



An
Bord
Pleanála

Inspector's Report PL29S.248477

Development	Change of use from office to hotel including 95 bedrooms, reception, lounge, kitchen, restaurant and spa. (Protected Structure).
Location	Loreto Hall, 77 St. Stephen's Green, Dublin 2
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4202/16
Applicant(s)	Brown Table Solutions Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	1. Philip O'Reilly 2. Dept. of Foreign Affairs and Trade
Observer(s)	1. Office of Public Works 2. Irish Georgian Society
Date of Site Inspection	4 th of August 2017
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1.1. The site is located on the south side of St. Stephen's Green, to the west of its junction with Earlsfort Terrace and Grafton Street and further to the east of its junction with Harcourt Street. No. 77, is a Protected Structure and is located on the southern side of St. Stephen's Green between a terrace of modern large scale commercial buildings (to the east) and a terrace of surviving Georgian and Victorian buildings each of which are protected structures (to the west). Loreto Hall directly adjoins the Department of Foreign Affairs and Trade (78-81 St. Stephen's Green South) to the west. This is known as Iveagh House and this is a P.S. Colmstock House (occupied by Maples & Calder) is a modern adjoining building on the opposite side at no. 75 St. Stephens Green South. The rear of the site can be seen from the National Concert Hall at Earlsfort Terrace. Iveagh Gardens is further to the south, and glimpses towards the site from it and St. Stephen's Green to the north may be available during the winter months, when tree cover is more limited.
- 1.1.2. No.77 comprises Loreto Hall, formerly used as a convent by the Loreto Order and comprises a four storey over basement convent building fronting St. Stephen's Green, a single storey over basement chapel building towards the centre of the site and a part two, part three storey convent dormitory building to the rear. No.77 has been used as a hostel for girls and as a commercial college until the 1990's. In more recent times, No.77 has been used to provide accommodation for the Loreto community with associated office space. It is currently empty and unused, although appears in relatively good condition throughout.
- 1.1.3. There is a cycle lane along the street frontage in St. Stephens Green South. There is an access lane to the rear from Earlsfort Terrace, which serves as the rear access to the Department of Foreign affairs building to the west.

2.0 Proposed Development

- 2.1.1. This is to consist of a Change of use of the property from institutional office, administration and ancillary residential accommodation associated with the Loreto Sisters Religious Order to a 95no. bedroom hotel with ancillary hotel services, to comprise 8no. hotel bedrooms, hotel reception, lounge and kitchen in the existing building fronting St. Stephen's Green with additional 3no. hotel bedrooms in a new

two-storey hotel penthouse level to that building (total height of building including hotel penthouse level will be 24.1 metres above ground level); hotel restaurant and spa centre in existing chapel building at the centre of the site; and 84no. hotel bedrooms in a new 9 storey, over basement, building to the rear (building height of 24.8m above ground level).

2.1.2. Works are to comprise of the following:

- (i) Refurbishment, internal and external alterations to the existing four storey, over basement, institutional building fronting St. Stephen's Green, to accommodate hotel kitchen and staff facilities at lower ground floor (basement);
 - Hotel entrance lobby and reception rooms at ground floor, hotel bar and function room at first floor;
 - 8no. bedrooms over second and third floor levels;
 - Construction of a new two-storey, three-bedroom hotel penthouse level set back from the northern (front) building elevation, with a south facing terrace.
 - External alterations comprise replacement windows to match original window frame detail;
 - Installation of a new internal fire escape stairs on front (north-western side) of the building from lower ground floor to fourth floor level, with associated access doors at each level and to be screened from St. Stephen's Green by a feature length treated glazed structure;
 - Blocking up of 1no.window in hotel kitchen at lower ground floor level (basement);
 - New glazed link to chapel building (proposed hotel spa and restaurant) between lower ground and ground floor level;
 - Internal alterations comprise the removal of substantial non-original engineering works; installation of a new lift core from lower ground (basement) to fourth floor, to be located within existing stair core and provision of associated access doors at each level;

- partial wall removal for dry goods store and for WC at lower ground floor (basement);
 - widening of opening and removal of door to opening in entrance lobby at ground floor;
 - minor alterations and new partitioning at second and third floors;
- (ii) Refurbishment, internal and external alterations to the existing single-storey, over basement, convent chapel building located at the centre of the site, along with demolition of non-original single storey, lower ground floor level, side extension and construction of replacement single-storey, over basement, side extension, all to accommodate hotel spa treatment centre at lower ground floor (basement) and 265sq.m (88no. seat) hotel restaurant at ground floor.
- External alterations comprise the removal of 3no. windows on the eastern elevation of the existing building at ground floor level to allow connectivity within the proposed hotel restaurant;
 - Reconstruction of outer walls at lower ground level, and glazed roof to western side of chapel building.
 - Internal alterations comprise the reconfiguration of internal layout at lower ground floor level, including removal of internal walls, and installation of a new stairs between lower ground (basement) and ground floor;
- (iii) Demolition of non-original part two, part three-storey, over basement, convent dormitory building, at the rear (south) side of the site and construction of a new detached 9 storey, over basement, building, to comprise plant and stores at basement level and 84no. hotel bedrooms at ground to seventh floor levels;
- (iv) 2 no. internal landscaped courtyards;
- bicycle parking at ground floor level; SuDS drainage; and all associated works necessary to facilitate the development.

2.1.3. The planning application form provides that the total site area is 1,069sq.m. the total area of buildings proposed to be retained on site is 1,166sq.m, the total area of proposed new build is 4,047sq.m i.e the total floor area of new and retained is to be 5,213sq.m. The total floor area of buildings to be demolished is 926sq.m. The

proposed plot ratio is 4.1 and site coverage is 78%. A Schedule of floor areas is included.

2.1.4. Tyler Owens Architects have submitted documentation with the application to include the following:

- Planning Report by Hughes Planning and Development Consultants;
- Photo Montage by ArchFX showing surveyed views;
- Casey O'Rourke Associates Structural Drawings, Drainage Report & Flood Risk Assessment, Construction Management Plan, Mobility Plan (Traffic) and Drainage Drawing. A Drainage Services Layout Map is also included;
- Conservation Report, existing room appendix 1 and photographic survey, carried out by Cathal Crimmins Conservation Architects;
- Architects Design statement and materials study;
- Architectural Drawings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 26th of April 2017 Dublin City Council granted permission for the proposed development subject to 18no. conditions. These concern development contributions, infrastructural issues including drainage, access and parking, construction and demolition works and waste management. The following are of note relative to design issues:

- Condition no.3 provides for amendments relative to a reduction in the height of the proposed penthouse and the rear block.
- Condition no.4 provides that the works be carried out under the professional supervision on site of a specialised conservation architect.
- Condition no.5 relates to external finishes.
- Condition no.11 relates to archaeological monitoring.
- Condition no.15 provides for a restriction on advertising.

- Condition no.16 provides for a controls relative to sound levels.
- Condition no.17 provides for no additional development above roof level.
- Condition no.18 provides for a cash deposit or bond.

3.2. **Planning Authority Reports**

3.2.1. Planner's Report

This had regard to the locational context of the site, planning history and policy and to the Observations and Submissions made including the recommendations of the internal departmental reports. Regard is had to the design and layout and that in total 95no. hotel bedrooms are to be provided, 8 of which will be accommodated in the front of the original building. They note that site coverage standards for the Z8 zoning have already been exceeded by the existing development on the subject site. Having regard to height, they considered that the scale of the proposed penthouse should be reduced by one floor to reduce its visual impact.

They note that there are concerns regarding the overall height and scale of the proposed 9 storey block given its setting within the curtilage of a P.S and the proximity to adjoining boundaries. They note the concerns of the Conservation Officer and consider the applicant should be given an opportunity to address these. They note that the Roads and Traffic Division Report also sought that F.I should be requested on a number of issues. Regard is had to these concerns and to the relevant planning policies and it was recommended that detailed Additional Information be sought to include the following:

- The applicant was requested to consider the reinstatement of the 18th Century roof profile to be in accordance with planning policy or as an alternative to submit an option which includes a significant reduction in the scale and height of the penthouse element including an increased setback from the parapet.
- They noted their serious reservations about the height of the 9 storey block given its setting within the curtilage of a P.S and its proximity to adjoining boundaries. Also, that no daylight/sunlight analysis had been carried out, and that concerns had been raised relative to overshadowing, overlooking and

privacy/security. The applicant was requested to address these issues and to consider a reduction in the height/scale of this block accordingly.

They also requested A.I relative to the concerns of the Roads and Traffic Division, which included:

- Regard to the Preliminary Construction Management Plan and the provision of a layby on St. Stephen's Green South. To provide details in terms of the layby and the timeframe it is anticipated to remain in place.
- Details in relation to servicing arrangements and strategy for the proposed hotel development to include regard to loading, type and frequency of deliveries etc.
- To liaise with the Roads and Traffic Planning Division regarding these points.

3.2.2. Further Information response

Tyler Owens Architects submitted a response on behalf of the applicants which included the following:

- They provide that 2no. options have been submitted, both of which comprise the reduction in height and front setback of the penthouse level to the building fronting St. Stephen's Green. Alternative amendment designs have also been included for the rear of the building. They provide details of these and include drawings. ArchFX were commissioned to prepare photomontages. Option A is the applicant's preferred option.
- They have commissioned ARC Consultants to prepare a sunlight and daylight analysis of Option A and B and an analysis which provides details of their findings is included.
- They note that prior to the submission of the F.I they engaged in discussions with the Council's Road and Traffic Section. They include drawings showing the existing layout and proposed traffic arrangements for the period of construction and provide details of this and proposed timeframes.
- They include a drawing which shows the proposed servicing/loading arrangement for the hotel. They note that due to ownership reasons that their use of the rear lane is not feasible. Servicing and deliveries will be facilitated

through the existing gated entry from St. Stephen's Green South and they include details of this.

- They include in Appendix A, a letter from Maples and Calder of no.75 St. Stephen's Green, to confirm that they have entered into an agreement with the applicant in regard to the construction process. They wish to withdraw their objection/observation to the process.
- A detailed response which includes photographs and imagery, of the amendments to the proposed plans has been submitted by Cathal Crimmins Grade 1 Conservation Architect.

3.2.3. Planner's Response

They had regard to the F.I submitted and considered that a contemporary approach to the roof extension is more satisfactory in this instance rather than the reinstatement of the original roof profile and that the reduction in height of the penthouse will limit the impact on the P.S in the C.A in general. They provided that the detail and type of zinc materials to the roof will need clarification, the detail of which can be submitted by way of compliance. They have regard to the design details relative to the proposed reductions to the scale and bulk of the rear block, Options A and B refer. They also note the Daylight/Sunlight Analysis submitted. They consider that the reduction in height proposed under Option B is appropriate given that the site is in the curtilage of a P.S. Also, that taking the revised plans into account, the rear block is not likely to be visible from the terrace fronting St. Stephen's Green or from important views within the C.A in general.

They note the details submitted in response to the Roads and Traffic Planning Division request and having regard to the Lay-by on St. Stephen's Green for Construction Phase and Servicing for the Proposed Hotel. They note that there are serious concerns that the provision of a loading bay is not acceptable to this division. Servicing should be accommodated by existing loading facilities in the vicinity. Overall they note that the Roads and Traffic Planning Division has no objection the proposal, subject to conditions.

They provide that the proposed new hotel use is permissible within the Z8 zoning objective and in accordance with policies and objectives promoting tourism in the DCDP 2016-2022. They consider that the proposed development is unlikely to have

a negative impact on the P.S and with appropriate conservation and repair will ensure a viable future use for the historic building. Also, the comprehensive redevelopment to the rear of the site having regard to both the existing pattern and density of development in the immediate vicinity and would not unduly materially detract from the amenities of either adjoining properties or the character of the area. They consider that the revised proposal would be in accordance with the provisions of the DCDP and recommend that permission be granted subject to conditions.

3.3. Other Technical Reports

Internal

3.3.1. Engineering Dept – Drainage Division

They do not object and recommend a number of conditions including regard to drainage layout, incorporation of SuDS, attenuation of surface water etc.

3.3.2. Waste Management Division

They recommend a number of conditions and provide that they have no comment on the F.I received on this application.

3.3.3. Roads & Traffic Planning Division

They have regard to access and parking, servicing and to construction management. They note the objections on file. They recommended that F.I be sought relative to the issues relating to access in the Construction Management Plan and Servicing. The F.I submitted, provided a response including drawings relative to the Lay-by on St. Stephen's Green for construction phase and details on the servicing for the proposed hotel. The Roads & Traffic Planning Division had regard to the information submitted and recommended that the proposed loading bay be omitted. They stated that they have no objection subject to a number of recommended conditions.

3.3.4. City Archaeologist

They note that the development is partly within the zone of Archaeological Constraint for Recorded Monument DU018-020 (Dublin City) which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act, 1994. They recommended a number of conditions including relative to archaeological monitoring.

3.3.5. Conservation Report

The Conservation Officer notes that no,77 is a very significant building which forms part of an important streetscape along with the adjacent 18th century houses with the foreground to St. Stephen's Green. They provide that any works to this building should be conservation-led and do not consider that the proposals that have been submitted appear to recognise the significance of the building, its setting and streetscape. They recommend refusal.

It is of note that their Report is included within the Planner's Report and there appears to be no subsequent Report relative to the F.I submitted.

3.4. **Third Party Observations**

3.4.1. Office of Public Works

The OPW note that Loreto Hall directly adjoins the Department of Foreign Affairs and Trade (78-81 St. Stephen's Green South) building (P.S) to the west. They are concerned about the scale and close proximity of this proposed hotel development in the historic cityscape of St. Stephen's Green South. They consider that the site is not capable of absorbing such a large scale development in a manner which respects the historic surroundings and the privacy of the adjoining terraced properties. They request that the interface between the site and the adjoining DFAT building be re considered that that the proposed development be modified accordingly.

3.4.2. Department of Foreign Affairs and Trade

DFAT has a number of concerns about the proposed development in the following areas:

- Excessive intensity of development – regard is also had to Site Coverage and Plot Ratio;
- Impacts on built heritage – this includes the relaxation of zoning objectives for Protected Structures.
- Visual Impacts particularly having regard to built heritage in the Georgian C.A;
- Loss of historic roof profile;
- Impacts on the amenities and development potential of adjoining property;

- The amenities of the proposed hotel are impacted by the proposed design and layout, they also refer particularly to the basement development;
- Fire safety concerns relative to the proposed design and layout and proximity to adjoining properties;
- Impacts on the privacy and security of the DFAT Headquarters.

3.4.3. The Irish Georgian Society

They have regard to the impact of the proposed development taking into account the significance of St. Stephens Green and of the P.S including the subject site within the vicinity. They also note that the front of No.77 is located within a Conservation Area. They consider that the scale, height, design and bulk of the proposed development including the 9 storey block to the rear and penthouse/changes to the roof profile of no.77 will dominate and have an adverse impact on the character of the area.

3.4.4. Philip O'Reilly

His concerns include regard to the adverse impact of the proposed penthouse on the roofline of the 18th Georgian building. The loss and destruction of other such buildings in the area has led to undesirable precedent. This type of development will adversely impact on the character of these P.S and C.A and is a travesty to what is left of the unique architectural and historical heritage of this city. Only a tiny proportion of the former grandeur remains and he considers that the proposal should be refused.

3.5. **Prescribed Bodies**

3.5.1. An Taisce

They consider the proposed construction of the roof of no.77 St.Stephen's Green to be an inappropriate addition to this 18th century P.S. They are also concerned about the proposed 9 storey block at the rear and consider it should be subordinate in scale to the main building.

4.0 Planning History

- 4.1.1. *Subject site:* Reg.Ref.2179/01 - Permission granted for a change of use from educational to convent bedroom accommodation with ancillary spaces at second and third floors, also for works involving fire upgrading/replacement some existing doors at all levels to form a protected escape route, also painting and decorating, all at the site of a protected structure.
- 4.1.2. *Adjacent sites:* Section 5.0 of the Planning Report submitted with the application has provided a detailed planning history of surrounding sites and include some pre-existing and approved views. These include:
- Maples and Calder, 72-76 St. Stephens Green;
 - Hainault House, 69-71 St. Stephens Green;
 - Canada House, 65-68 St. Stephen's Green;
 - The National Concert Hall, Earlsfort Terrace;
 - Fitzwilliam Hotel, 128-134, St. Stephens Green.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

Section 2.3.9 refers to the recognition and support for Conservation, Culture and Heritage as a core determinant of the city's character and includes: *The city's built heritage makes it unique. Key to the approach of this plan is to seek to increase the sustainability of urban planning, new investment, infrastructure improvement and regeneration by taking into account the existing built environment, intangible heritage, cultural diversity, socio-economic and environmental values along with community values.*

Section 4.5.9 refers to Urban Form and Architecture Policies SC26 and 26 refer.

Section 6.5.3 refers to Tourism/Visitors. Policy CEE12 seeks to promote tourism facilities, including the provision of hotels.

Chapter 11 refers to Culture and Heritage. Section 11.1.3 sets out the challenges to protect the character of designated ACAs and CAs and to protect the structures of special interest and review the RPS.

Policy CHC1: *To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.*

Policy CHC2 seeks: *To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.* This provides a list of a number of relevant criteria.

Policy CHC4 relates to development in Conservation Areas.

Section 11.1.5.1 refers to the RPS. The Planning and Development Act, 2000 (as amended) defines 'Protected Structures' as structures, or parts of structures, which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 11.1.5.3 includes: *Interventions to Protected Structures should be to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure. This should take into account the evolution of the structure and later phases of work, which may also contribute to its special interest.*

Section 11.1.5.4 refers to ACAs and CAs in particular to the special interest or unique historic and architectural character and important contribution of heritage to the city. Policy CHC4 relates to enhancement opportunities and development restrictions.

Section 11.1.5.13 refers to Preservation of Zones of Archaeological Interest and Industrial Heritage. Policy CHC9 refers.

Chapter 14 sets out the Land-use Zoning Principles and Objectives, and these are referred to relative to the site (Z8-Georgian Conservation Area) in this Assessment.

It is provided that the guiding principle is to enhance the architectural quality of the streetscape and the area, and to protect the Georgian character of the area.

Chapter 16 provides the Development Standards and refers to Design, Layout, Mix of Uses and Sustainable Design.

Section 16.10.11 refers to Mixed Use Development and includes: *To create a vibrant city, it is important that development accommodates a mix of uses. In considering proposals for mixed-use developments, the protection of amenity and the reduction in potential conflict between the various uses will be of paramount importance.*

Section 16.11 has regard to criteria for Guest Accommodation, including hotels.

Section 16.28 refers to Off-Licences, Section 16.29 refers to Restaurants.

Section 16.32 refers to Night Clubs/Licensed Premises/Casinos/Private Members Club.

Relevant to consideration of all of the above uses is the impact on residential amenities, on the protected structures and having regard to the number of such facilities in the area.

Section 16.10.20 refers to Development on Archaeological Sites and in Zones of Architectural Interest.

Guidelines are given on relative to Monuments in Dublin City in Appendix 9, to Aparthotels in Appendix 16 and Appendix 24 refers to Protected Structures and Buildings in Conservation Areas.

5.2. Architectural Heritage Protection – Guidelines for Planning Authorities, 2004

These guidelines are of relevance and were issued by the DoEHLG in 2004/2011 and outline the responsibility of the Planning Authority to protect the special interest of 'Protected Structures' and to preserve the character of conservation areas within their functional area. The Guidelines state that in relation to conservation areas that: *“the protection of architectural heritage is best achieved by controlling and guiding change on a wider scale than the individual structure, in order to retain the overall architectural or historic character of an area”.*

Section 1.3.1 (f) provides: *Where a structure is protected, the protection includes the structure, its interior and the land within its curtilage and other structures within that curtilage (including their interiors) and all fixtures and features which form part of the interior or exterior of all these structures. All works which would materially affect the character of a protected structure, or a proposed protected structure, will require planning permission.*

Chapter 7 of the guidelines sets out the conservation principles for buildings and places with the objective of managing change to them in such a way as to retain their character and special interest. These principles include but are not limited to keeping a building in active use, protecting their special interest, promoting minimum intervention through to ensuring reversibility of alterations. This also indicates that historic structures are a unique resource that once lost cannot be replaced.

Chapter 13 deals specifically with the Curtilage and Its Attendant Grounds.

Section 13.7.1 provides: It is essential to understand the character of a site before development proposals can be considered. Section 13.7.2 has regard to the issues to be considered including: (a) Would the development affect the character of the protected structure? (b) Would the proposed works affect the relationship of the protected structure to its surroundings and attendant grounds?

Section 13.8.2 refers to the impact of new development both adjacent to and at a distance from a P.S.

Section 16.7.2 provides restrictions for Height Limits relative to Low/Mid Rise and Taller Development. Section 16.10.15 refers to restrictions relative to basement developments.

Chapter 17 of the guidelines deals with the matter of alterations to enhance fire safety. It indicates that compromise from all sides will often be needed to resolve conflicting requirements of fire safety and architectural conservation. Section 17.9.2 states that: *a fire risk assessment should be carried out for the protected structure. This would be most useful in advance of preparing a detailed planning application. The likelihood of fire can be reduced by the identification of risks and their elimination or by the management of those which cannot be eliminated.*

Chapter 18 of the guidelines deals with the matter of improving access and Section 18.1.2 states that: *a fair balance will need to be struck between accessibility and the preservation of the special qualities of a protected structure and its setting or of an ACA. Improving access to a historic building will require a creative approach and flexibility on the part of the owners, architects, planning authorities, building managers, users and others.* Section 18.1.4 states that: *where it is proposed to improve access to a protected structure, the ability of the building and its setting to meet this requirement must be carefully assessed.*

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two separate Third Party grounds of appeal have been submitted. These are summarised separately below:

6.1.2. Philip O'Reilly

His grounds of appeal include the following:

- No. 77 St. Stephen's Green is a most important 18th century house.
- Many such houses have been lost and replaced by inappropriate development such as those from no.76 to the corner of Earlsfort Terrace and beyond.
- Some of the finest buildings that have lasted hundreds of years have been replaced by inappropriate development.
- The west side of St. Stephen's Green is such an example of poor development in terms of proper planning and development.
- This proposal is immediately adjacent to some of the most important and historical buildings on St. Stephen's Green in the form of Ivy House and Newman House.
- This is not the place to brutally place a modern penthouse development atop such an important building in the neighbourhood of so many other important buildings.
- These proposals to this restricted site should not be permitted. The roof should be restored to its original state with its double pitch and central valley and roof profile of natural slate. The placing of any modern penthouse should not be permitted.
- The proposals to the rear of the original house are far too intensive and would destroy the character of the original house.
- It would set an undesirable precedent for other buildings such as Ivy House, Newman House etc.

- The proposed single storey 'penthouse' should be removed from this proposal, the original roof profile for no.77 reinstated and any development to the rear scaled down dramatically.

6.1.3. Department of Foreign Affairs and Trade

They have regard to the concerns in their original submission and their grounds of appeal include the following:

- They re-state their main concerns about the revised proposals, and request the Board refuse permission for the development.
- *Excessive Intensity of Development and Impact on Built Heritage* - the site is occupied by a P.S in a C.A where in accordance with the Z8 zoning objective only limited expansion is consistent with the conservation objective.
- *Failure to comply with relevant City Development Plan Policy* – they refer to Section 11.1.5.4 relevant to compliance with development standards in C.A's.
- The revised proposal still allows for a higher plot ratio nearly three times the indicative standard for the area.
- The excessive intensity of development will result in unacceptable impacts on the P.S and the amenities of adjoining properties.
- Failure to comply with National Guidance on Architectural Heritage Protection. They note the serious concerns expressed by the Conservation Officer.
- *DCC Planner's Report Recommendation* – they note that this site differs from other sites as it is occupied by a P.S and adjacent to another P.S (Iveagh House). They consider that while a hotel is permissible on this site in accordance with the zoning that the protection of architectural heritage has not been afforded due consideration.
- *Relaxation of Zoning Objectives for P.S* - they consider that the proposed development subsumes the Loreto Hall P.S and does not protect its character and setting. The relaxation of standards should not be stringently applied. The long term viability of no.77 could be better ensured by more restrained and respectful development of the site.

- *Visual Impacts* –They consider that the development would not complement or enhance the P.S and would undermine both Loreto Hall and the neighbouring Iveagh House with no benefit to the C.A.
- *Impact on the Amenities of Adjoining Property* – In addition to the effects of the proposed development on Iveagh House P.S, it would negatively affect the amenities of the property as an office premises. This includes having regard to a lack of clarity on the impact on sunlight/daylight, ventilation etc. They note that were unable to find any drawings to show measurements of the proximity of the proposed rear block to Iveagh House. They consider that such a lack of critical information is insufficient for an informed decision.
- *Use of Notional and Unrealistic Future Development of Iveagh House Site to Justify Excessive Intensity of Development* - DFAT is concerned that the notional drawings submitted at A.I stage do not present a realistic visualisation of the impact of the proposed development on adjoining properties. They are concerned that such representations present a worrying precedent.
- *Security at the DFAT Headquarters* – Iveagh House regularly hosts Heads of States, national and foreign dignitaries etc. and are concerned about privacy/security and the impact of overlooking from the hotel towards their offices.
- *Road, Cycle and Pedestrian Safety on St.Stephen's Green South during Construction* – they are concerned about the impact of construction works including relative to Iveagh House. They consider that the compound would also obstruct the pedestrian exit route, with potential fire safety implications. There is a need to clarify pedestrian routes and safety procedures relative to the proposed compound.
- *Road, Cycle and Pedestrian Safety on St. Stephen's Green South during Operation* – the loading bay dimensions (specifically the width) are insufficient to cater for both delivery of goods and also a set-down area. This will create a hazard particularly for cyclists. The narrowing of the footpath in front of the proposed hotel to cater for the loading/set-down bay is undesirable. This

would be contrary to advice in Section 4.3.1 in DMURS. The loading bay/set-down area does not meet with best practice standards as set out in DMURS.

- *Fire Safety of the Hotel* – relevant to the proximity to the DFAT office building. They note that there was a long-standing fire safety agreement with the Loreto nuns and the Iveagh House property. The closure of the residence and the sale of the site has extinguished the availability of a fire escape from Loreto Hall onto the Iveagh House property. An unlocked access to the DFAT headquarters from the hotel cannot be contemplated. They ask the Board to look into this issue of the development in details before making its determination.
- *Conclusion* – the proposal would provide for a gross overdevelopment of the Loreto Hall site. It would have a negative impact on the P.S and amenities of the adjoining buildings which are also P.S and on the street, town-scape of the C.A. While DFAT does not object in principle to the redevelopment of Loreto Hall the site warrants deeper more sympathetic consideration of a more appropriate scale and form in accordance with planning policies. They ask the Board to refuse permission for the proposed development.

6.2. Applicant Response

6.2.1. Hughes Planning and Development Consultants have provided a response to the grounds of appeal which includes the following:

- They have regard to the A.I submitted to the Council, that included amended plans and the provision of design Options A and B and provide a detailed explanation of each of these. While they note that Option A is the client's preferred choice, Option B was the one permitted by the Council (condition no.3 refers).

6.2.2. Response to Department of Foreign Affairs and Trade Appeal

- They submit that the proposal which seeks to enhance is in accordance with planning policies and objectives and provides for substantial refurbishment works to a P.S in a C.A.

- The rear of the site and where the block is proposed is outside of and will not be visible from important views in the C.A.
- They have regard to the issue of Plot Ratio as raised and note the amendments provided by Options A and B.
- Both options are identical as regards amendments to the penthouse but there are discernible differences between Options A and B relative to the proposed block at the rear.
- Option A is their preferred option and they provide detailed explanation of this.
- Option B would see the omission of the top floor and stepped-in approach incorporate for the sixth floor which would then become the top floor.
- They ask the Board to recognise that both options are of a scale consistent with the surrounding built environment, particularly the site to the east.
- They provide 3D views to show this and provide that the models and photomontages clearly show that the new buildings at the rear as permitted by DCC will not be seen from the public realm in St. Stephens Green.
- They have regard to Plot Ratio (Section 16.5 of the DCDP) and note that the standards are indicative only and that a higher plot ratio may be permissible in certain circumstances including proximity to transport nodes. They provide that the proposal would comply with these criteria.
- They have regard to the height criteria in Section 16.7.2 of the DCDP and note that this proposal, including Option A, does not significantly differ from more contemporary developments permitted to the east.
- They have regard to Built Heritage and Visual Amenity and note the concerns of the Council's Conservation Officer.
- They provide a discussion relevant to the amendments to provide for the design of the Penthouse and note that a contemporary solution is preferred to provide a contemporary link between the old and the new.
- They note the role of the Chapel building in providing a link between the P.S and the new build at the rear. They provide that this break, benefits the P.S and Iveagh House.

- They consider that the proposal will not detract from the appearance and character of the P.S or from its setting within the Z8 C.A. They include a letter to this effect from Cathal Crimmins Architect in Appendix A of their response.
- Figure 8.0 shows a modelled image of the proposed development as approved by DCC showing the break between existing building (P.S) fronting St. Stephen's Green and the new proposed building to the rear.
- They note that the rear block is not likely to be visible from St. Stephens Green or from important views in the C.A in general.
- They include a number of views/figures to show the site context, including Figure 9.0 which shows a Bird's Eye view of the rear of the site.
- Regard is had to the Amenity of Adjoining Properties. They refer to the detailed daylight and sunlight assessment carried out by ARC Consultants.
- With regard to privacy they consider it is unreasonable that inner city commercial development should be constrained on account of the privacy of other commercial use.
- They have regard to any future development of Iveagh House, and refer to Article 86, Part 9 of the Planning and Development Regulations 2001-2012. They refer to the letter from the Property Management Unit of DAFT in Appendix C of their response.
- They consider that the proposed development will not impact adversely or diminish the suitability of the appeal site for a building of the scale and height proposed.
- They refer to revised drawings submitted regarding Road, Cycle and Pedestrian Safety during Construction and Operation and include in Appendix B a response letter from Casey O'Rourke & Associates Consulting Engineers, to confirm that the access to no.78 will not be obstructed during construction period. They consider that the revisions allow for an acceptable footpath width and a workable loading bay.
- Relative to Fire Safety they provide details and note that arrangements have been made to ensure that the proposal complies fully with Part B of the *Building Regulations (Amendment) Regulations, 2006*.

6.2.3. Response to Philip O' Reilly Appeal

The First Party provide a separate response to this Third Party appeal, which while similar in part to the DFAT response includes the following of note:

- They note that much of the appellant's aversion to the proposal is focused on the proposed penthouse to the roof level of the existing property fronting St. Stephen's Green.
- The first option to reinstate the original roof was considered by their design team but that an opportunity presents itself to continue the light weight approach to penthouse level. They provide photographs and consider that this will enhance the appearance of the building in the C.A and provide linkages between the existing and contemporary build to the east.
- They are satisfied that the proposed penthouse as amended in the revised plans does not detract from the character or appearance of the P.S or from its setting in the Z8 C.A.
- They have regard to Options A and B, and include 3D views. They note that latter as permitted by the Council would see the omission of the top floor and stepped in approach to incorporate for the sixth floor which then becomes the top floor.
- They provide that the models and photographs clearly show that the new block to the rear will not be seen by the public from St. Stephen's Green.
- The chapel building to be retained to the rear of the building will provide a break and a link between the existing and new build.
- They refer to the comments relative to the impact on the P.S by Cathal Crimmins Grade 1 Conservation Architect.
- They conclude that the proposed development will introduce a new viable hotel use in the area and is consistent with planning policy and will protect the setting and integrity of the P.S in the Z8 C.A. They ask the Board to uphold the Council's decision.

6.3. **Planning Authority Response**

Dublin City Council note that the appeal documents have been reviewed and consider that the proposed development subject to the conditions attached to the permission is consistent with the proper planning and sustainable development of the area.

6.4. **Observations**

Two separate Observations have been received. These are from the Office of Public Works and the Irish Georgian Society. Their concerns are summarised separately as follows:

6.4.1. Office of Public Works

They provide that their Observations are made in conjunction with the Department of Foreign Affairs and Trade (no.78-81 St. Stephen's Green South) to the west. As this is a state owner property the OPW have a responsibility to ensure that this property, and its historic curtilage are maintained to a high standard and that the future development of the site is not compromised by inappropriate expansion of neighbouring properties.

- They are concerned about the scale and close proximity of the proposed hotel development and impact on the historic skyline of St. Stephen's Green South.
- Having regard to the locational context and constraints of the site, it is not capable of absorbing a development of the scale proposed.
- The images prepared in response to the F.I are not a factual representation of intended future development by OPW/DFAT.
- The site represents a challenge in view of the Z8: Georgian C.A zoning. While they note that a relaxation of the relevant development standards is permissible in some cases, this should not be applicable in view of the sensitivities and restricted nature of the subject site.

- The proposal will adversely impact on Iveagh House P.S, which is occupied by DFAT, including in terms of sunlight and daylight, privacy/security levels, notwithstanding the reduction in scale by DCC.
- The close boundaries outlined in the planning documentation are also of concern with regard to fire certification boundary requirements. There is no means of escape to the rear of the building, the agreement that was with the Loreto nuns has now been extinguished and therefore not transferred to the current owner.
- The OPW are not satisfied that sufficient distance has been left between the proposed building and the boundary wall.
- In view of scale, height and bulk, it will impact on the amenity levels in the adjacent DFAT offices.
- The OPW request that the Board would require the applicant to more fully consider the interface between the site at No.77 St. Stephen's Green and the adjoining DFAT headquarters and to modify the proposed development accordingly.

6.4.2. Irish Georgian Society

- They refer to the significance of no.77 St.Stephen's Green and note the Conservation Report submitted by Cathal Crimmins Grade 1 Conservation Architect.
- Notwithstanding the amendments provided by Option B and Condition no.3 of the Council's permission they have significant concerns about the design, scale/bulk and height of the proposed development.
- They are concerned that the proposed new block at the rear is significantly higher than the P.S and will not be subordinate to this.
- The rooms in the proposed new block will have a loss of daylight/sunlight and it will obstruct key views from the rear facing windows of Iveagh House. P.S.
- They are concerned that the proposed design and finishes of this block will lead to a somewhat industrial character in the new block.

- The proximity of the block to the rear of the P.S will alter sun/daylight received in the rear south facing rooms of this property and obstruct views.
- They have regard to historic mapping in Crimmins Conservation Report and relative to the original roof profile of no.77 and provide that this should be reinstated and that the current proposal relative to the penthouse would not be in character with the P.S.
- The proposal would not be in accordance with the Z8 C.A objective. It would dominate and appear visually obtrusive and makes no attempt to enhance the visual appearance of the P.S in the Georgian C.A.
- The likely impact of the proposed development on the architectural heritage can be directly correlated to the excessive scale and height of the proposed development and the decision to construct so close to the P.S.
- The proposed plot ratio is excessive for the Georgian core.
- They contend that the construction of such an unsuitable and discordant addition to this fine house would result in significant negative impacts and should be refused permission.

6.5. Further Responses

6.5.1. Philip O'Reilly

Two separate responses have been received dated June 15th 2017 and August 14th 2017 and below includes a summary of the relevant planning issues:

- The Third Party reiterates his original objection in respect of this development and provides that if this is allowed to proceed it will mark the further destruction of what little is left of the Georgian heritage of the city.
- This proposal cannot be permitted as it is contrary to Conservation/Heritage policies and objectives relative to the P.S and the Georgian C.A. in the DCDP.
- The proposed scale of development is excessive. It would not provide for limited expansion and would introduce a destructive scenario to this sensitive area contrary to the Z8 Georgian C.A.

- He submits that the Board should deny any suggestion that the entire site for this development not be included in the Z8 conservation area designation. All buildings in the curtilage of a P.S are protected and protection extends to the entire site as does the zoning objective.
- It would have no relationship with other properties in the area and would set an undesirable precedent for such negative redevelopment of other fine historic buildings in the area such as Iveagh and Newman Houses and environs.
- It would be higher than the existing P.S and would impact adversely on sun/daylight and overshadowing, privacy and security to the adjoining Iveagh House.
- The development should only be allowed provided the penthouse is omitted in its entirety. Any development to the rear should not exceed the size and scale of the buildings to the rear of Iveagh House buildings to the west of the site and should be subordinate in scale and height to no.77.
- The proposed loading bay would be disruptive to the setting and environment of these fine Georgian properties. There would also be the loss of an on-street parking space and of footpath space for pedestrians.
- It would impact adversely on views and the setting of St. Stephen's Green and would be visible from Iveagh Gardens, the Z8 C.A. on Earlsfort Terrace and the NCH.
- Regard is had to other more contemporary buildings which he considers detract from the area. The site is not suitable for the development proposed in a Z8 Conservation area (Georgian Core) with a P.S.
- Concerns about fire safety in view of the restricted nature of the site.
- Any future development of Iveagh House should not be a subject for this application.
- The DFAT submission is supported in full and this permission should be refused having regard to the proper planning and sustainable development of the area.

6.5.2. Department of Foreign Affairs and Trade

While not intended to include points already raised in their grounds of appeal, their response to the applicant's response includes the following:

- The development is excessive in scale and insensitive to the architectural and cultural heritage of the site (P.S) and neighbouring protected structures.
- The development would cause significant impact on the amenities, privacy and security of DFAT's headquarters located at Iveagh House.
- The site is entirely in the Z8 Georgian C.A and the proposed development would not comply with the zoning objective.
- The plot ratio should not be justified by other high intensity developments in the vicinity and is excessive for the Z8 C.A.
- They request that the Board consider the report of the DCC Conservation Officer on the original application and note they recommended refusal.
- They submit that the modifications to the rear block as submitted in the F.I make no significant difference to the nature and scale of the rear block.
- The amenities of some of the hotel rooms including at basement level would be extremely limited. They also refer to the inappropriate use of frosted glazing to hotel windows.
- The block at the rear lacks ambition and will not have the appearance or character of a 'boutique hotel' and would be an entirely different quality.
- The proposal is not in compliance with policy providing restrictions for basement development.
- They re-state their concerns over the applicant's illustration of 'notional future development' of Iveagh House. DFAT are not aware of any future plans drawn up for Iveagh House.
- DFAT values the architectural heritage of Iveagh House and the neighbouring lands and would wish for their special character to be retained.
- They note the role of the OPW in overseeing high standards in conservation.

- They are concerned about impact on the amenities of Iveagh House and include a 3D drawing showing before and after scenarios.
- Placing hotel rooms at less than 6m from the DFAT office building is inappropriate. This is a building of national importance in daily use for diplomatic relations.
- They request the Board to take into consideration in its determination the long established use of Iveagh House as the headquarters of DFAT, and that it be granted a suitable and reasonable degree of protection – without sterilising Loreto Hall from appropriate development.
- They reiterate their concerns about Fire Safety and means of escape. They request the Board consider whether adequate fire escape routes are possible given the site constraints.
- The development contravenes a number of DP policies and standards and would constitute a gross overdevelopment of the Loreto Hall site.
- They do not object to the redevelopment in principle but greater consideration should have been given considering the constraints and the sensitive nature of the Loreto Hall site.

6.6. Response from Prescribed Body

6.6.1. Fáilte Ireland

Their response includes the following:

- Dublin City is experiencing unprecedented hotel occupancy rates and it is essential that the delivery of new accommodation is facilitated.
- They note that in July 2016 Fáilte Ireland published a detailed assessment of accommodation stock in the City now updated and re-published in May 2017. This assessment identified the scale of additional accommodation required to meet anticipated levels of demand in Dublin over the coming years.
- They provide that there is an acute shortage of hotel bedrooms in the city centre. The current demand far exceeds the supply and inevitably in a

scenario such as this, prices are inflated giving the message internationally that Dublin is not a competitive destination.

- This proposal would be a valuable addition to the accommodation stock in Dublin and would assist in addressing shortages of such.
- From a tourism perspective Fáilte Ireland supports the proposed development in line with all proper planning/environmental and tourism regulator and registrations being met.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. The proposal seeks to redevelop the site for commercial hotel use, using the existing Loreto Hall P.S at No.77 St. Stephen's Green, to be incorporated with the new penthouse/modern additions and with linkages to a new 9 storey purpose built hotel block at the rear of the site and all ancillary works to provide 95 bedrooms in total. As shown on land-use zoning map 'E' of the DCDP 2016-2022, the site is located with the Georgian Conservation Area where the Land-Use Zoning Objective Z8 seeks: *To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.*
- 7.1.2. Section 14.8.8 provides: *Lands zoned Z8 incorporate the main conservation areas in the city, primarily the Georgian Squares and streets. The aim is to protect the architectural character/design and overall setting of such areas. A range of uses is permitted in such zones, as the aim is to maintain and enhance these areas as active residential streets and squares during the day and at night-time.* It is of note that a 'hotel' is included in the permissible uses. It could also be seen that the subject proposal would provide for the revitalisation of the historical building (protected structure) and needs to be seen as a positive addition to the streetscape. Regard is had to Policy CEE12 of the DCDP 2016-2022 which seeks to promote tourism through the provision of necessary significant increases in facilities such as hotels, cafes and restaurants. Also to the submission from Fáilte Ireland concerning the shortage of hotel rooms in the city centre. Section 16.11 has regard to criteria for

Guest Accommodation, including hotels. This includes regard to: *The effect on listed buildings and/or conservation areas.*

- 7.1.3. There is concern from the Third Parties and Observers that there will be a relaxation of the Z8 zoning objective and the intensity of the proposed development is inappropriately high for a site that is occupied by and adjoins other protected structures, is adjoining a Conservation Area and where the land use zoning objective is to allow *'only for limited expansion consistent with the conservation objective.'* Also that the scale, height and design of the proposed development does not respect or enhance the character and composition of No.77 St. Stephens Green or any of the other protected structures on St. Stephen's Green South. Therefore, that the proposal would be visually obtrusive and overbearing relative to adjoining properties and set an undesirable precedent and detract from the character of the P.S and the Georgian Conservation Area.
- 7.1.4. The First Party provides that this proposal comprises an active and viable use for a now redundant former convent property and substantial refurbishment works to the P.S, seeking to provide much needed hotel accommodation and to enhance the building's character and appearance in the context of its status as a P.S and its location within the St. Stephen's Green C.A. They submit that this proposal including the contemporary additions is in accordance with planning policies and the proper planning and sustainable development of the area.
- 7.1.5. While it is noted that this proposal for a hotel is acceptable in principle in this land use zoning, regard is had to policies relevant to Heritage and Conservation. These include relative to Protected Structures and Conservation Areas and ACAs in Section 11.1.5.1 and 11.1.5.4 of the DCDP 2016-2022. Policies CHC2 (P.S) and CHC4 (A.C.As and C.As) and are referred to above in the Policy Section of this Report. Note is also had of the relevant Architectural Heritage Protection Guidelines which concern works to a P.S and in its curtilage and attendant grounds. The site is not within an ACA but the frontage adjoins the C.A to St. Stephen's Green South and the C.A is also proximate to the rear of the site. It is also within a zone of archaeological interest Policy CHC9 relates. These policies and guidelines are relevant when considering the constrained locational context of this sensitive site in the Georgian C.A. Regard is had to this and to the relevant planning issues and concerns raised by the Third Party appeals and Observers and to the First and Third

Party responses including a discussion of the penthouse and design Options A and B are considered in this Assessment below.

7.2. Regard to Proposed Development

- 7.2.1. It is proposed to develop a hotel on the site at no.77 St. St. Stephens Green. The existing Georgian Building fronting onto St. Stephens Green is to be completely refurbished as is the Chapel building to the site. A nine storey over basement building has been proposed to be constructed at the rear of the site and an existing three storey office building to be demolished in advance of the new works. Regard is had to the existing and proposed plans submitted. It is noted that the floor plans are hatched, and colour coded. Photo images and 3D images have been submitted showing the proposed elevations in context. These include from ARCHFX which provides the Photomontage and Methodology and shows Existing and Proposed Views (as per the original submission) dated November 2016, and has regard to the Revised Plans dated March 2017. The latter also include a View Location Map relevant to the photographic images.
- 7.2.2. Permission is sought to change the use of the property from former institutional office, administration and ancillary residential accommodation by the Loreto Sisters Religious Order to provide a 95 bedroom and ancillary hotel services. Regard is had to the detailed description of development. It is noted that 8no. hotel bedrooms along with hotel reception, lounge and kitchen are to be provided in the existing building fronting St. Stephens Green. An additional 3no. bedrooms are to be provided in a new two-storey hotel penthouse level to that building. Most the hotel facilities are to be located within the existing building complex to be retained, with the bedrooms primarily in the new block at the rear.
- 7.2.3. It is of note that a Design Statement has also been submitted with the application. This provides that the site can be broken into 3 elements – 1) the main building fronting onto St. Stephen's Green; 2) The hidden chapel to the rear of the main building off to the west; 3) the newer accommodation block at the rear. The site is long and narrow with limited access to 3 sides, and bounded by a tall contemporary block to the east, similar height Georgian buildings to the west and a private laneway to the rear of the site. The design approach must take into account the buildability of the development in particular the proposed block at the rear.

- 7.2.4. Details are given of the proposed external and internal alterations to No.77 and within the curtilage of this P.S. Proposed external alterations to this building comprise replacement windows to match original window frame detail; installation of a new internal fire escape stairs on front (north-western side) of the building from lower ground floor to further floor level, with associated access doors at each level and to be screened from St. Stephen's Green by a feature length treated glazed structure; blocking up 1 no. window in the hotel kitchen at lower ground floor level (basement); new glazed link to the chapel building (proposed hotel spa and restaurant) between lower ground and ground floor level.
- 7.2.5. Proposed internal alterations to this building comprise the removal of substantial non-original engineering works; installation of a new lift core from lower ground (basement) to fourth floor, to be located within existing stair core and provision of associated access doors at each level, partial wall removal for dry goods store for WC at lower ground floor (basement) level, widening of opening and removal of door to opening in entrance lobby at ground floor, minor alterations and new partitioning at second and third floors.
- 7.2.6. It is proposed to provide a hotel restaurant and spa centre in the existing single storey over basement, chapel building at the centre of the site. Works comprise refurbishment, internal and external alterations to the building along with the demolition of non-original single storey, lower ground floor level, side extension and construction of replacement single-storey, over basement, side extension.
- 7.2.7. Proposed external alterations to this building comprise the removal of 3no. windows on the eastern elevation to the existing building at ground floor level to allow connectivity within the proposed hotel restaurant, reconstruction of external walls to lower ground floor level to accommodate spa treatment centre, and glazed roof to western side of chapel building. Internal alterations comprise the reconfiguration of internal layout at lower ground floor level, including removal of internal walls, and installation of a new stairs between lower ground (basement) and ground floor.
- 7.2.8. 84no. hotel bedrooms are to be provided in a new 9 storey over basement, building to the rear (building height of 24.8m above ground level). Therefore, this new build element is to provide the bulk of the bedrooms. A Schedule of Floor Areas is included relative to revised floor plans as shown in the A.I drawings submitted. The

proposed lower ground floor level is at ground level (the proposed ground level being at hall level) which will allow natural lights to the bedrooms at this level.

- 7.2.9. Works are to comprise the demolition of existing part two, part three-storey, over basement, convent dormitory building, at the rear (south) side of the site and construction of a new detached 9 storey over basement, building, to comprise plant and stores at basement level and 84 no. hotel bedrooms at ground to seventh floor levels. There is no objection to the removal of the existing block at the rear, as it is a later build and appears to be of no particular architectural merit.
- 7.2.10. The application also makes provision for 2no. internal courtyards and bicycle parking at ground floor level. No on-site car parking is to be provided.

7.3. **Impact on the Protected Structure and Conservation Area**

- 7.3.1. The Planning Report submitted with the application notes that the proposal comprises substantial refurbishment works to the P.S, seeking to enhance the buildings character and appearance in the context of its status as a P.S and its location within the St. Stephen's Green C.A. Regard is had to Policy CHC2 which seeks: *To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage.* Regard is also had to Policy CHC4 of the DCDP i.e: *Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.*
- 7.3.2. The Conservation and Heritage Impact Report submitted has regard to the history of the development site. This includes that No.77 St Stephens Green was originally built in 1765, the long linear outbuilding to the rear was extended eastwards sometime between 1864 and 1890, the house was sold to the Loreto sisters in 1911 for use as a university hostel for the Catholic University. A new chapel and refectory were added to no.77 in 1924, which appear to have replaced the long linear building to the rear. No.77 continued as a hostel for girls and a commercial college until the 1990's. In more recent times, No.77 (which is now vacant) has been used to provide accommodation for the Loreto community with associated office space. A Conservation Report on the Proposed Alterations and Change of Use has also been

submitted. Details are included with regard to the impact of the proposed works and the Methodology relative to demolition and removals and proposed construction works. A schedule of the existing rooms for conservation in the P.S has been provided. It is noted that for the most part the proposed demolition involves the later additions which are of no particular architectural merit. An Engineering Report has been provided on the Construction & Renovation of the Building. Regard is also had to the proposed refurbishment.

- 7.3.3. There is concern that the proposed development would not compliment the street or roofscape in this C.A. This includes regarding the impact of the proposed design of the penthouse type building on the roof profile of this 18th century Georgian building having an adverse impact on the character of the P.S and the C.A. An Taisce are concerned about the proposed construction to the roof of this 18th century P.S, which they consider to be ill advised. They provide that the guidelines do not allow for this type of approach for this type of building in a setting like this. Rather, in view of the proposal for new construction elsewhere with the site, the appropriate approach would be the reconstruction of the building's historic roof to correct design and detail. They also advise that the applicant should be requested to address the DCDP requirement that development to the rear of Protected Structures should be subordinate in scale to the main building.
- 7.3.4. DFAT are concerned that the 'feature length treated glazed structure' screening the external fire escape stairs of the development fills in the existing gap between Loreto Hall and Iveagh House. That by abutting and exceeding the height of Iveagh House it would visually crowd this adjacent P.S. Also that the angled roof profile of the glazed, steel framed penthouse adversely affects the attractive and varied roofline of Loreto Hall and the buildings to the west. There is concern that the introduction of angles contrasting with the strong horizontal and vertical emphasis of the existing building does not respect the uniformity of the street. Also that the rhythm and the materials of the structure are at odds with the existing architecture.
- 7.3.5. Regard is had to the revised drawings and to the Report submitted in response to the F.I by Cathal Crimmins, Grade 1 Conservation Architect. This is relevant to both the proposed penthouse and the block at the rear – Options A and B are discussed further below. It is provided that a contemporary solution is the preferred option including relative to the penthouse. This also notes that the proposed lift in the 20th

century stair shaft has been selected to ensure that impact on the historic fabric is minimised. They provide that the proposed new stair location impacts least on the P.S whilst ensuring that the proposed use meets universal access requirements. It also provides that the proposed change of use ensures that the building will remain in a suitable use and also affords the opportunity of carrying out conservation and repair works and reinstating features such as sash windows. They provide that this will make a positive contribution to the character of the P.S and adjoining streetscape and the Green.

- 7.3.6. The Third Parties including the Irish Georgian Society are concerned that the proposal would lead to an excessive form of development that would be overly dominant, out of character with the P.S and not enhance the Georgian C.A. They provide that it would be out of character with the uniform, ordered and fine grain façade of no.77 St Stephen's Green and would appear incongruous and overbearing when viewed from both the public realm and the houses and gardens of houses in the vicinity of the application site.
- 7.3.7. The letter from Crimmins Conservation Architect (Appendix A) submitted with the First Party response provides that the Georgian building and the chapel will be retained and repaired to the highest conservation standards and will have an appropriate contemporary roofscape linking the old with the adjoining contemporary architecture. Also that the rear building replaces a nondescript block and will be replaced with a well-considered and designed contemporary building.

7.4. Regard to Amendments to the Penthouse

- 7.4.1. The Design Statement submitted with the original plans provides a description of the double height lightweight glass 'box' with lattice structure originally proposed. This sought to provide a part two storey organic contemporary structure to provide a penthouse suite on the top of the flat roof of the main building facing onto St. Stephen's Green. It is provided that this rooftop addition and the glazed vertical access to the side will be the only visual sign that no.77 has been redeveloped, and will install a sense of curiosity as to the rest of the site.
- 7.4.2. The Conservation Officer's concerns about the proposed Penthouse Structure have been noted. The Planning Report submitted in response to the Council's F.I request

notes that the Council have suggested two options relative to the penthouse. The first was to consider the reinstatement of the 18th century roof profile. According to the Conservation Report submitted the original roof was hipped and slatted and was replaced by a flat roof in the early 1900's. They provide that while the idea of reinstating the hipped roof was considered, the overall design response needs to be given due consideration. There is a desire to enhance the appearance of the building, central to this being the need to screen the external fire stairs from St. Stephen's Green, resulting in a light weight design feature which they consider respects the integrity of the P.S while also improving the visual amenity of the area. At present this appears as a recessed area between Loreto Hall and Iveagh House and is not a particularly attractive feature.

- 7.4.3. The First Party provide that considering the suitability and acceptance of the front glazed element, that an opportunity presents itself to continue this light weight glazed approach to the penthouse level. In response to the concerns raised about the design of the penthouse originally proposed and the impact on the P.S, the penthouse has been reduced to single storey and stepped back further from the front parapet. As shown on the revised drawings the roof profile for the penthouse level is mono-pitched at an angle which represents a graduation in height between the existing buildings at No.78 to the west and the more contemporary No.76 to the east. Figure 2.0 of the F.I Planning Report shows that existing and regard is had to Figs. 3.0 and 4.0 showing the revised options which provide a visual linkage between the old and the new contemporary buildings.
- 7.4.4. It is noted that there are concerns that the proposed penthouse, including the revised proposal will provide a feature which will appear overly dominant and out of context with the P.S and the roofscape in the C.A. The Irish Georgian Society consider that the proposed roof profile of no.77, as extended by the penthouse structure would be visually obtrusive and would be at odds with all other roof profiles in the southern side of St. Stephen's Green and would result in a significant change to the streetscape of the C.A – they refer to Photomontages submitted. They do not consider that it would complement or enhance the appearance of the P.S.
- 7.4.5. The Conservation Statement submitted with the F.I provides that the proposed penthouse has been revised in scale and will be both lower and set back further than the initial proposal, ensuring that it will be subservient to the P.S and the square.

This design response is supported as a contemporary solution by the Crimmins Conservation Report. Other precedents relative to this type of response are also noted.

- 7.4.6. Having regard to the Penthouse, it is considered that the proposed revisions as provided in the F.I submitted offer an improvement on those originally proposed on top of this Georgian building. However, the sloping mono-pitch proposed would introduce a new feature that would be out of character with and not add to the attractiveness of the P.S in the Georgian C.A. In this respect, the Board may wish to omit the penthouse element entirely as has been requested by the third parties. However, the concept of the glazed feature along the full height of the frontage to provide screening for the stairs is considered to be acceptable. Therefore, if the Board decides to permit, it is recommended that it be conditioned that there be some modifications to the proposed design of the penthouse i.e: that it should be conditioned that the sloping monopitch element (as shown on the elevations the height graduates from 4.2 to 2m) be omitted and that the single storey glazed penthouse suite (to a maximum height of 3m) be a flat roofed structure and set back behind the parapet as shown on the fourth floor plans submitted as part of the F.I.

7.5. The Chapel

- 7.5.1. It is proposed to retain and renovate the existing chapel building located in a central position on the site. The Design Statement submitted notes that they propose to renovate the Chapel building and use it as a restaurant. They also propose to provide a new double height 'glazed box' to the side of the chapel that would be an extension to facilitate the restaurant use and to allow access between both buildings. They provide that the light filled box would act as a buffer between the front block with contains the existing P.S and the new proposed rear block. They consider that this will provide a complimentary space to the Chapel.
- 7.5.2. The chapel block has some features of note, particularly in the lead and glass windows, mouldings and joinery, marble dais and the vaulted ceiling. It is noted that the interior of the existing chapel is attractive as are the round stained glass windows on the exterior. However, the building is relatively dark and it is considered that provided the chapel building is retained that the proposed glazed element at the side will improve the lighting and provide a more useable space in this location. It is noted

that while the chapel building compliments the P.S it is a later addition and is not visible from St. Stephen's Green South. It is proposed to retain the basement area under the Chapel and to open up the space into a wider room to accommodate the spa treatment centre.

- 7.5.3. Regard is had to the Options for the rear block as discussed below. It is noted that in both cases the retention of the chapel building means that the proposed rear block will be set back from the P.S to the front. The new rear building is to be set back 22m from the rear elevation of the P.S, allowing for a break in the built form, a measure which serves to protect the integrity and special interest of the P.S on the site and the adjoining Iveagh House. Figure 8.0 of the First Party response to the grounds of appeal shows a modelled image of the proposed development as approved by DCC. It is provided that maintaining a lower height to the chapel building towards the centre of the appeal site allows a break between the buildings fronting St. Stephen's Green and the contemporary rear hotel accommodation building. Also that this break equally benefits Iveagh House a P.S. to the west.

7.6. Rear Block - Regard to Additional Information – Options

- 7.6.1. The amended plans submitted as part of the F.I consist of two options (Option A and B), in which both options were identical with regards to the changes to the penthouse level to the building fronting St. Stephen's Green, but with a discernible difference between the two options being the alternative design amendment approach to the proposed rear 9 storey building. Option A, which continues to be the applicant's preferred option, comprises the retention of the building height i.e. 9 stories as lodged with the original application, but incorporated a stepped-in approach to the top two floor levels. The top two floors would therefore be narrower and set back from the DFAT building.
- 7.6.2. Option B comprises the omission of the top floor and the incorporation of a stepped-in approach for the sixth (top) floor level. Therefore, in Option B the height of the proposed block has been reduced to seven stories over basement and it is provided that it will appear as a similar height as the P.S in front. This option in view of the omission of the top floor, is less favoured by the First Party. It is noted that the Council's decision to grant permission incorporated Option B in Condition no.3.

7.6.3. The Council's permission includes the following amendment condition:

- a) *The penthouse at roof level of the protected structure, No.77 St. Stephen's Green shall be single storey only and set back from the parapet as indicated on Drawings: Revised Front Elevation 2016-67-FI-300B and Revised Section B-B 2016-67-FI-301B.*
- b) *The rear block shall be reduced by one entire storey and set back from the western elevation at sixth floor level as indicated in Option B and Drawing No. 2016-67-FI-200B and drawing No. 2016-67-FI-300B.*

Reason: In the interests of visual amenity

7.6.4. In summary having regard to the revisions made in the F.I response submitted, the permission, as granted by DCC (Condition no.3 Option B), consists of the change of use of the property to an 85 no. bedroom hotel, to comprise 8no. hotel bedrooms, hotel reception, lounge and kitchen in the existing building fronting St. Stephen's Green, with an additional 1no. two-bedroom suite within a single-storey penthouse level to that building, hotel restaurant and space centre in the existing chapel building at the centre of the site; and 76 no. bedrooms in a new 8 storey, over basement, building to the rear (building height 21.7m above ground level).

7.6.5. It is of note that the First Party have not appealed this condition. However, they ask the Board to recognise that both options are of a scale consistent with the surroundings built environment. They provide that the addition of the new hotel building to the rear is of a height, scale and massing consistent with previously approved development on the adjoining sites to the east. However, while on site it was seen that there is a considerable difference between the scale of buildings on the sites either side of the proposed development site, with the buildings to the west which include the P.S Iveagh House on a lower scale.

7.6.6. Section 16.7.2 of the DCDP outlines the building height strategy for the city. The subject site is located within the inner city area, within which building heights of up to 28m for commercial development can be considered. This section includes: *For example, 28 m equates to 9 storeys residential or 7 storeys office generally, but maybe different for specific uses such as hospitals.* This also includes: *The height definition is based on an average storey height of 3.0 m for residential development*

and 4.0 m for commercial development. Ground floors should be commercial height for design, use and adaptability reasons in all areas. The following is noted:

- Proposed development - Option A-preferred by their clients (24.8m)
- Proposed Development - Option B – approved (21.7m)

This includes that other more contemporary buildings to the east of the site are within or slightly taller than this height range. However, it must be seen that this building is in a different context in that it is within the curtilage of a P.S and adjoining the curtilage of Iveagh House another P.S, both with lower scale development at the rear. Therefore, this application has to be considered on its merits and the existence of higher development to the east of the site does not provide a justification for this proposal. It is considered that in view of the site context that if the Board decide to permit that Option B is the preferable option.

7.7. Impact on Sunlight/Daylight

- 7.7.1. In relation to the matter of overshadowing the design of schemes should be guided by the principles of good site planning to allow for access to daylight and sunlight for the proposed development. The issue of adverse impact on sunlight and daylight and of overshadowing from the proposed development on the adjacent commercial properties and on the hotel bedrooms has been raised and presented in analysis of the submissions on behalf of the Third Party Appellants and Observers. Also regard must be had to the impact on the rear south facing rooms of the P.S.
- 7.7.2. In response to the Council's F.I request a Sunlight and Daylight Access Impact Analysis has been submitted by ARC Architectural Consultants Ltd. This is particularly in relation to the impact of the proposed 9 storey block at the rear. It is noted that the potential for overshadowing is largely limited to the lands immediately adjoining the application site. The construction of the proposed development will result in additional overshadowing of the lands to the west (nos.78-79 St. Stephen's Green and the Iveagh House complex) during the mornings throughout the year and lands to the east (i.e no. 75 St. Stephen's Green) during the afternoons and evenings throughout the year. The windows at the lowest levels will suffer the most significant reductions in sunlight access. It is provided that expectation of sunlight within offices (and in particular, modern offices) must be considered in the context of

the ongoing densification of the urban area and the pattern of development in the area surrounding the application.

- 7.7.3. The Analysis provides that during the early mornings of the spring and autumn months shadows cast by the proposed development are likely to result in a minor change to the pattern of shadowing in the garden of the rear of Iveagh House. Similarly, there will be some ‘imperceptible’ additional overshadowing of a portion of the rear of Iveagh House for a short time during the mornings of the winter months (November, December and January).
- 7.7.4. Regard is had to the British Standard and the BRE Guide and the results of the ARC analysis are set out in Table 1. *Impact of the proposed development on sunlight access to sample ground floor windows in neighbouring buildings*. Regard is had to both Options A and B in this respect. It is noted that neither the British Standard nor the BRE Guide provide specific guidance on what constitutes appropriate sunlighting of commercial buildings, rather they seem to be largely focused on sunlight to residential buildings. The loss of sunlight and overshadowing to an office environment may not be perceived as negative by the occupiers having regard to glare etc. The ARC analysis found that the omission of a floor as proposed by Option B made little or no difference to the impact of the proposed development on the majority of the sample windows studied. Also, that the difference in the extent of the impact of the proposed Options A and B on sunlight access is so minor that it is considered that there is no material difference between these options in terms of impact on sunlight access to neighbouring buildings.
- 7.7.5. The impact of the proposed development on daylight access within the existing buildings is likely to be the most significant in the case of existing buildings at close proximity with windows directly opposing the area of the application site on which the new structure is proposed. ARC’s analysis indicates that the impact of the proposed development on daylight access to this modern office building is likely to be ‘imperceptible’. Also that the proposed development has the potential to result in ‘moderate’ impacts on daylight access in rooms on upper floors within the modern office building to the rear of No.78-79 St. Stephen’s Green. They consider that this is in line with current trends regarding densification of office/commercial build.

- 7.7.6. ARC analysis indicates the majority of the notional sample rooms within the historic buildings at nos. 78-79 St. Stephen's Green within the Iveagh House complex are unlikely to experience a noticeable change in daylight access as a result of the construction of the proposed development. While there will be some reduction in the modern office building to the rear of nos. 78 -79 and to the rear of no.75 this is not considered to be significant in the context of long standing trends for intensification of development in the St. Stephen's Green/Earlsfort Terrace area. It is noted that the analysis has had little discussion of the impact of the proposed block on the southern (rear) facing rooms of no.77, the subject property.
- 7.7.7. Details are also provided having regard to Assessment of Methodology for Daylight Access. This includes regard to the Average Daylight Factor. Also, that it is understood that the brushed aluminium finish proposed would have a high reflectance than that assumed in the ARC analysis i.e *the surface materials of the proposed development are likely to reflect more light towards existing buildings than is indicated by ARC's analysis.*
- 7.7.8. It is noted that a three dimensional model of the proposed development (Options A and B), the permitted development of Hainault House and the existing buildings in the area was constructed by ARC Consultants based on the drawings supplied by the Design Team, and with reference to on-site, satellite and aerial photography. Using the digital model, shadows were cast by ARC at several times of the day at the summer and winter solstices, and at the equinox. A Shadow Study showing the differences relative to the seasonal results for the Existing and Proposed development is included. In these projections it is noted that there is a significant variation shown between the impact of overshadowing in the existing scenario and the proposed development.

7.8. **Overdevelopment of Site**

- 7.8.1. There is concern that this proposal will lead to an over intensification of development on site. That this site, which is located in a terrace overlooking a Georgian Square, is not capable of absorbing such a large scale development in a manner which respects the historic surroundings and the privacy of the adjoining terraced properties. Also that little consideration has been given to site constraints, and that the primary focus is to get as much development as possible into this restricted site

area, within the height limit for the area but not taking account of other development standards. This would lead to an adverse impact on the amenities of adjoining properties, including Iveagh House and also of future occupants in the hotel. It is noted that the proposal is in close proximity and there is concern that it will impact adversely on Iveagh House the adjoining P.S and effect its development potential. Also that the proposed development should be reduced in scale and redesigned in order to protect the amenities, privacy and access to natural light and ventilation of Iveagh House.

- 7.8.2. It is noted that the proposed site coverage is 78% exceeding the 50% indicative site coverage for Z8 areas, however it is acknowledged that the existing site coverage already exceeds this standard. It is put forward that the plot ratio is excessive for a site within the curtilage of a P.S and within the Georgian C.A and that a reduction in scale and height of any proposal on this site so it appears subsidiary to the Georgian structure would be desirable. It is noted that the Z8 land-use zoning objection is to allow '*only limited expansion consistent with the conservation objective*'. As per Section 16.5 of the DCDP the indicative plot ratio for the Z8 zoning is 1.5.
- 7.8.3. The revised proposals submitted as F.I omit one floor from the penthouse, and Option B (as permitted) omits one floor from the rear block, resulting in a development of 4812sq.m (a reduction of 401sq.m from the original proposal). Excluding the area of the basement level (338sq.m), this equates to a plot ratio of 4.2 on a site of 1069sq.m – nearly three times the indicative standard for the area.
- 7.8.4. Therefore, there is concern that the proposed development would not comply with Section 14.5 of the DCDP in view of the sensitivity of the site. This is of note relative to the *Relaxation of Standards for Protected Structures* and provides: *In certain limited cases, and to ensure the long-term viability of a protected structure, it may be appropriate not to stringently apply city-wide zoning restrictions including site development standards, provided the protected structure is being restored to the highest standard; the special interest, character and setting of the building is protected; and the use and development is consistent with conservation policies and the proper planning and sustainable development of the area.*
- 7.8.5. It is noted that in this case the proposed plot ratio is c.2.8 times the standard for the area. It is acknowledged that having regard to the site's central location and

proximity to major public transport routes, that a relaxation of standards may be permissible. However, it is argued that due to the narrow and confined nature of this historic plot, the proposal represents a significant form of development at this site. Also that the large scale of development proposed will be detrimental to the amenities of adjoining properties, particularly Iveagh House and to the character of the C.A. It is put forward that the long term viability of Loreto Hall which is in reasonable repair and has been in use until recently could be better ensured by more restrained and empathic development of the site.

- 7.8.6. The First Party response provides that the design approach has been directly informed by the need to retain the special interest of the original building fronting St. Stephen's Green, in the context of its status as a P.S and its location adjacent to the C.A. Also that the proposal meets the criteria relative to where a higher plot ratio may be considered, Section 16.5 of the DCDP refers: i.e it is close to the City Centre and proximate to public transport links including the Luas Green Line stop at St. Stephen's Green, represents an under-utilised site in the city centre adjacent to the SDRA 18 National Concert Hall Quarter. The existing development on the site represents a plot ratio of 2:1, already above the indicative standard for the Z8 zone, without causing any loss of interest to the P.S. They consider that the high quality design approach and its locational context justifies the higher density on this site.

7.9. **Impact on the Amenities of Adjoining Property**

- 7.9.1. It has been contended that the proposed development in addition to its impact on Iveagh House as a P.S would negatively affect the amenities of that property as an office premises. Iveagh House includes a three storey block of offices at the rear, occupied by DFAT. There is concern that the proximity in combination with its height, would reduce the privacy of the Iveagh House offices, the available natural light and ventilation to unacceptable levels. DFAT is concerned with the protection of daylight access, ventilation and privacy relative to the proposed proximate 9 storey block.
- 7.9.2. They note that Iveagh House is a naturally ventilated building. They refer to the ARC analysis and note that a reduction in sunlight would represent a significant loss of amenity and comfort to their office environment. They include drawings to demonstrate the close relationship between the buildings. It is proposed that the hotel room windows opposing the Iveagh House office windows would be fitted with

frosted glass. This indicates that the amenities (privacy and quality of views) of opposing rooms in both buildings would be limited. They are concerned about the impact of overlooking from hotel bedrooms relative to security of their offices.

7.9.3. The Conservation Report submitted in response to the F.I, provides that the top floors of the proposed block to the rear of no.77 have been scaled back in order to reduce overlooking, potential impacts on privacy and security and the impact on daylight and sunlight. This also notes that the proposed block is also set back from the P.S, further minimising its impact on daylight. Having regard to the issue of privacy the First Party provide that it is considered unreasonable that an inner city commercial development should be constrained on account of privacy of other commercial users. They consider that this is not a sustainable approach to use of a finite supply of inner city land.

7.9.4. The proximity of Iveagh House to the western elevation of the proposed hotel block is noted. The floor plans originally submitted show that the 3 storey existing block to be demolished, while it extends to the rear boundary is set back some 2-4m off the side boundaries. The plans submitted show that the footprint of the proposed hotel block which is to be much higher is to be set closer i.e c.1m off the side boundaries. It is noted that the taller building to the east is already set back off the eastern boundary with the subject site. It is recommended that if the Board decide to permit that it be conditioned that the proposed block be set back a minimum of 3m off the western boundary of the site and 2m off the eastern site boundary. While this will result in some reconfiguration of floor plans and reduction in hotel rooms it is considered necessary in view of the height and bulk of the proposed block. It is recommended that revised plans be submitted showing this.

7.10. Impact on the Character and Amenities of the Area

7.10.1. No.77 is located on the southern side of St. Stephen's Green which comprises a terrace of modern, large scale commercial buildings to the east and a terrace of surviving Georgian and Victorian buildings, each of which are Protected Structures to the west. No. 77 is adjoined to the west by the Iveagh House complex, which includes nos. 78-79 and no. 80-81 St. Stephens Green and Iveagh Gardens.

- 7.10.2. There is concern that while the proposals represent contemporary architecture, they are not in harmony with and would jar with the Georgian Conservation Area. Also that the proposed development would be contrary to Policies CHC2 and CHC4. It is provided that any development of Loreto Hall should be appreciably sympathetic to the protected structures and the C.A in accordance with policy. It is noted that no.77 together with the Iveagh House complex adjoin the Z8 Georgian C.A core area. Also that this proposal cannot be permitted if it would not enhance the appearance of the streetscape or of the P.S. and would be contrary to the objectives of the DCDP.
- 7.10.3. It is considered that the selection of viewpoints for the photomontages underplays the visibility (and visual impact) of the proposed development. Also views from St. Stephen's Green and Iveagh Gardens when deciduous trees in the parks are out of leaf are also omitted. There are currently no views from either of these proximate locations as the trees were in full leaf at the time of the site visit in August. It is provided that the rear block is not likely to be visible from the terrace fronting St. Stephen's Green or from important views within the C.A in general. It is also noted that a proportion of the site to the rear and the laneway is outside of the C.A designation, although the concerns of the third party relative to this issue are noted.
- 7.10.4. There is concern that the proposed development particularly the new block at the rear would not comply with the concept of a 'Georgian Boutique Hotel' and needs to have regard to the sensitive urban context. Also that while the appearance of a 'boutique hotel' might be achieved with the use of the Loreto Hall, the block to the rear – the bulk of the hotel – would have an entirely different quality. Having regard to its design, height and bulk, it would lead to an overly dominant form of development that would be visually obtrusive in the area.
- 7.10.5. The First Party response provides that the rear block is not likely to be visible from the terrace fronting St. Stephen's Green or from important views within the C.A in general. They provide that the site has lost its most recent use and introduces a new hotel use which is consistent with DCC's policy framework for encouraging active use during day/night time at St. Stephen's Green. Also that the proposed redevelopment will not impact adversely on the streetscape and character of the P.S or C.A.

7.10.6. It is proposed in the Design Statement to clad the block at the rear with a lattice support structure and infill with metal cladding panels to the wall areas, whilst leaving the lattice structure blank running across the recessed windows. They provide that this will provide a strong modern persona and be maintenance free, allowing for some interesting lighting effects. The front façade of no.77 is located in a C.A and partially within a zone of archaeological interest. This C.A while not at the rear of the site extends to include the National Concert Hall frontage. The Irish Georgian Society is concerned that the proposed cladding would lend the proposed development a somewhat industrial character, that would appear in stark contrast to the surrounding development, even in the context of the numerous new commercial buildings between no.77 and Earlsfort Terrace.

7.10.7. In this respect it is noted that the rear block will be most visible from the entrance and car parking area of the NCH in Earlsfort Terrace, in view of its proposed location and setback from the streetscape in this area. While outside of, it is proximity to and will be visible from the Z8 Georgain C.A. Having regard to impact, note has been had to the need for amendments to the penthouse and to the Options it is considered that to reduce the overall height and bulk the lower height Option B is preferable.

7.11. Access and Parking issues

7.11.1. The application site does not have any vehicular access, nor does the proposed development provide one. A private laneway is located to the rear of the site which provides access to the Department of Foreign Affairs and the rear of Iveagh House. The DMURS Manual 2013 seeks to address street design within urban areas and provides that the design should be influenced by the type of place in which the street is located and balance the needs of all users. It seeks to encourage sustainable development and to create connectivity between physical, social and transport networks.

7.11.2. A Mobility Management Statement is included in the documentation submitted with the application. This notes that it is proposed that the hotel is serviced entirely from the front of the building on St. Stephen's Green and that no parking is provided or will be available on the site. It provides details of the parking facilities within the vicinity of the site. These include 5no. multi storey car parks and on street parking provision. Details are also given of alternative modes of transport available in the

area, including the Luas at St. Stephen's Green and local bus routes. The Council's Roads and Traffic Planning Division provides that the lack of provision of parking to serve the development is considered acceptable having regard to the central location of the site and its accessibility to public transport connections.

- 7.11.3. There are well established pedestrian facilities in the area. A cycle lane is provided along St. Stephen's Green South adjacent to the site. Cycle parking standards are set out in Table 16.2 of the DCDP 2016-2022. This sets out a requirement of 1 space per 10 bedrooms in Zone 1 and a minimum of 10 cycle parking spaces. The development includes 12no. cycle parking spaces with access from St. Stephen's Green South. This level of cycle parking is considered acceptable relative to the proposed use. Secure well-lit cycle parking should be provided as part of this development and it is recommended that if the Board decide to permit that this be conditioned.
- 7.11.4. It is noted that site access is available off St. Stephen's Green with limited access from a lane to the rear. A site specific Construction Traffic Management Plan is to be provided, by the Main Contractor to take into account safe access and egress from the site to the works. The Council's Road Section requested F.I relative to reference in the Preliminary Construction Management Plan to the provision of a layby on St. Stephen's Green South and the timeframe for which this is anticipated to remain in place.
- 7.11.5. Revised drawings have been submitted as part of the F.I response, which show the existing traffic layout for St. Stephen's Green South and also the proposed traffic arrangement for the period of construction. The drawing shows how provision will be made for the construction compound with temporary arrangements to be incorporated for pedestrian footpath and cycle lane. It is provided that the temporary road arrangements will be correlated with the construction period which is expected to run at between 12 and 18 months.
- 7.11.6. Appendix B of the First Party response to the grounds of appeal includes a letter from Casey O'Rourke & Associates Consulting Engineers to confirm that the access to no.78 will not be obstructed during construction phase. They also note Condition 8(a) of the Council's permission relative to Construction and Development Management issues.

7.12. Servicing/Loading issues

- 7.12.1. The Mobility Management Plan outlines that the proposed servicing will occur entirely from the front of the building on St. Stephen's Green South. There are concerns that it was not specified how this would impact on traffic, bus and cycle flows on St. Stephen's Green South. The Council's Roads and Traffic Planning Division noted that clarification was needed regarding the quantity, frequency or type of deliveries to the proposed hotel development and to examine the potential for the use of the laneway to the rear of the site.
- 7.12.2. There are concerns that the loading bay is insufficient to cater for both delivery of goods and also a set-down area. Also that it will create a hazard for cyclists in particular. Furthermore, that any reduction in the width of the footpath in front of the hotel to cater for loading/set-down bay will be detrimental to the safety of pedestrians. Regard is had to Section 4.3.1 of DMURS relative to minimum footpath width. It is provided that the loading/set-down bay as permitted does not meet with best practice standards as set out in the DMURS document.
- 7.12.3. The F.I response refers to the drawings submitted showing the proposed servicing/loading arrangement for the hotel. They wish to clarify that the rear laneway is owned by a third party, and as such service access for the hotel is not achievable. It is provided that servicing and deliveries will be facilitated through the existing gated entry from St. Stephen's Green South. This entry has level access from street level and is ramped down to lower ground floor level. This will allow direct and convenient servicing and deliveries to the hotel kitchen and cold stores at basement level. Casey O'Rourke Associates Consulting Engineers provide that the proposed Loading Bay will be capable of accommodating a large vehicle such as a Guinness Truck or a Bin Lorry within the Loading Bay without interfering with the adjoining cycle lane. They have prepared details of a Delivery Schedule in conjunction with the proposed Hotel operator. Further details of this are given in Appendix B of the First Party response to the grounds of appeal. They provide that it is their opinion that the proposed loading bay is capable of accommodating large vehicles without interfering with the adjoining cycle lane.
- 7.12.4. In order to accommodate this servicing arrangement, it is proposed to carry out modest realignment of the kerb line to the pavement of St. Stephen's Green South to

make provision for a loading bay and set down areas. It is provided that the surface would be finished with granite paving, to further improve the interface of the property to the street. The First Party response (Appendix B) provides that the footpath would be 2.2m in width, being in excess of the desired width of 2m and further in excess of the 1.8m as recommended in the DMURS manual. They do not believe that the introduction of the loading bay or the reduction in width of the footpath locally will have an impact on the operation of the footpath. They consider that the introduction of the parallel loading bay at this location will have a beneficial impact on traffic management in the area.

7.12.5. It is noted that the Council's Roads & Traffic Planning Division response to the F.I provides that the proposed loading bay has been reviewed by their division and by the Traffic Advisory Group. There are serious concerns in respect of this proposal in terms of impact on traffic, bus and cyclist flows on St. Stephens Green south. They provide that on this basis the proposed loading bay is not acceptable. The applicant is advised that servicing for the proposed hotel should be accommodated by existing loading facilities in the vicinity, which is common practice in the City Centre. It is recommended that if the Board decide to permit that it be conditioned that this loading bay be omitted.

7.13. Other issues

7.13.1. There are Third Party concerns from DFAT and the OPW relative to Fire Safety and means of escape in view of the scale of the proposed development and the restricted nature of the site. The First Party response (Section 2.6) relative to these issues is noted. This includes that arrangements have been made to ensure that the proposed development complies fully with Part B of the Building Regulations (Amendment) Regulations, 2006. While noted and of importance relevant to compliance with current fire safety standards, this issue is not within the remit of the Board and is more appropriately dealt with under separate remit by the relevant authority.

7.13.2. The First Party also provide that any development and extensions at nos.78-81 St.Stephen's Green, being the office of the Department of Foreign Affairs and Trade, could be pursued via article 86 - Part 9 of the Planning and Development Regulations 2001-2015, allowing for a substantial increase in floor area and building height. They contend that the current proposal would not impact adversely on any

future development of Iveagh House. It is however, noted that DFAT refute the notional drawings showing any such development and regard is not being had to any future development of Iveagh House in the subject application/appeal.

7.13.3. Regard is also had to issues raised regarding access for construction works, in particular relative to the use of the private lane to the rear of the site that provides access to DFAT and to the rear of Iveagh House. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: “A person shall not be entitled solely by reason of a permission under this section to carry out any development”. Under Chapter 5.13 ‘Issues relating to title of land’ of the ‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states, inter alia, the following: “The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...”

7.14. Regard to Construction and Demolition Management

7.14.1. It is provided that the range of works proposed in the Construction Management Plan are to be integrated into the site during the design phase, construction phase and operational phase of the site over approx.15 -18 month period. This is to include regard to Demolitions, Strip out of retained existing structures, Site works including drainage and access points, Excavations on the site including the basement dig, Construction of the new building and refurbishment of the existing building. Regard is also to be had to Waste Management during Construction and Operational phases. It is proposed that this Preliminary Construction Management Plan will be developed by the Contractor into a detailed Management Plan who will be contacted to construct the project prior and during the construction phase of the works.

7.14.2. The Engineering Report on Construction and Renovation of the building also has regard to access to construct the basement area. It is proposed that a piling rig be brought into the site via the laneway to the rear. It is noted that access to this private laneway is restricted by arrangement with the DFAT. It is provided that on completion the piling rig will leave the site via the rear laneway and excavation of the basement can proceed using mini-diggers excavating material into skips prior to being lifted out by crane.

- 7.14.3. It is also provided that an Environmental Management Plan will be implemented to ensure that potential impacts of the proposed development relating to noise, nuisance and disturbance, dust deposition nuisance, surface water and vibrational impacts relating to cosmetic and structural damage, will be minimised and controlled. Also to ensure that the construction activities do not have an adverse impact on local receptors, adjacent property, adjacent users and human health or on the wider receiving environment.
- 7.14.4. Details have also been submitted relative to Waste Management at construction and operational phases. Regard is had to Waste Disposal and to On-Site Reuse and Recycling Management.
- 7.14.5. The concerns of adjoining properties including from DFAT, the occupiers of the adjoining property at Iveagh House, St. Stephens Green South relative to adverse impacts on their property at Construction Phase have been noted. This is particularly in relation to the need to ensure safe access for pedestrians, cyclists and for employees to Iveagh House. There is a need in the interests of safety to clarify pedestrian routes around the compound area.
- 7.14.6. It is noted that Appendix A of their submission includes a letter from TMS Environment Ltd to review the subject application regarding potential impact of construction and operational phases due to noise, vibration, air quality and dust on No.75 St. Stephens Green. They also note that there was considerable disruption during the Canada House redevelopment especially during the construction of the basement when piling was required. They consider that to reduce impacts particularly due to noise, vibration and dust that the site should be developed on a phased basis.
- 7.14.7. It is considered that Best Practice Guidance should be followed relative to these issues and it is recommended that if the Board decide to permit that it be conditioned that detailed Construction and Demolition Plan and a Waste Management Plan be submitted to include mitigation measures relative to all the relevant issues.

7.15. **Drainage issues**

- 7.15.1. An Engineering Site Services Report including Flood Risk Assessment has been submitted with the application. This provides that it is proposed to comply with the

Greater Dublin Strategy Drainage requirements. It is proposed to drain the foul and surface water generated from the property using a completely separate system. The rainwater falling on the main roof and surrounding paved areas is to be contained on the site and discharged to an attenuation tank where it is to be attenuated to a 1 in 100 year storm event and details are given of a maximum flow to be released to the Public Sewer via a pumped Rising Main. The foul sewerage is to discharge via a modified internal foul drainage network and discharge to the public sewer via a new connection. Calculations for discharge from the proposed development and summary are contained within Appendix A of this Report. Details of the foul drainage connections are also provided on the drawing submitted.

- 7.15.2. They note that at present surface water falling on the site is discharged directly to the combined public sewer on St. Stephen's Green South. They provide that rainwater falling on the main roof will be collected and contained within the site and discharged to an attenuation tank where it will be attenuated to a 1 to 100 year storm event and details of maximum flow are given. It is provided that it will be released to the public sewer via a pumped rising main there would be a net decrease of surface water discharge from the site.
- 7.15.3. A Flood Risk Assessment has been carried out, which has evaluated the potential sources of flooding relative to this area. It is noted that both the ground floor and basement levels are above the Dublin City Council Flood Level of 4.0 AOD. The risk of coastal, fluvial and pluvial flooding is classed as very low. It is noted that surface water will be directed to an attenuation tank for the new development to the rear. Also that no flooding from pluvial source has been recorded on this site. It is provided that the risk of flooding from public sewers or from ground water sources is also very low. They provide that the proposed development of the site incorporates several measures to significantly reduce the risk of flooding and therefore will have an overall very low flood risk. Regard is had to the various Appendices submitted with the Report.
- 7.15.4. It is proposed to take a new water supply connection from St. Stephen's Green utilising the existing infrastructure. They provide that a separate application will be made to Irish Water for a connection.

7.16. Appropriate Assessment

- 7.16.1. The site is not located within or near to a Natura 2000 site. It is a fully serviced urban site. The current proposal is for the redevelopment of this site and so it poses no appropriate assessment issues. Having regard to the nature and scale of the proposal, no appropriate assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1.1. Having regard to the documentation submitted, to the submissions made, to the Assessment above and to my site visit, it is recommended that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature, scale and design of the proposed development, to the planning history of the site and the pattern of development in the area; to the provisions of the Dublin City Development Plan 2016-2022; to the comprehensive nature of the proposed development which includes the retention, refurbishment and reuse of the significant building comprising the former Loreto Hall at No.77 St. Stephen's Green South which, is designated as a Protected Structure, and the former chapel building to the rear of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development including the proposed new build at the rear would not adversely affect the character or architectural significance of the historic buildings on site or within the vicinity of the site, would not diminish the setting as part of the Z8 Georgian Conservation Area, would not seriously injure the amenities of properties in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of March 2017 and by the further plans and particulars received by An Bord Pleanála on the 26th day of June, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to the proposed hotel with ancillary restaurant/bar use, unless otherwise authorised by a prior grant of planning permission.

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

3. The proposed development shall be amended as follows:
 - a) The proposed sloping monopitch roof to the single storey glazed penthouse suite shall be omitted and shall be replaced by a flat roof single storey glazed penthouse structure (to a maximum height of 3 metres) and set back behind the parapet as shown on the fourth floor plans submitted as part of the Further Information – Drawing no. 2016-67-FI-200B refers.
 - b) The rear block shall be reduced by one entire storey and set back from the western elevation at sixth floor level as indicated in Option B and Drawing no.2016-67-200B, and drawing no.2016-67-FI-300B.
 - c) The width of the proposed block shall be reduced so that it is setback a minimum of 3 metres off the western site boundary and 2m off the eastern site boundary.

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

Reason: In the interests of visual amenity and to protect the setting of the Protected Structure and Georgian Conservation Area.

4. Prior to commencement of development, the developer shall make a record of the existing Protected Structure. This record shall include:-

- (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and

- (b) a detailed, labelled, photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works to the Protected Structure shall be submitted to the Irish Architectural Archive.

Reason: In order to establish a record of this Protected Structure.

5. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and be supervised by a Grade 1 RIAI qualified conservation architect (or equivalent). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of all external finishes, materials, treatments and colours for the historic buildings to be retained on site and for the proposed new building.

Reason: In the interest of visual amenity.

7. Details for the effective control of fumes and odours from the ancillary restaurant area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

8. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

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

Reason: To protect the visual amenities of the area.

10. 12 number bicycle parking spaces shall be provided on site. The layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. Access, servicing/loading arrangements and any works to footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works and details of these shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of amenities and public safety.

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

Reason: In the interest of public health.

13. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual and residential amenity.

14. No music or other amplified sound shall be emitted to the public street or broadcast in such a manner as to cause nuisance to the occupants of nearby properties.

Reason: To safeguard the amenities of the area and in the interest of orderly development.

15. The restaurant in the former chapel shall only be used as a licensed restaurant/café and shall not be used as a public bar, dance hall or nightclub, save with a prior grant of planning permission. In particular, the restaurant in the old chapel shall be used primarily for the consumption of food in association with the proposed restaurant use and shall not be provided with speakers or amplified music.

Reason: In order to preserve the amenities of the area and in the interest of clarity and consistency.

16. 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 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.

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

Reason: In the interests of sustainable waste management and to mitigate potential construction nuisance.

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

- (b) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

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

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

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

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

20. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

21. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of protecting the residential amenities of adjoining properties.

22. 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 satisfactory provision of 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 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 of the development.

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Angela Brereton,
Planning Inspector

31st of August 2017