



An  
Bord  
Pleanála

## Inspector's Report 29S 248181.

---

<b>Development</b>	Demolition of Existing Buildings and construction of Mixed Use, (Commercial and retail) four, five and six storey buildings.
<b>Location</b>	Nos. 60 to 63 Dawson Street and No. 3 Duke Lane, (Hibernian House) 64 to 65 Dawson Street and 34 to 39 Nassau Street, (Hibernian Corner and 40 to 43 Nassau Street (Nassau House.) Dublin 2.
<b>Planning Authority</b>	Dublin City Council.
<b>P. A. Reg. Ref.</b>	3847/16
<b>Applicant</b>	Kells IVAV
<b>Type of Application</b>	Permission
<b>Decision</b>	Grant Permission
<b>First Third Party Appellant</b>	Irish Clearing House Ltd. Banking and Payments Federation Ireland and the Institute of Banking.
<b>Second Third Party Appellant</b>	House of Ireland.
<b>Observer</b>	Transportation Infrastructure Ireland.
<b>Date of Site Inspection</b>	6 <sup>th</sup> June, 2017.
<b>Inspector</b>	Jane Dennehy.

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	6
3.3. Prescribed Bodies .....	7
3.4. Third Party Observations .....	7
4.0 Planning History.....	8
5.0 Dublin City Development Plan, 2016-2022 .....	8
6.0 The Appeals .....	11
6.1. First Third Party Appeal .....	11
6.2. Second Third Party Appeal. ....	15
6.3. Applicant Response to Appeals .....	20
6.4. The Planning Authority Observations.....	25
6.5. Transportation Infrastructure Ireland Observations	25
6.6 Applicant’s Response to the Observations of TII.	25
6.7 Further submission of First, Third Party Appellant	26
6.8 Further submission of Second, Third Party Appellant	27
7.0 Assessment.....	26
8.0 Conclusion and Recommendation .....	44
9.0 Reasons and Considerations.....	44
10.0 Conditions .....	45

## 1.0 Site Location and Description

- 1.1.1. The application site which has a stated area of 3,646 square metres is assembled from a combination of the sites of three constituent buildings at the north western end of Dawson Street and southern side of Nassau Street. These three existing buildings which date from the 1960s and 1970s are Hibernian House, Hibernian Corner and Nassau House and they have a total approximate floor area of 14,000 square metres.
- 1.1.2. Nos. 60-63 Dawson Street and No 3 Duke Lane (Hibernian House.) is a six storey building incorporating a setback top floor in office and retail use with frontage onto Dawson Street and onto Duke Lane. The upper floors are in office use.
- 1.1.3. Nos 64-65 Dawson Street and 34 to 39 Nassau Street ('Hibernian Corner') is a seven storey building incorporating two setback floors. It has frontage onto Nassau Street and Dawson Street.
- 1.1.4. Nos. 40-43 Nassau Street (Nassau House) is an eight storey over basement building incorporating three setback floors in office and retail use with frontage onto Nassau Street.
- 1.1.5. There are several occupancies in both the office and retail space, the three buildings having circa fifteen retail units in total at ground floor level on Nassau Street and Dawson Street. There is some vacant upper floor space at present with total current upper floor occupancy being circa seventy-five percent.
- 1.1.6. The House of Ireland and the Institute of Banking (the appellant parties) occupy upper floor office space in Nassau House. House of Ireland also operates high profile retail units at ground floor level at Hibernian Corner and Nassau House.
- 1.1.7. To the west side are buildings behind and facing onto Grafton Street and Nassau Street along with Adam Court, a pedestrian lane linking Duke Lane and Grafton Street. Vehicular access is off Dawson Street to a ground level carpark and basement carpark at the rear and off Duke Lane Upper from Duke Street to the south.
- 1.1.8. The three buildings have circa one hundred and twenty-five car spaces at ground and basement level on the site with access via a ramp to the basement from an

entrance off Dawson Street. Services access for the office floors and retail units is off Duke Lane Upper.

## 2.0 The Planning Application

- 2.1.1. The application lodged with the planning authority indicates proposals for demolition of the three existing buildings and construction of a new building with a total stated floor area of 22,837 square metres inclusive of a double basement carpark at 6,332 square metres. The 16,505 square metres above basement space over six floors comprises 7,728 square metres in retail use at lower ground, ground and first floor levels and 11,388 square metre gross floor area in office use at second, third, fourth and fifth levels. Total ancillary and circulation space has a stated area of 3,721 square metres. External terraces are proposed at second, fourth, and fifth levels on the north, west, and south elevations along with, green roofs (1,714 square metres) and rainwater harvesting to a subsurface level attenuation tank on the eastern boundary and site works. A further information request was issued by the planning authority on 23<sup>rd</sup> November, 2016 to which a response was received on 25<sup>th</sup> January, 2017.
- 2.1.2. The main public pedestrian off street entrance is at the southern end of the Dawson Street frontage and there is an additional office entrance at the western end of the frontage on Nassau Street.
- 2.1.3. Vehicular access is to be provided at the end of Duke Lane Upper for car and cycle parking and for service and deliveries vehicles for the retail units at ground and basement levels. The original application indicated proposals for two car lifts and a goods lift, fifty car spaces which was reduced to forty-four spaces in the further information submission and 172 cycle spaces
- 2.1.4. The application was accompanied by an appropriate assessment screening report, Ecological survey, Archaeology report, Daylight Assessment, Urban Design and Architectural Statement, Transport Assessment and Travel Plan, Design Process traffic Management Plan, Public Realm Report, Visual Impact Assessment report, Energy and Sustainability report, Conservation Report, Outline Construction and Demolition Plan, Engineering Service and Floor Risk Assessment report and plans,

Operational Waste Management Plan, CGIs, a Planning report and written consent to inclusion of an existing substation at No 60 Dawson Street in the application.

- 2.1.5. The further information submission was accompanied by a scale model, a traffic engineering report, revised site plans providing details for cycle access routes in response to concerns about cyclist safety on Duke Lane Upper and, a basement plan layout indicating a reduction from fifty to forty-four car spaces.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. By order dated, 21st February, 2017, the planning authority decided to grant permission subject to sixteen conditions mainly of a standard nature. Details of some requirements by conditions follow.

Condition No 3 requires fascia signage included in the application to be omitted with name and letter signage for the units to be confined to positions similar in height to the main entrance signage and an internal hanging sign format or similar. A compliance submission is required prior to occupation for reasons relating to visual amenity.

Condition No 5 contains multiple requirements relating to traffic and transport to include implementation of the submitted travel plan measures, appointment of a mobility management manager, liaison with TII in relation to LUAS Cross City, predation of a construction management plan, specification of materials for the upgrade at Duke Lane, and measures to prevent queuing of traffic on Duke Lane Upper.

Condition No 7 contains requirements relating to preparation of a construction and demolition waste management plan in accordance with the standards in Circular WPR 07/06 DOECLG.

Condition No 9 contains requirements for archaeological impact assessment and monitoring.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The planning officer in her initial report, taking into account the comments of the Roads and Traffic Planning Division issued request for additional information in relation to a range of concerns regarding access and circulation and in relation to visual impact of the proposed development having regard to the historic environment and architectural heritage designations.

### 3.2.2. Other Technical Reports

Roads and Traffic Planning Division. The initial report of 23<sup>rd</sup> November, 2017 contains recommendations for reduction in the quantum of parking to reduce traffic on Duke Lane Upper, separate access facilities for cyclists directly off Dawson Street and for details of proposed improvement works for Duke Lane Upper. The supplementary report of 6<sup>th</sup> February 2017 indicates no objection to the proposed development as amended in the response providing for a reduction in car parking provision, management of traffic associated with the development on Duke Lane Upper and reinstatement of the street with signage and double yellow lines on both signs on completion of construction.

The City Archaeologist's report dated 30<sup>th</sup> September, 2016 notes the location within the zone of archaeological constraint for recorded monument DU018-020 (Dublin City) and the Zone of Archaeological of Archaeological Interest and includes a recommendation for archaeological testing and attachment of an appropriate condition if permission is granted.

The report of the Drainage Division indicates no objection subject to conditions. The report of the Waste Management Division indicates no objection subject to conditions.

The application was not referred to the Architect's Department or Conservation Officer for observations and recommendations.

### 3.2.3. Prescribed Bodies:

The observation of An Taisce notes its objections to prior applications for development that included demolition of 1970s and 1980s buildings which it considers constitutes premature demolition of structurally sound and reusable commercial structures and current development policies in section 2.3 relating to sustainable use and re-use of existing buildings as a principle of sustainable development with upgrades as required.

Specific concerns of An Taisce in connection with the current proposal include that of excessive scale and bulk relative to existing structures on Dawson and Nassau Streets including the context elevation on Nassau Street in relation to existing buildings particularly the Morrison Chambers, a protected structure on the opposite (east) corner of Nassau Street and Dawson Street having regard to protection of setting and context of protected structures and city landmarks. It is recommended that the building height be reduced to the parapet height of the Morrison Chambers.

There is also objection to the 4.53 plot ratio it being submitted that a plot ratio significantly above the indicative ratio of 3.0 is indicative of an excessively big and bulky development as shown out in the CGIs. A significant revision is required to protect the sensitive streetscape and settings according to An Taisce.

With regard to the above reference is made to Section 16.1.3, Policy SC 7, Policy FC 30 and the maximum indicative plot ratio of 3.0 for development on the Z5 zoned lands.

The application was not notified to Transportation Infrastructure Ireland or to prescribed bodies by the planning authority in relation to architectural heritage and archaeological heritage considerations.

### 3.2.4. Third Party Observations

A third party observation was submitted by RPS on behalf of the appellant party. The details in the submission are included and elaborated on in detail in the third party appeal. Concerns referred to include demolition asbestos removal, scale and intensity, design and architectural context and traffic safety and public convenience.

## 4.0 Planning History

- 4.1. The existing buildings date from the 1970s. Details of the original applications are not available. Under P. A.Reg.Ref.3049/99 permission for extensions to No 41 Nassau Street and 60 to 63 Dawson Street was refused for reasons relating to design, form and height and the impact on the views from the Provost's House Garden and other locations within the campus of Trinity College. Permission for minor developments under P. A. Reg. Ref. 3040/99, 6851/06 and 2341/08 according to the planning officer report.

## 5.0 Dublin City Development Plan, 2016-2022

- 5.1. The operative development plan is the Dublin City Development Plan,2016-2022 according to which it is the policy to provide for the promotion and enhancement of the city as a national economic engine and driver of growth with the centre as core generator and to provide for promotion and enhancement of the competitiveness of the city addressing any deficits in responding to current economic challenges and opportunities.
- 5.1.1. The site location is subject to the zoning objective: ZR5: *“to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”* The primary purpose of this zone is to sustain life within the centre of the city through intensive mixed use development providing for a dynamic mix of uses, which interact with each other, create a sense of community and which sustain the vitality of the inner city both by day and night.”
- 5.1.2. 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 promotion and enhancement of the city's function in the recovery of the national economy.
- 5.1.3. The policy objectives provide for enhancement of competitiveness in business and employment and for 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 CEE11 promotes retail and office development with larger floor plates and quantum for indigenous and FDI headquarters to increase competitiveness and



encourage location of global headquarters in the city by incentivising and facilitating of redevelopment of obsolete office stock in the city. The indicative site coverage for the “ZR 5” zone, subject to certain criteria is 90% and the indicative plot ratio is 2.5 to 3.0 with some exception being open to consideration subject to certain criteria. Provision is made for consideration of higher plot ratios adjacent to major public transport termini and corridors and where an appropriate mix of residential and commercial use is proposed and other criteria are satisfied.

- 5.1.5. Retail Policy is addressed in Chapter 7 which includes a specific recognition of constraints with regard to floor plate size in the city centre. It is policy to facilitate adequate size floor plates for prestige brands in the Grafton Street/Southern retail core and to ensure high quality design especially within historic streetscapes.
- 5.1.6. The site location is within the City Centre Retail Core”. Grafton Street, Duke Street and the western end of Nassau Street come under category 1 streets whereas Dawson Street is a Category 2 Street. Detailed policy for the retail core is set out in Appendix 3.
- 5.1.7. It is a policy objective to implement the objectives of the Retail Core Framework Plan 2006. According to the Framework Plan it is policy that a design solution for new development which is sensitive to the streetscape entailing a fine grain solution contribution to a harmonious whole and maintenance of the rhythm of the streetscape with regard to the scale of existing fabric including height, massing proportions and plot width.
- 5.1.8. The site area with frontage on Nassau Street is identified as a “Potential Development Site” in the Retail Core Framework Plan.
- 5.1.9. The Hibernian House frontage at Nos. 60-63 Dawson Street comes within the area of the South City Retail Quarter Architectural Conservation Area. The objective is protect and enhance the special architectural character of the historic Georgian streetscapes and to plan for the harmonious adaptation to contemporary life.

5.1.10. It is policy to ensure development complements character of the area including protected structures in Architectural Conservation areas and Conservation Areas. The policy objectives provide for protection and conservation of special interest and character of Architectural Conservations Areas and conservation areas in development management and major new development within the designated areas generally will be confined the sites identified in the Framework Plan for the City Centre Retail Core.

5.1.11. Both the Dawson Street and Nassau Street frontages come within the “Conservation Area” designated within the development plan. Policy CHC4: provides for protection of the special interest and character of Conservation areas. Development within or affecting conservation area are required to contribute positively to the character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area rea and its setting wherever possible.

5.1.12. Dawson Street also within the Grafton Street Quarter Public Realm Plan 2014.

The site location is within the zone of archaeological constraint for recorded monument DU018k-020 (Dublin City) and Zone of Archaeological of Archaeological Interest.

5.1.13. Development management criteria and standards are set out in Chapter 16. Building Height Policy provides for a maximum height of twenty-eight metres for the city centre site location.

5.1.14. Cycle and Parking standards within Zone 1 have a requirement for one car space per 400 square metres and one cycle space per 100 square metres office space, one car space per 350 square metres and one cycle space per 150 square metres retail space and one cycle space per 150 square metres café space.

## 6.0 The Appeals

### 6.1. First Third Party Appeal: Irish Clearing House Ltd., Banking and Payments Federation Ireland and, the Institute of Banking.

6.1.1. An appeal was received from RPS on behalf of the appellant on 16<sup>th</sup> March, 2017  
According the appeal:

- Implementation of a grant of permission would infringe the appellant party's rights by breaching Clause 4 (c) of a leasehold interest the appellant holds in in Nassau House (40-43 Nassau Street) and twenty-one car spaces for a ninety-nine-year period commenced in 1967. Clause (c) of the lease the tenant during the term of lease "*shall during the term enjoy the demised premises without any interruption by landlord or other person claiming under or in trust for it.*" and the Institute of Banking occupies the sixth floor. The appellant wishes to continue its tenancy in accordance with the terms of the lease. Radical amendments would be required to ensure that this is possible.
- Indicative plot ratios, (as provided for in Chapter 16 of the development plan) control the mass and bulk of new buildings. The proposed plot ratio of 1:4.53 is significantly in excess of the indicative range of 1:2.5 and 1: 3.0.and represents substantial overdevelopment. The plot ratio is also under calculated in that section 16.5 of the development plan defines gross floor area is the sum of floor space within the external walls excluding basements but including plant and tank rooms and car parking areas above ground level.
- Consideration of higher plot ratios as provided for in the development plan is intended for the Docklands rather than city centre infill locations in areas of conservation and architectural importance.
- While site coverage is below the permissible range of 90 percent for Z5 zoned lands they should be assessed in conjunction with height and plot ratio and other standards. The scale results in overdevelopment due to the high plot ratio with little reflection on the established character and urban context. Due consideration to historic context and setting with reference to the conservation area and architectural conservation area.

- Refurbishment and reconfiguration are warranted for the existing structurally sound commercial building, the first option for consideration according to section 16.2.1 of the development plan which seeks re-use rather than demolition as a first preference and a robust justification for the proposed demolition was not included in the application. The Sustainability and Energy and Justification for Demolition statement focussed on sustainable design measures. Re-use is a more sustainable option given the environmental footprint involved in demolition and rebuild. There are several examples of retro-fitting as highlighted in A Dublin City Council/Heritage Council study which concluded that adaptive re-use is a viable alternative to demolition and new construction.
- The new building design is contrary to the design principles of the development plan with regard to scale, massing, urban form and quality. Reference is made to and extracts from Section 4.5.9 and Policy SC25 of the development plan are included and it is submitted that the proposed development should be capable of being readily absorbed into the physical context or, be of high architectural quality such as to ensure positive contribution to the environment. The proposed development fails in this regard and is a lost opportunity for development of architectural merit at the prominent city centre site without compromise to exemplary design standards.
- The corner treatment at the junction responds well to the architectural character of the area but the elevations and Nassau street and Dawson Street are of particular concern. Design and the proposed scale are visually dominant and overbearing development of little interest of expression.
- Narrow frontages and varied facades of the existing adjoining structures offer diverse and lively backdrops to the street with Georgian proportions and detailing.
- The development fails to improve transition in height and scale to the four storey building to the west on Nassau Street and the protected structures at Nos 44-46 Nassau Street. It is more than twice the height of neighbouring buildings. Lack of transition is more pronounced on the eastern elevation with encroachment on the established setback of the property to the south and the

protected structure to the south of the adjoining structure at Nos. 57 and 58 Dawson Street. The opportunity for a gradual increase in height should be used. A stepped profile on Dawson Street and Nassau Street would deliver a more appropriate change in height which would respect the established setback appearance and height of the adjoining buildings to the south having regard to the conservation area and Architectural Conservation Area location.

- The scale form and height raises concerns about daylight and sunlight availability and adjoining development and on public spaces to the north. The plant area and two metres screening at roof level were not taken into account in the report submitted. While a complete reanalysis would not be warranted, the volume and height of the proposed plant and screening would result in additional overshadowing of property and spaces to the north.
- Having regard to the Architectural Conservation Area and Conservation Area designations, the proposed development fails to achieve exemplary standards in design with positive impact strengthening and protecting the historic character of the cityscape. This conflicts with the ethos of the Z5 zoning objective. The challenge in encouraging regeneration and change while protecting the special character of ACAs and Conservation Areas is recognised in the development plan policies. Development outside a Conservation Area can impact on its settings. (Policy CHC4 and section 11.1.5.6 which are reproduced in full in the appeal refer.) Impact on local character must be positive and incorporate exemplary standards of high quality design maximising opportunities to enhance the area. The proposed development does not comply with Policy CHC4 and related development plan objectives and will result in a visually obtrusive building that dominates the streetscape.
- The proposed development does not reflect the fine character and language of Georgian Architecture and its fine urban grain of narrow frontages and small plot sizes. The Nassau Street façade has little articulation and is an unbroken monolithic structure inappropriate the established rhythm of building frontages and lacks appropriate architectural merit. Or positive contribute to the established character of the historic location. The building encroaches on established setbacks which respect the importance of the protected structures

at Nos 57-58 Dawson Street and Nos 44-46 Nassau Street, the Morrison Chambers and the buildings at Trinity College. The design form proportions and siting should respect the protected structures and provide adequate transitions in scale and height. To ensure that there is no negative impact on the architectural value and wider setting of these structures. Policy CH2 and Section 11.1.5 extracts of which are quoted in the appeal provide for the enhancement and conservation of protected structures so that new development does not harm the curtilage, the design, form, scale, high proportions, siting and materials of new development and should relate to and complement the special character of protected structures. The proposed development does not give due consideration to these requirements with regard to the adjacent to protected structures.

- The proposed development which is for a site which at circa 3,646 square metres fails to achieve its significant potential to provide for all vehicular deliveries, movement and parking requirements. There is no meaningful consideration for necessary servicing requirements. The vehicular access will produce substantial traffic congestion with poor capacity for large vehicular movement within the service yard, lack of an access ramp for the basement with the lifts being an afterthought. The two vehicular stacking distance will produce substantial congestion on Duke Lane Upper. The Duke Lane is a single lane with narrow footpaths and several pedestrian and vehicular entrances. It is the main delivery point for M and S, Boots and McDonalds and is an emergency route as well as being used for storage and refuse collections. There are peaks in deliveries vehicles' movements in the early mornings with unauthorised parking which block the footpaths. Serious congestion occurred when the carpark entrance on Dawson Street was closed during LUAS works. Traffic congestion on the Lane which is the emergency escape route for the proposed development and other development can interfere with the safe evacuations of the building and prevent emergency services from access. Only forty-four car parking spaces will be available for future occupants after the twenty-one spaces provided for in the leasehold agreement with the appellant have been provided. Twenty-three spaces are not enough for the size of the retail and commercial development proposed.

- The large scale demolition and construction works will significantly disrupt adjoining properties affecting users access, traffic and noise and air quality. A mitigation and constraints plan should have been submitted to provide for assessment of the impact of the construction phase.

## **6.2. Second, Third Party Appeal. House of Ireland.**

6.2.1. An appeal was received from Auveen Byrne and Associates on behalf of the appellant on 16<sup>th</sup> March, 2017. The appeal is comprehensive and includes a detailed account of and commentary on the proposed development, the concerns expressed in the objection submitted at application stage, the planning application process and the planning policy context.

6.2.2. According to the appeal the planning authority did not take the concerns of the appellant into consideration when assessing the application and further information submissions and therefore the appeal grounds are therefore substantively similar to those in the objection submitted to the planning authority. The appellant does not agree that planning officer engaged with and responded to the analysis provided in the observation submitted at application stage. It is contended that the proposed development inclusive of the proposed modifications in the further information is acceptable in terms of the plot ratio and intensity, the height, scale and massing, morphology and the design characteristics having regard to architectural heritage designations for the area. A detailed outline of the concerns and objections indicated in the observation and the appeal follows:

- The possibility of the presence of asbestos in the materials used in the buildings to be demolished has not been considered. There are no details of a method for investigation or of the plans for safe removal and disposal in a controlled manner in the interest of health and safety of works and members of the public during demolition.
- The application is not justified by the policies and objectives of the Dublin City Development Plan, 2016-2022 which came into effect on 21<sup>st</sup> October, 2016 and policies from the prior, now superseded development plan were selectively applied to justify the proposed development.
- It is not sufficient for new development to satisfy land-use criteria regarding the Z5 zoning objective regarding reinforcement, strengthening and protection

of the civic design character and dignity of the city centre area as it calls for intensive wide ranging mixed uses in a development that sustains vitality at day and night time throughout the floors.

- The policies in chapter 6 of the development plan on enterprise and employment and Objective CEE 11 promoting commercial floor space including larger floor plate development relates to the entire city and it cannot solely be relied on to justify large floor plate office developments.
- The retailing policies in Chapter 7, in addition to addressing the challenges of the provision of adequate size units for the Southern Retail Core notes that it is critical that quality retail design especially in historic streetscapes with high quality visual domains is required. A large floor plate may not be the appropriate response.
- The concerns in this regard are elaborated on with reference is made to policies on the Retail Core in Chapter 7 and Appendix 3 regarding the designation of Grafton Street which wraps around onto Nassau Street and Duke Street as Category 1 shopping streets and Dawson Street as a Category 2 street and identified opportunity sites for large floor plate units.
- In support of the appellant concerns as to satisfaction of current development plan policy, the status of the 2006 Framework Plan for the City Centre Retail Core identifies the Nassau street frontage as an opportunity site is queried. Reference is made to:

Policies in section 7.5 which promote and protect the range of specialist shops in the inner city that contribute to the character and attractiveness of the city as a designation for shopping.

Objectives RD 6 and RD 15 and section 7.6 which promote the contribution of retail and services as sources of employment, tourism and recreational activity and for regard to the architectural fabric and fine grain of retail frontages while providing for the retail necessary for a vibrant city centre retail core.

Policy CH 2 (d) with requirements for protection of the curtilage of protected structures and para 11.2.5.4 Para 11.1.5.6 and Policy CHCH 4 with requirements for protection of the character of Conservation



Areas and Architectural Conservation Areas and for new development within and outside designated areas to have positive impact taking opportunities to enhance the character and appearance of these areas including the understanding and context of the city's distinctive character areas where possible and,

The requirements for assessment in accordance with the development criteria in Chapter 16.

- The application site which comprises the three buildings calls for a design brief, having regard to the policies outlined in the applicant's planning report and some additional policies included in the appeal within the South City Retail Quarter Architectural Conservation Area 2007.
- There is opportunity for comprehensive redevelopment which is an improvement without negating a fine grain compatible with the sensitive location including below ground archaeological heritage. Reference is made to the Z5 zoning objective, retail policy for specialist shops contributing to the character of the area and to tourism, the identification of only part of the site as an opportunity site rendering it suitable for large floor plate development to the Conservation area and to the ACA designations.
- The proposed density which is above the indicative density of 2.5-3.0:1.0 is not justified and is excessive. The proposed development and location does not satisfy the criteria that favours increased density. (public transport corridors, mixed use development.) There is no precedent established on the site. Height exceeds the prevailing heights on Dawson Street and the setback floor should be taken into account.
- Due to lower floor to ceiling heights the three and four storey buildings on Nassau Street and the five storey buildings on Grafton Street will be significantly lower than the proposed building and lower again than the setback floors. The height is contrary to the policy for consistency with existing heights in conservation area and ACAs and with the setting of protected structures. The lodged contextual elevation to Dawson Street does

not present the general parapet height to the street. It follows the setback floors.

- The large site (of three properties which were preceded by twelve or more properties) is not a fine grain solution for the sensitive location and the proposed development does not take the opportunity to enhance the area but reduces complexity and grain.
- The proposal fails to recognise the established rhythms on Dawson Street and has bland shopfronts within increasing fenestration size above which is contrary to the diminishing fenestration scale above and celebrated retail floors of Georgian architecture. Excessive scale and inappropriate architectural expression in the contextual elevation lacking relationship to the delicate and fine grain and monolithic at the northern end of Dawson Street.
- The Nassau Street elevation is monolithic in the fine grain context in relation to three storey buildings to the east. The contextual elevation in the application minimises the apparent impact by setting in the context of the buildings to the west of Grafton Street.
- The setback floors are faint in the CGIs but the worst case scenario in respect of the backdrop of the sky and the materials and without trees should have been presented.
- The similar approach to that taken for the less extensive development at No 1 Molesworth Place (PL 29S 244917 refers) with less site size, frontage and greater separation from neighbours which has lesser impact on the context and rhythm of Dawson Street should not have been taken in the case of the current proposal. It focusses on the international large retail and office floor plate market the cumulative impact of which is a major threat to the uniformity of height and fine grain and retail context and character of the sensitive historic location.
- With regard to the proposed access arrangements the auto-track traffic and transport assessment report indicates turning movements for large vehicles which are tight due to limited size of the service yard. With queueing for the car lift and delivery vehicles standing in the yard the large vehicles will not turn as the track overlaps the footprint of the building to the west side of the

gate on Duke Lane. It is not accepted that the probability of conflicting movements as asserted in the report is low. The lane is used to service other businesses., The planning authority indicated concerns about vehicles reversing along the lane to Duke Street and congestion affecting traffic and safety on Dawson Street. The safety of users of the service yard and Dike Lane was not assessed and is highly questionable. There are 172 cycle spaces in the development which share the confined services yard and Duke Lane access with manoeuvring cars vans and HGVs.

- The Roads and Traffic Department shared these concerns about the dimensions of the service yard and capacity of the lane in issuing the recommendation for additional information be requested. The modifications in the response, (12 percent reduction in car-parking, optional cyclist and pedestrian access from Adam Court,) and the submitted analysis to demonstrate that Duke Lane has capacity to serve the development will not ameliorate the concerns or demonstrate that the service yard and lane would not be cramped with obstruction and obstacles to free and safe movement. It is more convenient for cyclists from the south approach to use Duke Lane for access. There is an unrealistic assumption of even spacing of arrivals and departures, that only one car queues for the lifts to the basement in the application submission and potential for circulation and turning within the site and access and exit to and from Duke Lane would be very hampered hazardous and restricted. There would be serious congestion and safety concerns especially for pedestrians and cyclists.
- The submitted model is at a smaller scale and relates to a wider area than requested by the PA (which referred to protected structures and the sensitive streetscape in the vicinity.) It indicates a lesser impact and is irrelevant as a tool for assessment as to suitability for the impact in the streetscape and context.

### 6.3. Applicant Response

6.3.1. A submission with observations on the two appeals was received from the applicant's agent on 21<sup>st</sup> April, 2017 in which the Board is requested to uphold the planning authority decision to grant permission. An outline summary follows:

- The issue as to infringement of tenant rights, should be disregarded in view of the provisions of section 34 (13) of the Planning and Development Act, 2000. (as amended)
- The site specific justification for demolition provided in the application submissions is supported by the development plan policies, the substantially vacant office accommodation in the existing buildings, along with the sustainable energy performance and efficiency, improvement to retail and office space and reduced parking adjacent to public transportation and improvements to the public realm including the footpath widths provided for in the application. Retention was one of the options among the design options considered.
- Five buildings, three protected structures and one structure of architectural merit for which there would be a presumption against demolition were assessed against the economic, environmental, and cultural cases in the study referred to in the appeal.
- With regard to cultural significance, there is no relevance to the application. The buildings are not worthy of retention as indicated in the conservation report. The replacement will significantly enhance the ACA as indicated by the planning officer.
- With regard to economic considerations, the case studies establish that new development on a brownfield site is costlier the repair and refurbishment and this is supported in the indicative construction cost guide in "*Buildcost Chartered Quantity Surveyor's Guide*" 2017. The city centre location requires a sustainable use and can accept a significant increased quantity and higher quality of office accommodation which offsets the costs, responds to scarcity of supply and contributes to meeting strategic objective of increasing competitiveness of the city and employment, with accommodation for 1,350 employees generating an associated multiplier effect in direct and indirect

economic benefit including benefit to the retail core objectives. The development would deliver strategic economic and planning gains on a fine and extremely scarce land resource adjacent to transport and facilities.

- With regard to environmental and sustainability considerations the development delivers environmental benefits. The environmental footprint extends to sustainability considerations beyond the site boundaries with greater intensity, integration of land use and transportation infrastructure, decreased on-site parking, encouragement of cycling and walking in the facilities offered and high energy efficiency measures as indicated in the Sustainable Energy Statement and Justification for Demolition report in the application.
- With regard to planning policy context:

There is no material change in the current and superseded development plans particularly with regard to the zoning objective, architectural heritage policies and quantitative standards.

The partial inclusion of the site area as a designated opportunity site in the South City Retail Quarter Architectural Conservation Area which predates the development plan does not imply the restrictive interpretation contended in the appeals. It would also conflict with objective CEE 11 and the zoning objective.

Inclusion of the balance of the site frontage beyond Nassau Street provides for opportunity for amalgamation of large and high quality office and retail floor plates and a strategic opportunity for delivery of sustainable development consistent with the CEE 11 objective, the zoning and the retail and employment objectives of the development plan.

The claim that the proposed development materially contravenes retail and architectural heritage policies cannot be substantiated especially having regard to the designation of Dawson Street as a Category 2 Shopping street.

With regard to overdevelopment it is clear in section 16.5 of the development plan that the plot ratio is a tool to help control bulk and

mass and should be considered in conjunction with other development control measures. The higher ratio satisfies the criteria for a higher plot ratio in certain circumstances, namely, public transport termini and corridors, appropriate mix of uses residential and commercial, urban renewal and if the site has the benefit of an existing higher plot ratio. It is not essential that all mixed use developments include residential and the current structures do not have a residential element. The planning officer cited these criteria in accepting the plot ratio in his assessment. The site coverage at 77 per cent is below the indicative standard of 90 per cent and the height below the 28 metre maximum permissible and the height responds to the character and context.

The development proposal responds to Policy CEE 1 which seems to promote the role of the city as core economic generator for national economic recovery and growth and Policy CEE 3 with regard to a proactive approach for consideration of economic impact of major planning applications generating economic enterprise and employment with regard to location, transportation and accessibility, use mix and intensity. It responds to the Policies for retail development under CEE 11, RD6, RD13, RD 14 and RD 17 regarding the role of retail, recreational and services development and vitality of the city centre.

- With regard to design and architectural heritage and conservation, the contentions that the proposed development is not a fine grain solution appropriate to the area is rejected it also being submitted that a literal or inflexible imposition of a fine grain solution involves an element of facadism and reduces office and retail space capacity. The model and CGIs have been provided in addition to the two dimensional contextual elevations. The basis for the façade expression (as indicated in the architectural design statement) is to reflect the characters of both streets with a continuous quality retail and office façade and a distinctive corner element to form transition and respond to the prominent location opposite TCD and the Morrison Chambers using vertical emphasis, a modular structure bay with stone reveals and modulation of surface and colour in different light. The design is appropriate in architectural expression, height and scale for the context and is stated to be

positive and supported in the conservation statement prepared by Cathal Crimmins. (Several extracts from which are reproduced in the submission.) The arguments in the appeals as to poor architectural quality, adverse cumulative impact with reference to the development at No1 Molesworth Street, and as to inability to assimilate into the Georgian context of narrow frontage and plot sizes and proportions is subjective and misleading and is rejected. The principles and analysis in the conservation report which provides a clear inventory and understanding of the adjoining streets and buildings and their historic and contemporary character and in the architectural design statement are not addressed in the appeal.

- With regard to transport and public safety and convenience the contentions in the appeals are rejected. The proposed arrangements along with the submitted traffic and transport assessment, scoping exercise and detailed analyses prepared in consultation with the Roads Section at the City Council and in the further information submission including the auto tracking details are comprehensive and demonstrate the adequacy of the service yard's operational capacity and the adequacy of the capacity of Duke Lane Upper to function without queuing or disruption to the light rail system on Dawson Street. The positive impacts of the reduction in on site car parking relative to the existing development, additional pedestrian and cyclist access (via Adam's Court) the management of arrival and departure of deliveries vehicles and reinstatement works to Duke Lane are clearly acceptable to the Transportation Department. There will be significant improvements to safety and movement on Duke Lane and enhancement of the operational requirements of the light rail by removal of a conflict point at the vehicular access off Dawson Street along with the public realm enhancements.
- With regard to visual impact assessment the scale model which supplemented the planning authority's assessment at further information stage in addition to the detailed visual impact statement and the CGI images. The scale model showing the wider context is the most appropriate context for assessment of bulk mass and proportions and is a highly effective tool.

- With regard to daylight assessment, and contentions as to overshadowing, Drawing P1016A shows the roof plan in which the plant is within a rectangular area around the atrium. It is well screened and has generous setback from the facades with total setbacks of 17 to 19 metres from the northern façade, nine metres from the eastern façade, 19 metres from the southern façade and nine metres from the parapet level of the western façade. The shadow effect is mostly across the building itself and to a minor extent over the adjoining roads which are already overshadowed by building facades.
- With regard to potential presence of asbestos in existing buildings, the asbestos survey referred to in Appendix 3 confirms that the survey information is to be provided by a competent company to be employed for the asbestos removal in accordance with appropriate waste management regulations.
- With regard to demolition and construction management, the outline Construction and Demolition Plan is supplemented by a design process traffic management plan in the application which is comprehensive. Construction related matters include noise vibration and dust issues are addressed by appropriate planning conditions in established practice and this includes detailed construction and demolition plans to be submitted by compliance to ensure effective mitigation of adverse impacts. Condition No 4, (construction hours) Condition No 5(c), (construction management plan), Condition No7 (Construction and Demolition Waste Management Plan and Condition No 10, Noise Management which are attached to the planning authority decision refer. The appointed contractor will provide a fully comprehensive construction and demolition plan.

#### **6.4. The Planning Authority Observations.**

- 6.4.1. In a letter received by the Board on 6<sup>th</sup> April, 2017 it is confirmed that there are no comments on the appeals from the planning authority.



## **6.5. Observations – Transportation Infrastructure Ireland. (TII)**

6.5.1. A submission was received from Transport Infrastructure Ireland (prescribed body) on 5<sup>th</sup> April, 2017 according to which the proposed development may affect light rail based transport due to traffic impact, proximity to railway infrastructure and endangerment of safe operation of a railway. There are a number of requirements to include liaison with the light rail operator, construction and demolition methodology and management, fixings for the overhead conductor system and facilitation of the light rail service infrastructure at the developer's expense.

## **6.6. Applicant's Response to the Observations of TII.**

6.6.1. In a submission from the applicant's agent received on 1<sup>st</sup> June, 2017, it is stated that the applicant accepts and agrees to the attachment of conditions recommended in the submission in relation to the requirements of the TII. The requirements had been anticipated and prior consultations and engagement with the TII and LUAS operator took place. The undertaking to acknowledge the requirements prior to commencement of the development is included in the Outline Construction and Demolition Plan and will be addressed in the detailed Construction and Demolition Plan to be prepared by the main contractor. The requirement for permission to be obtained from the LUAS operator regarding permits and compliance procedures relating to potential impact on the light rail is acknowledged in the Design Process Traffic Management Plan and the requirements outlined in the submission of TII can be dealt with by condition and are included in Condition No 5 attached to the planning authority decision and can be addressed by condition. The requirements are similar to those included in conditions attached to other permitted developments at locations in the vicinity of the Luas Cross City.

## **6.7. Further Submission of First, Third Party Appellant: Irish Clearing House Ltd., Banking and Payments Federation Ireland and the Institute of Banking.**

6.7.1. A further submission was received from RPS on behalf of the third party appellant on 31<sup>st</sup> May, 2017 in which the appellant's objections and request that permission be refused is confirmed and observations are made on the response to the appeal by the applicant. According to the submission:

- TII was not notified and consulted at application stage in accordance with Article 28 of the Planning and Development regulations as a statutory consultee. The requirements, (set out in the TII submission) are significant, were not taken into account by the planning authority and, were not available for consideration by the public at application stage. A revised construction and demolition plan and associated traffic management plan taking into account the requirements would have been necessary for the assessment. The development in combination with the LUAS cross city network will have cumulative impact at construction and operational stages on traffic congestion and road safety.
- Although not a planning consideration *per se*, the implementation of the proposed development will breach the terms of the lease held by the Institute of Banking infringing on tenancy rights.
- The applicant did not address the various concerns and issues raised with regard to overdevelopment of the site indicated in the appeal and observation submitted at application stage having regard to the zoning objective, plot ratio, scale and bulk and overshadowing and overbearing impact and the sensitive Georgian core location and adjoining development.
- The applicant did not address the various concerns and issues regarding the design and architectural merit and the arguments as to inappropriate height, scale and design for the location, failure to meet the development management criteria in chapter 16 of the development plan and as to lost opportunity for high quality development at the prominent location are reiterated.
- The applicant fails to address the concerns as to adverse impact on architectural heritage and conservation at sensitive location having regard to the protected structures, conservation area and architectural conservation area designations and the development plan policy objective for protection of the historic city core. The remarks in the appeal as to adverse impact and incompatibility with the surrounding sensitive environment with regard to design, form proportions and transitions in scale and height are reiterated.

- With regard to traffic congestion and safety an accurate statement of potential cumulative impacts of the proposed development and LUAS cross city in response to the TII requirements which were unavailable at application stage is outstanding for both construction and demolition and operational phases.
- The argument as to the inability of Duke Lane Upper to serve the proposed development's entrance arrangements with regard to the proposed circulation arrangements within the site, carriageway width and lack of footpaths multiple pedestrian, services and emergency access points are reiterated.
- The references to the Outline Construction and Demolition Plan in the applicant's response to the concerns of the appellants regarding construction impacts are insufficient and the concerns are reiterated in the submission.

#### **6.8. Further Submission of the Second, Third Party Appellant.**

6.8.1. A further submission was received from the appellant's agent on 7<sup>th</sup> June, 2017 in which the appeal is reiterated. With regard to the submission of the applicant's agent in response to the appeals and submission of the TII, it is stated that the appeal stands. An outline follows:

- The case made in the appeal with regard to the development size and quantum of retail and office floor space, the requirement to devise a scheme compliant with planning policy and, that there should be no presumption that a replacement should be larger than an existing building in order to be justified is reiterated. The argument about off-setting of additional build costs and financial risks in the submission is irrelevant and not accepted as financial viability is a material planning consideration. The argument as to delivery of city wide objectives is not appropriate for justification of an excessive development in an area in which sensitive development of fine urban grain is required.
- The identification of the Nassau Street frontage as a major redevelopment of a site in the South City Retail Quarter ACA and Framework Plan for the City Centre Retail Core which postdates the construction of the existing buildings is not a justification for uniform applicability to the three existing separate buildings. The proposed development does not respond to the policy context of the ACA which requires a sensitive fine grain solution responding to the

rhythm of the streetscape with new development including amalgamation of more than on site requiring sensitive planning and design treatment to complement existing proportions and fine grain.

- Justification by reference to the broad zoning objective policies relating to the entire city is not acceptable. Justification of a specific development on a particular site as a balance must be achieved with reference to the policies for protection of a sensitive environment.
- The proposal materially contravenes density policies.
- With regard to a plot ratio in excess of the indicative range, upward modification is permissible in certain general circumstances for retail and commercial space but these policies must be tempered in the case of the subject application and sensitive environs of the site the policies for which should be strictly applied.
- The proposed development would result in additional cumulative impact to substantial insensitive interventions to the historic context. The references to the fine grain of the Morrison Chambers in the Conservation report are not accepted as precedent. The proposed development's street frontage is much greater and is a storey higher to the parapet level. The existing buildings respect the fine grain parapet heights and height.

## 7.0 **Assessment**

7.1. The issues central to the determination of a decision and considered below are:

Legal Capacity of the applicant to implement the development.

Statutory Consultation – Transportation Infrastructure Ireland. (TII)

Justification for demolition of existing buildings.

Asbestos in Existing Buildings,

Ecology

Demolition, construction and construction management planning.

Nature and intensity of use

Transport and Traffic

Design and Architectural Heritage.

7.2. Legal Capacity of the applicant to implement the development.

7.2.1. The case made on the basis of infringement of tenancy rights in relation to the Institute of Banking's tenancy at Nassau House which also relates to car-parking facilities is noted and appreciated. However, it is not accepted that it is comprehensively and conclusively demonstrated that the development if approved could not be commenced and implemented. It would be open to the appellant to seek an injunction through the legal system in respect of any claim as to interference with access to and use of the accommodation and facilities let to the appellant.

7.3. Statutory Consultation – Transportation Infrastructure Ireland. (TII)

7.3.1. The observer submission of TII contains details of several requirements relating to the Luas Cross City Light Rail project the route of which is along Dawson Street and Nassau Street. The TII's observations were not available in documentary form at application stage. As a result, the assessment of demolition and construction stage arrangements especially in relation to traffic management and the effects of the operational stage, particularly with regard to congestion and conflict with regard to safe and convenient flow of various modes of transport and travel may not have been fully comprehensive. The applicant and appellant parties have had an opportunity to contribute observations on the submission of TII in connection with the Appeals against the planning authority decision for inclusion for consideration and determination of the decision and not further comments were forthcoming from the planning authority. It would appear that most of the requirements in the submission of the TII, can be addressed by condition. However, with regard to the requirement that construction traffic should not be permitted to use the Dawson Street entrance as proposed in the application, consideration of alternative arrangements prior to

determination of a final decision may be advisable. (This matter is further considered under section 7.8.10)

#### 7.4. Justification for Demolition of Existing Buildings.

7.4.1. A satisfactory case has been made within the submissions of the applicant for the proposed replacement in entirety of the three existing structures and construction of a single replacement structure both in terms of comparative costings for the options for retention and replacement, the limited merits of the existing buildings aesthetically and their performance relative to demolition and replacement. (For example, in terms of configuration, internal space and capacity and energy efficiency relative to the configuration and internal layout and spatial capacity, the ability to respond to contemporary commercial requirements and energy efficiency and in turn the achievement of the strategic economic and employment objectives of the central city area and the availability of sustainable infrastructure, services and facilities.) It is agreed with the applicant's agent that the case studies in the Dublin City Council Study of 2004 (*Built to Last- Sustainable re-use of existing Buildings.*) referred to in one of the appeals are not comparable for the purposes of consideration of the current proposal for demolition and replacement.

#### 7.5. Asbestos in Existing Buildings.

7.5.1. It is considered that the application submissions sufficiently address the concerns about the presence of asbestos identified in the asbestos survey provided with the application for the purposes of determination of a decision. It is considered reasonable that the developer can be relied on to provide for the drawing up and implementation of an appropriate and satisfactory methodology for removal and disposal which is in accordance with the standards required by relevant other codes and the planning interests of public health protection. Expectation that fully comprehensive details in this regard should be made available prior to determination of a decision on the application is considered excessive and unwarranted.

#### 7.6. Ecology.

7.6.1. An undertaking can be included in a detailed demolition and construction management plan that would be prepared in consultation with a contractor for inspection by an ecologist to establish presence of breeding birds or bats and if present, for preclusion of demolition during the breeding season of February to

August and or employment of a bat ecologist and a possible requirement for a derogation license permitting bat removal.

7.7. Demolition, Construction and Construction Management Planning.

7.7.1. Notwithstanding the large scale nature of the proposed project and the constraints of the central city location it is considered that the details within the Outline Construction and Demolition Plans, submitted with the application are on the whole sufficient for planning assessment purposes. However, some revisions to the proposed arrangements for construction traffic management as indicated in the outline plan submitted with the application for consideration prior to determination of a decision would be advisable in that the proposed access of Dawson Street is unacceptable to the TII the concerns of which are reasonable. With regard to ecological considerations, the availability of a bat study with the application in which there is a recommendation for the existing structures to be inspected prior to commencement of works is noted.

7.7.2. Apart from issues relating to traffic routing it is reasonable to rely on compliance with conditions for comprehensive preparation and compilation of these plans following appointment of a main contractor should the proposed development be permitted. In this regard, the applicability of various other statutory requirements which provide for standards and limitations in respect of a number of construction stage matters should be borne in mind in conjunction with the direct planning considerations. Otherwise it is considered that there are no exceptional circumstances that would warrant a requirement of the developer for full comprehensive details to be made available prior to the determination of a decision on the proposed development.

7.8. Nature and intensity of use.

7.8.1. With regard to contentions as to “overdevelopment” several main planning issues such as building form, massing and design and infrastructure and services are material considerations. In this subsection, the substitution of one building for the existing three, the intensity of the development and the nature of the development in principle are considered.

7.8.2. With regard to site coverage there is no dispute between the parties about the approximate seventy-seven per cent site coverage which comes within the indicative range in the development plan for locations within the areas within the city centre

subject to the “Z5” zoning objective. It is noted that the space outside the footprint is primarily service and circulation space and this is not unacceptable for commercial/retail development at a central city location in which there are to be some corresponding public realm enhancements.

- 7.8.3. The plot ratio which is significantly in excess of the indicative range provided for in the development plan is unjustified according to the appeals. The proposed development in facilitating large floor plate office and retail space in its configuration contributes to competitiveness and achievement of strategic economic and employment objectives for the city centre. It is also consistent with criteria provided for in the development plan to support higher plot ratios in principle, namely, proximity to wide ranging and higher capacity major transport corridors and termini and renewal by way of replacement of relatively obsolete underperforming space with the higher capacity, more efficient development adaptable commercial space and versatile retail space all with consequential positive indirect impacts on services and employment.
- 7.8.4. Furthermore, it is not accepted that the proposed development is otherwise materially different from previously permitted refurbishments, with or without extensions and expansions to the existing commercial development and new commercial developments within the Z5 zones in Dublin 2 and 4 postal district areas.<sup>1</sup> The mixed use development at the corner of Molesworth Street and Dawson Street (No 1 Molesworth Street) is largely comparable to the subject proposal with regard to applicability of strategic policy objectives even though it involves the replacement of one building rather than a combination of three buildings. (PL 29S 244917 refers)
- 7.8.5. Although residential use is referred to in the development plan with regard to flexibility in applying the indicative plot ratio, lack of inclusion is not considered sufficient reasoning for rejection of the proposed development having regard to potential contribution to the achievement of the delivery of the strategic economic objectives for the location. The residential element has been minimal or non-existent in other recently permitted large scale commercial developments on brown field site

---

<sup>1</sup> e.g. Development at the corner of Molesworth Street and Dawson Street referred to in the appellant and applicant submissions, (PL29S 244917); Hainault House, St. Stephen's Green, (PL 29S 245477) and Nos. 27-33 Baggot Street Upper and Flemings Place.



in Dublin 2 and 4 and is not included in the permitted development at the corner Molesworth Street and Dawson Street. In principle, it is considered that the proposed development is sustainable, is consistent with the strategic objectives and is open to consideration with regard to plot ratio in excess of the indicative range within the development plan.

- 7.8.6. Setting aside design and architectural context considerations which are addressed separately below, it is considered that there is no substantive basis on which large capacity, but versatile office space on upper floors can be rendered unacceptable at the site location. With regard to the configuration and size of retail space, it is considered that both large floor plates (with potential to accommodate large anchor type stores) and smaller retail units can facilitate achievements of the strategic economic objectives for the location notwithstanding the frontage on both Category 1 and Category 2 Street frontage in the City Retail Core Framework Plan, 2006, the implementation of which is included among the specific objectives of the current development plan.
- 7.8.7. It is considered that there is no basis in policy on which large retail floorplate space should be rejected in favour of encouragement of a more specialised retail offer within the city centre retail core as contended in one of the appeals. Availability of larger retail floor plates will facilitate the city centre's competitiveness *vis a vis* out of town locations and is functional along with the option of specialist retail development including that which is focussed on the tourism sector to vitality of the city centre. Insistence on rejection of large scale units and a requirement for small scale, souvenir and amenity type offer directed towards the tourism sector would be excessive and would not have an adequate supportive basis in the retail strategy in the development plan and Retail Core Framework Plan. Subject to all other considerations critical to the determination of a decision, having regard to the sensitive established character of the surrounding built environment there is no objection to the intensity of the development and the configuration and internal layout for the office and retail uses.
- 7.9. Transportation and Traffic.
- 7.9.1. The arrangements for proposed development (operational stage) differ considerably from existing arrangements for the three buildings as follows: The route along Duke

Lane Upper is proposed as the sole access into a circulation yard, for services for goods vehicles private cars, motor cyclists and pedal cyclists. The circulation yard for the proposed development is considerably smaller than the yard serving the existing development. The existing vehicular entrance off Dawson Street is to be omitted and ramps to the basement area are omitted with vehicles being transported to the basement by two lifts on the inner right hand side of the entrance off Duke Lane Upper. Parking capacity is reduced to forty-four spaces from the existing one hundred and twenty-five spaces.

- 7.9.2. Significant cycle parking capacity is to be provided for in the proposed development at one hundred and seventy-two spaces in total generating significant cycle traffic by occupants of the proposed development. The cyclist access and exit route is proposed via the Duke Upper into and the service yard. The applicant has also indicated a willingness to provide for use of the access off Adam's Court (at the northern end of Grafton Street) This access is not in use at present.
- 7.9.3. Pedestrian entrances for the office space is separate for the three buildings and is to be provided off the Dawson and Nassau Street frontages. Each of the existing retail units have individual entrances whereas the retail units will have public access from the street frontage and services access off the circulation yard.
- 7.9.4. Notwithstanding the assessment in the traffic and transport assessment and associated reports including the auto track analysis submitted on behalf of the applicant, there is concern that the limited size and configuration of the proposed service yard may be insufficient and inadequate especially at times when of arrivals and departures by commercial deliveries and services vehicles, private cars and cyclists grouped together, as opposed to being evenly distributed throughout the day. There is concern that a likely uneven distribution of trips through a day in peaks and valleys will lead to obstruction and queuing occurring on Duke Lane Upper and conflict with all other vehicular and pedestrian circulation on the lane. There is a likelihood due to the constraints of the service yard and use by all traffic connected with the development, for large vehicles to egress the site and Duke Lane in reverse gear onto Duke Street. The range of existing services entrances and staff entrances for retail and other the business premises, some of which have secondary public entrances onto Duke Lane should be borne in mind in this regard.

- 7.9.5. It is acknowledged that the submitted technical details and auto track analysis drawings included with the further information submission indicate manoeuvrability within the service yard but potential conflicts due to obstruction and conflicting movements with other users especially at times when there is a concentration of arrivals and departures at certain hours cannot be eliminated. Thus it is considered that risk of obstruction and hazardous conditions endangering the public safety of all users of Duke Lane and the surrounding road network at operational stage cannot be eliminated.
- 7.9.6. The capacity of the road network to serve the proposed development, given changes in circulation routes along the road network over more recent years and the LUAS cross city light rail is not comparable to prior capacities over the decades in which the buildings have been in use with regard traffic safety and convenience in connection with to access and egress for private cars. There is little scope for the proposed development to incorporate mitigation and amelioration of potential for obstruction in the event of crowding by services traffic, cars, cyclists and pedestrians connected with the proposed development and adjoining existing developments.
- 7.9.7. The exclusion of vehicular and cyclist access off Dawson Street desirable and supported given in particular the route of the light rail network along the frontage and proximity to the Dawson Street stop a short distance south of the site frontage notwithstanding the increased size of the footpaths. Conflict in this area of Dawson Street between pedestrians and cyclists entering and leaving the development can be avoided providing for greater amenity and unobstructed circulation by pedestrians circulating in the area and using public transport. Notwithstanding the survey data and predictions on pedestrian circulation and the capacity of pedestrian facilities in the vicinity of the site it is essential potential for deterioration of public amenity and pedestrian circulation and movement of higher numbers visitors to the city which will be increasingly concentrated in this area is avoided. The building footprint at the Nassau Street/Dawson Street corner in particular, increased size and enhanced footpath width, minimal street furniture and enhanced public realm at the Nassau Street/Dawson Street corners is welcome in this regard.

- 7.9.8. The option for use of Adam's Court as an access route for cyclists accessing and departing the development on approach from the south is not supported. Omission of this option is recommended in the interest of public and pedestrian safety and convenience. Adam's Court is a narrow, shared access lane of confined width between two retail units at the Grafton Street frontage. Cyclists using this access will be inclined to opt to cycle on Grafton Street which is a pedestrian zone (with the exception of deliveries traffic in the morning hours.) and potentially obstruct pedestrian circulation and affect public safety and convenience and the amenities of the public realm. Grafton Street is heavily crowded and movement is particularly restricted and obstructed when members of the public pedestrians congregate to enjoy entertainment by street entertainers and musicians. It is therefore concluded that the Duke Lane Upper route and entrance as proposed for cyclists approaching from all directions would be most appropriate in terms of minimisation of adverse impact on amenity, convenience and safety within the public realm and surrounding street network.
- 7.9.9. In the event that it is agreed that there are significant concerns as to the adequacy of size and configuration of the service yard to serve development without risk of significant deterioration to conditions on Duke Lane Upper, without obstruction and safety risk to all users of the lane modification may be necessary. An adjustment to the ground level footprint of the buildings and possible incorporation of ramp access to the basement levels may allow for more generous circulation space thus ameliorating problems of congestion and potential overspill of queuing and obstruction to other users on Duke Lane Upper. It may be advisable for a section 131 notification be issued requesting the applicant to submit proposals to address and ameliorate the concerns prior to determination of a decision.
- 7.9.10. With regard to the construction stage, it is noted that the proposals for construction traffic to be routed along and into the site off Dawson Street is unacceptable to the TII with regard to the LUAS Cross City Project. Such a requirement is considered to be most reasonable and it would ideally have been addressed prior to or in the course of the application although written observations of the TII were not available prior to the determination of the decision. It would be advisable that modifications to the outline proposals for construction traffic management in particular with regard to routing and access be available for consideration prior to the determination of the

decision of the Board's decision. In this regard further clarification on the nature and volumes of construction traffic, routing, parking and alternative access arrangements would be desirable, prior to determination of the decision given the site location and the considerable size of the demolition and construction project. This matter could be raised with the applicant in a section 131 notification.

#### 7.10. Design and Architectural Heritage.

- 7.10.1. There is no dispute as to the sensitivity of the historic city centre location among protected structures, the most proximate being those along Nassau Street between No 2 Grafton Street and No 43 Nassau Street to the east, The Provost's House behind its stable buildings inside the cast iron railings on the north side of Nassau Street, the Morrison Chambers on the east corner at Dawson Street/Nassau Street corner, and Nos 57 and 58 Dawson Street. (Hodges Figgis.) to the south side of the Dawson Street frontage behind the LUAS Cross City stop. The objections of the appellant parties, and those indicated in the observations submitted at application stage by An Taisce (prescribed body) and the case made on behalf of the applicant are taken into consideration in the following assessment.
- 7.10.2. The submitted model due to the scale and context is a limited tool for the purposes of evaluation of the visual impact within the more immediate environs and can only facilitate consideration of the proposed development in the context of the wide environs of the site location. The argument in the appeals that it should be disregarded as an aid to evaluation is reasonable and accepted. However, the Verified Views and associated landscape and visual impact study in conjunction with the application drawings, associated documentation available with the application and the appeals have facilitated the assessment.
- 7.10.3. Within the most immediate environs of the site location, the visual impact of the proposed development's considerable size and frontage at the very prominent and sensitive location is offset by the somewhat understated relative simplicity in materials, finishes, and design detail in the facades which acknowledges the historic plot widths and vertical emphases providing for recognition of the established historic context. Subject to high quality presentation with an element of homogeneity and integration with recognition of narrow plot widths and vertical emphasis, it is relatively

immaterial from a visual perspective as to whether there are small number of large units or a larger number of smaller units. Both potentially are positive in effect the visual amenities and established characteristics of the historic context.

- 7.10.4. The increased floor to ceiling height for ground floor retail space provides for good quality full length glazing for the retail frontage facilitating connectivity and inter-relationship between the interiors and public realm at street level where there is increased pedestrian footpath and generous public realm space at the corner. The critical consideration is the quality of street frontage design and treatment and the effectiveness of presentation and interconnectivity of interior space *vis a vis* the public realm. With regard to fascia and signage, a condition with similar requirements those within Condition No 4 attached to the planning authority decision providing for signage for individual units can be included and is a means of enhanced recognition of historic plot width and vertical emphasis.
- 7.10.5. The relatively understated and mute shaded texture and finish, solid to void ratios and vertical emphasis in the proportions in glazing partly attributable to the increased size floor to ceiling height of the proposed development can be accommodated at the site location. This is a satisfactory response for the site and building of the size, and extensive site frontage which rounds the corner of the two streets. Similarly, as previously stated, the ground floor treatment which again provides for increased floor to ceiling height and higher level signage provide for a satisfactory integration with the character of the buildings in the immediate vicinity and wider streetscape views.
- 7.10.6. There are some minor reservations about transition in the presentation at the upper levels with regard to building height and form at the upper floor levels along the Dawson Street the road level which is lower at the northern end than at the southern end. Relative to the west side of the street, there is a notable greater established parapet height and prominent vertical emphasis in the streetscape on the east side terminating at the Morrison Chambers Building at the northern end. The height on the west side frontage onto Dawson Street of the Hibernian Way building reflects and is justified by the former increased parapet height of Hibernian Hotel which was a significant building in the west side streetscape which it replaced.

7.10.7. The proposed replacement building maintains the significance of the position in the streetscape and prominent termination of the vista on approach along Molesworth Street from Leinster House. However, there is no such precedent for the proposed increased to a similar height at the northern end of Dawson Street. Here the increased height for the proposed building to the parapet is notable and significant. It alters the backdrop context to featured gable fronted oculus at attic level above the stringcourse and adjoining parapet line at Nos 57 and 58 (Hodges Figgis) which features in northward streetscape views from the south/south east. (There is a vacant building immediately abutting the southern boundary of the site which separates the appeal site and proposed building from Nos 57 and 57 Dawson Street.) Some reduction in height might also increase and improve the assimilation with and enhancement of the context of the Morrison Chambers building in views from the south. However, the impact without modification of amendment is positive relative to the 'do nothing' option. Should a height reduction at the frontage onto Dawson Street be considered warranted having regard to the foregoing, modification and adjustment by condition may be feasible.

7.10.8. The presentation on the frontage on Nassau Street a very sensitive historic context, providing assimilation with the existing protected structures opposite the railings and stables of the Provost's House at Trinity College between Dawson Street and the corner of Grafton Street and to the east corner of Dawson Street is considered acceptable. While there is a little concern about the height and upper gable end which is higher than the existing building abutting its neighbour in views from Suffolk Street and the northern end of Grafton Street, it is considered that the selection of textures and colours to the façade, solid to void ratio and proportions and vertical emphasis in the fenestration provides for successfully integrated street frontage presentation.

7.10.9. Should permission be granted, it is recommended that a condition be attached with a requirement for a uniform blind system, if one is required, for the office fenestration throughout the Nassau Street and Dawson Street for reasons of visual amenity and orderly presentation of the building especially at night time.

7.10.10. With regard to potential for overshadowing of the public realm, it is considered that it has been satisfactorily demonstrated in the daylight impact assessment that the proposed development would not result in significant deterioration relative to

current conditions and that minimum threshold targets provided for in BRE guidance would not be breached in respect of access to daylight and sunlight in the immediate environs.

7.10.11. It appears that the core argument within the appeal submissions is that the form and design of the proposed development is insufficient and fails to achieve essential qualitative standards that significantly enhance the quality and amenity of the built environment having regard to the sensitive historical context acknowledged by the protected structure, architectural conservation area and conservation area designations. To this end, it is considered that the proposed development is not an outstanding or exceptional in design and form. However, for the large building, site and extensive site frontage the somewhat understated design, satisfactorily achieves integration into the sensitive historic context and is an enhancement relative to the 'do nothing' scenario. Correspondingly, the proposed development efficiently and effectively contributes to the achievement of the prescribed strategic economic and employment objectives within the development plan.

7.10.12. As is standard practice, it is advisable for final detail, to be addressed by way of compliance with conditions so that there is an opportunity for planning authority review and agreement which would benefit of input by the architect's department and conservation officer.

7.10.13. It can be concluded that the proposed development from an architectural and urban design perspective is an enhancement for the area relative to the do nothing scenario and potentially neutral or an enhancement relative to a refurbishment and upgrade option for the existing buildings. The proposed development is not considered to be outstanding or exceptional architecture but rather a successful and complementary contemporary insertion to the northern end of Dawson Street on the west side and for Nassau Street. The street end location on Dawson Street affords greater capacity and flexibility for large contemporary development within the historic streetscape in which in this instance there are several protected structures.

7.10.14. The Nassau Street elevation stands alone along extensive frontage to the west side of the protected structures that extend to the corner of Grafton Street and does not detract from or dominate the Morrison Chambers buildings on the east corner of Dawson Street. The proposed development accords with the South City



Architectural Area Conservation Area objective for protection and enhancement of the special architectural character of the historic Georgian streetscapes and harmonious adaptation to contemporary life and with the objective for conservation areas to contribute positively to the character and distinctiveness of the area and to take opportunities to enhance the character and appearance of the area and its setting wherever possible.

#### 7.11. Appropriate Assessment

- 7.11.1. 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.
- 7.11.2. The site of the proposed development comprises the sites of three constituent buildings constructed in the mid twentieth century and has an area of 3,500 square metres within in a built up central city location at the Nassau Street and Dawson Street. 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.
- 7.11.3. The site location is not within the area of any European sites. The presence of a number of protected bird species and the otter within two kilometres of the site location. The nearest watercourse is the River Liffey in which the water quality is eutrophic. There are no watercourses traversing the site. The groundwater body is a poorly productive bedrock which is expected to achieve good status and is a locally important aquifer.
- 7.11.4. 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.
- 7.11.5. 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.

7.11.6. 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]*

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

7.11.8. 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.

7.11.9. The project proposed is for demolition of the existing buildings, site clearance and construction of a large replacement building of six floors for office and ground floor retail use 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. The application includes proposals for SUDS drainage methods which include hydro brake, green roof attenuation (at basement level) and a rainwater harvesting system. Disposal of foul effluent for a pe equivalent of 1267 is to the Ringsend WWTP is to be via the existing combined system from basement level outfall pipes and a new connection to the 300 mm diam. sewer on Duke Lane. Water quality in Dublin Bay has been recorded as unpolluted. from which treated effluent from the WWTP which historically has operated at above capacity but is to be upgraded and extended.

- 7.11.10. 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 and pollutants will be decreased in the longer term with the inclusion of SUDS systems for storm drainage in new developments and upgrades to the Ringsend WWTW that will reduce pressure on habitats and species in Dublin Bay is being of “unpolluted” water quality status.
- 7.11.11. 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.
- 7.11.12. During the operational stage. Urban Drainage Systems (SUDS) measures included in the design of the storm water drainage scheme which include green roof technology, lower water use appliances and attenuation will be operational. The impact on the nutrients in receiving waters would be negligible and it is of note that former problems of overloading of the system have been overcome. While there are several combined sewer outfalls in the city which could potentially lead to pollution of the receiving waters the surface water run-off from the proposed development is minimised by the SUDS measures included in the proposed drainage arrangements. The scale of any contamination during the temporary construction stage entering the Bay would be well within the scope of the assimilative capacity of the Bay as a whole. There are several outfalls
- 7.11.13. 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 unwarranted.

## **8.0 Conclusion and Recommendation**

8.1. In view of the foregoing, with the exception of some concerns that can be brought to the attention of the applicant by way of Section 131 Notification prior to determination of a decision it is considered that the proposed development accords with the strategic, specific and local objectives set out in the current Dublin City Development Plan and that permission should be granted. Draft Reasons and Considerations and Conditions are set out below.

## **9.0 Reasons and Considerations**

Having regard to:

- the Dublin City Development Plan, 2016-2012 in which zoning objective for the area is ZR5: providing for the consolidation and facilitation of the development of the central area, and in particular, Policy RE22 providing for the promotion of retail and office development with larger floor plates and quantum for indigenous and FDI headquarters to increase competitiveness in the city centre;
- the sensitive established character of the mix of historic and contemporary buildings in the streetscape in the vicinity of and adjacent to several protected structures, within a Conservation Area and, to the position of the frontage of the site on Dawson Street within the statutory South Retail Quarter Architectural Conservation;
- to the identification of part of the site as a potential development site in the Retail Core Framework Plan and,

- to the form, mass, height, materials, finishes, design detail and efficiency and effectiveness of the proposed services for the building in the management of energy and water supply and discharge and,
- 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 be in accordance with the development objectives for the area, would integrate satisfactorily with the surrounding existing and permitted development, would not detract from visual amenities or established character and pattern of development in the area would not endanger public safety and convenience by reason of obstruction and traffic hazard and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars submitted to the planning authority on 25th January, 2017 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. Prior to the commencement of the development the applicant shall comply with the following requirements of Transportation Infrastructure Ireland and agreed in writing with the planning authority. Any works involved shall be undertaken at the applicant's own expense:

- (a) The development shall be in accordance with the requirements of “*Code of Engineering Practice for Works on, near or adjacent to the LUAS Light Rail System*” (Transportation Infrastructure Ireland)
- (b) A works permit shall be obtained prior to commenced of any works in close proximity to the light rail Overhead Conductor System (OCS)
- (c) With regard to all interfaces with the LRT infrastructure the applicant shall provide for and adhere to the following requirements
  - (i) Temporary supports shall be provided to support the OCS following demolition of building at Nos 60 – 63 Dawson Street which has fixings for the OCS at the applicant’s expense.
  - (ii) Construction traffic shall not directly access to and from Dawson Street.
  - (iii) Settlement and vibration monitoring shall be carried out in out in accordance with “*Code of Engineering Practice for Works on, near or adjacent to the LUAS Light Rail System*” (Transportation Infrastructure Ireland)
  - (iv) Hoarding and scaffolding shall be erected throughout demolition and construction following consultation with the LUAS operation.
- (d) Submission of full details of interface points to LUAS cross City public realm and reinstatement works, utilities and services coordination with the LUAS Cross City works and system for agreement in writing with the planning authority in consultation with the TII.

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

3. The construction of the development shall be managed in accordance with a construction management plan, and a construction traffic management plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall include provision for the following requirements:
  - (a) Inspection of the existing structures prior to demolition by an ecologist and/or bat ecologist to establish whether bats or breeding birds are present. Demolition shall not take place during the breeding season of February to August and it is necessary for bats to be removed, a derogation licence shall be obtained in advance from the National Parks and Wildlife Service.
  - (b) Incorporation of provision for the requirements of Transportation Infrastructure Ireland in connection with the LUAS Cross City Light Rail project provided for in Condition No 2.
  - (c) The construction traffic management plan shall exclude construction traffic access to the site via Dawson Street and contain comprehensive details for alternative routing.
  - (d) comprehensive survey and methodology for the removal and disposal of asbestos and other hazardous materials, if any in the existing structures, Full details of intended construction practice for the development and noise and dust control and management measures,

**Reason:** In the interest of clarity, public safety, orderly development, and the amenities of the area.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "*Best Practice Guidelines on the Preparation of Waste Management*

*Plans for Construction and Demolition Projects*", published by the Department of the Environment, Heritage and Local Government in July, 2006. Details of waste to be generated during site clearance and construction phases, and the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated shall also be included.

**Reason:** In the interest of sustainable waste management.

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

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

6. Site development and building works shall be confined to the hours of 0700 hrs. and 1800 hrs. Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs Saturdays. 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 the amenities of property in the vicinity.

7. 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.

8. A prior grant of planning permission for the signage for the proposed retail units shall be obtained prior to the occupation of the development. The proposed fascia signage shall be omitted.



**Reason:** In the interest of the amenities of the area/visual amenity.

9. A single specified interior blind system only, may installed throughout the entire building complex.

**Reason:** In the interest of orderly development and the uniform presentation of the building in the streetscape, especially at night.

- 10 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.

- 11 The scheme shall be landscaped in accordance with the scheme of landscaping, submitted with the application. Details of the scheme shall include 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.

- 12 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.

- 13 The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the commercial units are made available for occupation.

**Reason:** To provide for the future maintenance of this development in the interest of orderly development and the amenities of the area.

- 14 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.

- 15 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision 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.

- 16 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. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act is applied to the permission.

**Jane Dennehy**  
Senior Planning Inspector  
19<sup>th</sup> June, 2017.