considered particularly onerous to preclude favourable consideration if it is demonstrated that feasible high quality proposals consistent with the GQLAP parameters for the envisaged redevelopment of the Hawkins House 'key' site providing scope for possible future development of the space outside that application sites is fully achievable.

- 7.5.3. As the layout for the Hawkins House 'key' site in the GQLAP is not fully prescriptive it is reasonable that some flexibility regarding the delivery of diagonal route and the supporting pedestrian routes as proposed in the applications be considered. Nevertheless, it is noted that the GQLAP allows for the need for both secondary pedestrian routes to be reconsidered if the main (diagonal route) axis can be delivered in entirety at an early stage. The proposed route is considerably wider than that envisaged in the GQLAP and it is agreed that it negates the need for a North-South route and the argument as to constraints on configuration and floorplates within the buildings is accepted.
- 7.5.4. Within the area of the applicants' joint masterplan a practicable secondary supporting pedestrian linkage onto Hawkins Street for continuation the diagonal route through the sites of the Screen Cinema and College House is achieved. It enables incorporation of delivery, within the two applications of permeability and pedestrian connectivity from Tara Street to College Green via the diagonal pedestrian route supported by the east/west secondary route provided for in the concurrent proposal for the Hawkins House redevelopment. This accommodates the absence of the by continuation of the diagonal route and public plaza at the south western corner of College Green. Increased footfall and linkage between Poolbeg Street and Burgh Quay via Corn Exchange Place close to the northern end of the diagonal will also be encouraged.
- 7.5.5. The contention that the east-west route onto Hawkins Street at the rear of the Screen Cinema site would be a substandard pedestrian environment is not accepted. It is noted that the is route owing to the short length and which is a double height beneath the upper floors has very limited potential to develop into a negative unpleasant darkened environment. The proposed treatment for the elevation on the southern side of the Screen Cinema boundary onto to the pedestrian route is considered to provide for good animation and active ground floor frontage on Hawkins Street. Final details can be addressed by compliance with a condition should permission be granted.
- 7.5.6. The diagonal route, due to configuration overall and width, landscaping, features and lighting within the space and internally and externally from the buildings as envisaged the lighting study provided with the application should function as a high

quality, vibrant, brightly lit and safe pedestrian route and amenity space in day and night time hours.

- 7.5.7. While as pointed out in the appeals, Townsend Street is a designated 'Higher Order Street' providing for active ground floor uses at street level it is agreed, as discussed under section 7.5 (Roads Traffic, Parking and Pedestrian Facilities.) access points on Poolbeg Street and on Townsend Street the most reasonable option for in the joint masterplan and are required. The application site's frontage on Townsend Street (at Nos 9-11) is limited.² Rejection of the proposed development due to the limited scope for active ground floor use at the location, allowing for the entrance and the absence of possible future proposals for the adjoining Townsend Street frontage of the Hawkins House 'key' site to the west would be unduly onerous and unreasonable.
- 7.5.8. Given the facilities for pedestrians provided for in the masterplan and applications, the concurrent revised proposals ensure that Poolbeg Street would not become a secondary services street with traffic congestion but will be multi-functional. As discussed in section 7.5. it is considered that vehicular traffic volumes and congestion will be very much reduced compared to the existing conditions on the street.
- 7.5.9. It has been concluded that the joint masterplan, and proposed development in conjunction with the concurrent proposal for the Hawkins House site contribute to delivery of permeability and a quality public realm as envisaged in the Development plan and GQLAP.

7.6. **Roads, traffic and parking and pedestrian facilities.**

- 7.6.1. The joint masterplan and the two concurrent applications provide for two vehicular accesses, one to replace two existing entrances for the Hawkins House development and one to replace three existing entrances for the Apollo House development. These entrances and basement layouts also provide for possible future two-way connectivity between the two sites and scope interconnectivity between the

² Townsend Street in so far as it is the southern frontage of the Hawkins House 'key' site at the western end is adjacent to College Green and setback space to the front of the Screen Cinema at the end of the diagonal route. Between this space and the application site is the frontage of College House which in the Appellant's ownership.

application sites and possible options for the College House/Screen Cinema site the proposed separate entrances for the two developments.

- 7.6.2. The acceptance of Townsend Street adjacent to the College House boundary, (for the concurrent proposal for the sites of Apollo House and the Long Stone public house) as indicated in the internal technical reports of the planning authority gives rise to no concern. Similarly, it is agreed with the planning authority that the modified design and selected entrance location, towards the western end of Poolbeg Street for the Hawkins House proposal is acceptable. Reconsideration of these proposed access arrangements, with a view to refusal of permission on grounds of failure to comply with the GQLAP on the basis of lack of a fully integrated masterplan for the Hawkins House 'Key' site in its entirety, is unwarranted. Construction traffic management can be satisfactorily addressed in a detailed construction traffic management plan as discussed below.
- 7.6.3. As demonstrated in the traffic report submitted with the application, the reduced on site car parking capacity of the proposed development (forty-one spaces) relative to the existing development, should reduce commuter traffic generation coming off Tara Street, which will be within the capacity of the junctions on the local road network with limited delays at design year (2029). Cyclists potentially account for the greater volume of movements there being over one hundred and seventy-four spaces. The mobility management plan provided with the application has been noted.
- 7.6.4. Given the volumes involved, it is not accepted that traffic, during the operational stage will give rise to unmanageable traffic volumes in the street network surrounding the Hawkins House 'key' site including conflict with the LUAS light rail system which is routed (in a southerly direction) along Hawkins Street, subject to due care being taken by all road users in this area. A considerable amount of pedestrian traffic will divert through the site, ultimately, at a civic space on College Green (the development of which is outside the scope of the current applications).
- 7.7. **Demolition and Construction Stage Impacts.**
 - 7.7.1. The case made for demolition and replacement as opposed to refurbishment of the existing building is not a matter of dispute between any of the parties. The argument as to the existing building's lack of merit for retention and refurbishment and case for

the delivery of a new, sustainable, high efficiency performance (low energy) Grade A building providing for appropriate floor plate capacity is accepted.

- 7.7.2. The concerns indicated in the report of Transportation Infrastructure Ireland (TII) regarding demolition methodology owing to the proximity of the alignment for the LUAS Cross City light rail can be addressed by condition. The submission of a detailed and comprehensive demolition and construction management plan including mitigation details be prepared and made available at planning application stage prior to determination of a decision and prior to appointment of a Contractor is impracticable and unreasonable. A similar approach to that of the planning authority by way of attachment of a condition to this effect along with some specific requirements sought by the TII in connection with the LUAS Cross City works can be attached, should permission be granted.

7.8. Residential Amenities.

- 7.8.1. The mixed land use nature of the area is largely consistent with the zoning objective for the central city location and it has been noted that a significant quantum of the apartments in the immediately vicinity of the appeal site is short let holiday accommodation. Appellant and Observer parties have expressed concerns as to the impact on the residential amenities of apartments in the Brokerage Building. The Brokerage Building is located to the east side of the existing Long Stone public house at Nos 9-11 Townsend Street where it on the corner site and it extends along the western frontage of Tara Street as far as the southern boundary of the Apollo House site.
- 7.8.2. Bearing in mind the significant city centre location, the zoning objective and range of strategic policies and objectives for the area, an appropriate balance should be established with regard to the interests of residential amenity among other interests in encouraging and providing for optimal sustainable development in a quality built environment. The existing buildings on the combined application site were constructed and long established before the design and construction of the Brokerage apartment block and this should be taken into consideration. To this end, a design response in the proposed development achieves or exceeds the existing

standards of amenity in adjoining residential development as submitted on behalf of the applicant, and is considered reasonable.

- 7.8.3. With regard to specific impacts on the residential amenities of the Brokerage Building, the following three issues are considered below:

Height and Massing impact of proposed new building:

Daylight and Sunlight availability at the proposed building.

Impact of Traffic and Noise on Tara Street and Adjacent Streets.

- 7.8.4. Height and Massing impact of proposed new building: The north facing windows at three apartments in the Brokerage Block at present have a poor quality outlook over ancillary and utilities space towards the application site and existing buildings. The revised proposals provide for increased separation distance from the eastern boundary increasing the sky angle access to the rear of Brokerage Building and design revisions whereby the proposed building has a stepped down element, mitigating negative impact on the apartments. It is considered that the outlook from the north facing windows in the affected apartments would be enhanced by the proposed modified design in combination with the selection of materials which include light colouring and fritting over glazing and potential for direct overlooking is addressed. Subject to good durability and maintenance standards these conditions *vis a vis* the outlook should be effectively sustained.

- 7.8.5. Daylight and Sunlight availability at the proposed building. The supplementary sunlight and daylight assessment provided in the further information submission acknowledges deterioration relative to existing substandard conditions at the rear windows of the apartments in the Brokerage building. While some weight can be given to the use of reflective surface materials, the time of the day and seasons during which the diminution in sunlight access would occur, attainable standards would fall below existing standards which in turn are substandard having regard to the recommendations in, "*Site Planning for Daylight and Sunlight: A Good Practice Guide*" (BRE 209), reference to which for guidance is recommended in the Dublin City Development Plan, 2016-2022. However, some flexibility with regard to acceptance of the proposed development in this regard is reasonable. The number of apartment units in the block affected is limited to three. Further design modifications to be effective would involve a major reduction in for the proposed

building footprint, form, mass and intensity of use limiting the development potential to an extent that would be contrary to that envisaged in the GQLAP. Such reductions would not be supported by the strategic objectives of the current development plan relating to intensive sustainable development in the city centre. The statement made in the applicant's submission that similar negative impacts on the amenities of these apartments could arise should the College House site be redeveloped, have been noted.

- 7.8.6. It can be concluded that the proposed development would result in sunlight access falling below the existing substandard conditions at three of the apartments at The Brokerage. However, further ameliorative measures would be considerable given that it is demonstrated further reductions and modifications at the southern end of the block would be relatively ineffective. Acceptance of the proposal, (which is recommended) necessitates acceptance of an element of diminution of existing conditions that on balance may be justified on grounds of facilitation of achievement of the strategic and sustainable development objectives for the location.
- 7.8.7. Impact of Traffic and Noise on Tara Street and Adjacent Streets. With regard the argument in the appeal that traffic should be reduced and diverted away from the Tara Street/Poolbeg Street/Townsend Street area it should be noted that relative to recent conditions when the existing building was fully operational, considerably reduced numbers of vehicles will access on-site parking thus reducing traffic volumes owing to the reduction to forty spaces from one hundred and fifty. Tara Street which is to continue to be an important through route for traffic which will potentially be considerably enhanced if public realm enhancement objectives indicated in the GQLAP, current development and other proposals such as those in "*the Heart of Dublin – City Centre Public Realm Master Plan*" are realised at a future date. Significant adverse impact on the residential amenities of the Brokerage Apartments is not anticipated.
- 7.8.8. Appellant and Observer parties advocate, in the interest of residential amenity, removal of all public and private traffic and parking, services facilities and the proposed vehicular access and take up of an opportunity for use as a principle pedestrian route between Tara Street station and Hawkins Street. It is not accepted that, Poolbeg Street with the proposed changes and vehicular access in place and/or with the adjoining ground floor uses, would adversely affect residential amenities of

the Corn Exchange apartments on Poolbeg Street or the Brokerage Apartments which are at the southern end of the site. A high quality public realm is achieved for Poolbeg Street incorporating the setback space within the site which accommodates destination and very limited through traffic turning left onto Hawkins Street compatible with the LUAS Cross City alignment.

- 7.8.9. It is considered that any restriction of hours of business at the new retail, café and restaurant units at ground floor level is unreasonable. Such a measure would be contrary to the encouragement and facilitation of sustainable and viable night and day time vitality consistent with the strategic policy and zoning and specific objectives for this central city location. The ground floor uses are compatible with an element of existing residential development in a mixed use central city location, (which is desirable) in which pre-existing standards of residential amenity are protected and maintained. There is no provision for bars and clubs in the current application in which the proposals for ground floor use are solely for retail, cafes and restaurants. In the event of future proposals for public house or night club use at any of the units, a new grant of permission for change of use would be required further to *de novo* planning review.
- 7.8.10. It can be concluded that the proposed development would not give rise to any deterioration in existing conditions and may result in some enhancements with regard to the standard of residential amenity at residential property in the vicinity with the exception of the potential deterioration in daylight/sunlight conditions at north facing windows of three of the apartments in the Brokerage building amelioration of which may not be practicably feasible. It is also not accepted that the development proposal should be rejected on grounds relating to the protection of residential amenity due to lack of an overall masterplan agreed to by all the landowners.

8.0 Environmental Impact Assessment

- 8.1. An Environmental Impact Statement is not required in connection with the application and appeal. The site is located within the 'central business district', has a stated area of 2,925 square metres and is sub-threshold having regard to the provisions of Article 109 (2) and Schedule 5, 10 (iv) of the Planning and Development Regulations, 2001-2016. The proposed development for demolition of existing

structures and for mixed use, primarily commercial use would not come within the scope of Article 109 of the Regulations and would not be likely to have a significant effect on the environment.

9.0 Appropriate Assessment

- 9.1. The application is accompanied by an Appropriate Assessment Screening report which has been consulted along with application documentation for the purposes of conducting an appropriate assessment screening for the proposed development.
- 9.2. The site of the proposed development which has an area of 2,925 square metres is in a built up central city location at the junction of Hawkins Street and Poolbeg Street and is that of a large office building with surface car parking, constructed during the 1960s. Existing surface and foul water drainage is via a 1000 mm combined culvert on Poolbeg Street which discharges to the Ringsend waste water treatment plant. There are no watercourses within or adjacent to the site but the River Liffey is circa eighty metres to the north.
- 9.3. The site location is not within the area of any European sites. No roosting bats or nesting birds were recorded on the roof of the building and there is no evidence of records of protected habitats or species which have links to European sites occurring within the site area.
- 9.4. The South Dublin Bay Special Area of Conservation [Site 0210] is circa three kilometres and the conservation interest is tidal mudflats and sandflats. They have unfavourable conservation status but there is likely to trend towards improvement to the habitat condition.

The South Dublin Bay and River Tolka Estuary Special Protection Area (4024) is circa four km from the site and the qualifying interests are several wintering, breeding and wetland and bird species of special conservation interest.

The North Dublin Bay Special Area of Conservation (site 0206) is circa four kilometres from the site location. The qualifying interests are:

Mudflats and Sandflats, [1140]

Annual Vegetation drift lines [1210]

Salicornia and other annuals colonizing mud and sand [1310]

Atlantic salt meadows [1330]

Petalwort [1395]
Mediterranean salt meadows [1410]
Embryonic shifting dunes [2110]
Shifting white dunes [2120]
Fixed grey dunes [2310]
Humid dune slacks [2190]

These habitats have unfavourable conservation status. The threats include pollution, agricultural and recreational activities, invasive species and land reclamation and defences.

Within the zone of potential influence of the site location, (15 kilometres) there are several European sites which have been identified in the submitted screening report. These sites are in excess of ten kilometres in distance from the site location. These sites have no identifiable source-pathway-receptor linkages with the site.

- 9.5. The project proposed is for demolition of the existing building, site clearance and construction of a replacement building of six to nine floors over two levels of basement level accommodation for car and cycle parking, plant and equipment and ancillary facilities and space and road and public realm and civic space facilities and improvements. Apart from café/restaurant and retail use on the ground floor and plant and equipment on the top floor will provide Grade A office accommodation.
- 9.6. The source – pathway – receptor that can be identified is that of surface water emanating from the development site which enters the River Liffey and ultimately into Dublin Bay and in foul water emanating from the development site which is ultimately discharged to Dublin Bay following discharge to and treatment at Ringsend Treatment Plant. Waters in Dublin Bay are classified as unpolluted but pollutants will be decreased in the longer term with the inclusion of SUDS systems for storm drainage in new development and upgrades to the Ringsend WWTW that will reduce pressure on habitats and species in Dublin Bay is being of “unpolluted” water quality status.
- 9.7. During the temporary period of demolition and construction there is potential temporary risk of contamination of surface waters by suspended solids, hydrocarbons and concrete and cement products. Runoff at any significant rate

which could occur for short periods only would contain imperceptible contaminants. Precautionary measures will be incorporated in the works methodology and management ensuring no risk of major contamination or of a pollution incident that would significantly impact on surface water quality in the river and consequently, perceptible impact at the off shore European sites.

- 9.8. During the operational stage separate foul and stormwater drainage sewers with a 'dead leg' spur for future separation by the local authority will be operational instead of the current combined system. Urban Drainage Systems (SUDS) measures included in the design of the stormwater drainage scheme which include green roof technology, lower water use appliances and attenuation measures to contain a 1 in 100-year storm event plus 10 percent climate change will be operational. Effluent is to be collected by a gravity system, with the exception of the basement where localised pumping to ground level will be required, to the public sewer in Poolbeg Street and onwards to the Ringsend Treatment Plant prior to discharge to Dublin Bay. It is estimated that the volume of effluent discharged would be similar to that of the existing building. The impact on the loading on which or consequent nutrients in receiving waters would be negligible and it is of note that former problems of overloading of the system have been overcome.
- 9.9. Having regard to the nature and scale of the proposed development and the characteristics of the Special Protection Areas and Special Areas of Conservation located within 15 kilometres distance of the site and to the .Appropriate Assessment Screening report submitted with the application it has been concluded on the basis of the information available that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the European sites. A Stage 2 appropriate assessment is not warranted.

10.0 Conclusion and Recommendation

- 10.1. It can be concluded that the decision by the planning authority to grant permission for the proposed development is in accordance with the GQLAP and are not ultra vires the planning authority's powers. It has been demonstrated that the joint masterplan and the proposed development taking into account the concurrent proposal (under PL 29S 247912) can be satisfactorily delivered in accordance with

the policies and objectives of the Dublin City Development Plan, 2016-2022 and the GQLAP. It is considered that a grant of permission can be implemented without limitation or compromise to the opportunity for possible future completion of an integrated new urban quarter of architectural quality within a high quality public realm at an optimal standard incorporating the two sites of the Screen Cinema and College House which also come within the area of the Hawkins House 'key' sites as identified in and in a the GQLAP. It is therefore recommended that that the planning authority decision to grant permission be upheld. Draft Reasons and Considerations and recommended conditions that can be attached are set out below.

11.0 Reasons and Considerations

11.1. Having regard to:

- the Dublin City Development Plan, 2016-2022 in which zoning objective for the area is ZR 5: *to consolidate and facilitate the development of the central area and to identity and reinforce and strengthen and protect its civic design, character and dignity;*
- the site's location within the "Hawkins House 'key' site, which is one of three 'key' sites within the area of the Georges Quay Local Area Plan, 2012 and accordingly there are opportunities for regeneration of one of the most prominent sites in the city for new international standard headquarter commercial facilities in a high quality urban environment and to:
- the joint masterplan and plans and particulars included with the application and to the layout, form, mass, height, materials, finishes, design detail, nature and extent of uses and the public realm provision and enhancements and to the efficiency and effectiveness of the proposed services and facilities and to the extent and nature of the proposed uses for the building.

It is considered that subject to compliance with the conditions set out below, the proposed development would integrate satisfactorily with the surrounding existing development including possible future development within the Hawkins House

'key' site in accordance with the development objectives for the area set out in the Dublin City Development Plan 2016-2022 and the Georges Quay Local Area Plan, 2012, would integrate satisfactorily with the established character of the sensitive historic city centre, including views and prospects towards the site along the River Liffey and the grounds of Trinity College would not be seriously injurious to the amenities of residential development in the area by reason of overbearing impact, overlooking or overshadowing, would be acceptable in terms of public and private transport and pedestrian safety and convenience and would 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 plans and particulars submitted to the planning authority on 22nd November, 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 developer shall provide and adhere to the following requirements:
 - (a) Full details of the layout, configuration, design, hard and soft landscaping, street furniture and lighting for the public realm shall be submitted to the planning authority and agreed in writing prior to the commencement of construction of public realm.

(b) Implementation of the landscaping scheme in entirety during the first planting season following completion of the development. Any failures occurring within the first three years following implementation of the scheme shall be replaced within the first planting scheme thereafter.

(c) A management strategy to include full details of arrangements for public access for the east-west link forming part of the diagonal pedestrian route shall be submitted to the planning authority and agreed in writing prior to the commencement of construction. Of the public realm.

Reason: To ensure delivery of the public realm objectives for the area provided for in the Georges Quay Local Area Plan, 2012 and the amenities and orderly development of the area.

3. Details of the proposed materials, textures and colours of all the proposed external finishes, inclusive of details of durability and weathering capacity shall be agreed in writing with the planning authority prior to commencement of construction. A panel displaying samples shall be displayed on site following demolition and site clearance.

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

4. The developer shall ascertain and comply with the requirements of the Roads and Traffic Planning Division, Transportation Infrastructure Ireland and the Operator of LUAS Cross City throughout the entirety of the demolition and construction stages to the satisfaction of the planning

authority. All works shall be in accordance with the recommendations within, “*Code of Practice for Working on, Near or adjacent to the LUAS Tram System*”.

Reason: In the interest of clarity, safety and convenience.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, details of 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. 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 shall be included.

Reason: In the interests of clarity, the amenities of the area and sustainable waste management.

6. The construction of the development shall be managed in accordance with a comprehensive Demolition and Construction Management and Demolition and Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall full include details of intended demolition and construction methodology, traffic management and control of noise and dust management measures for the development.

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

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and,

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. The scheme shall be landscaped in accordance with the scheme of landscaping, submitted with the application. Details of the scheme, including a timescale for the implementation, shall be submitted to the planning authority for written agreement prior to the commencement of the development.

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

9. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. The requirements for the management of storm water shall include the incorporation of SUDS and implementation of the proposed arrangements in the Site Flood Risk Assessment submitted to the planning authority with the application.

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

10. Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorized by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. Details of a proposed development name, and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

- 13 Site development and construction works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 Saturdays and not at all on Sundays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity and clarity.

14. 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.

15. A prior grant of planning permission for the shop fronts and signage for the proposed retail and café units shall be obtained prior to the occupation of the development. In the event of future proposals for change of use of any of the ground floor units, other than use that is exempted development, a prior grant of planning permission shall be required.

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

16. No development other than that which is shown in the application 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, without a prior grant of planning permission.

Reason: In the interest of visual amenity.

17. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. The requirements for the management of storm water shall include the incorporation of SUDS and implementation of the proposed arrangements in the Site Flood Risk Assessment submitted to the planning authority on the 24th day of July, 2015.

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

18. Prior to the commencement of development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and by staff employed in the development and reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the development.

Reason: In the interest of the use of sustainable modes of transport.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the

satisfactory completion or 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 Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 is applied to the permission.

Jane Dennehy
Senior Planning Inspector
20th April, 2017.