



An
Bord
Pleanála

Inspector's Report ABP300821-18

Development	Demolish Shed Structure and construct 4-storey building comprising café at ground floor level and offices on upper floors.
Location	17-22 Parkgate Street, Dublin 8.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3539/17.
Applicant	Joburn Holdings Limited.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third-party -v- Grant.
Appellants	Claire Coughlan & Daragh Coughlan.
Observer	Transport Infrastructure Ireland.
Date of Site Inspection	6 th June, 2018.
Inspector	Paul Caprani.

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1.0 Introduction

ABP300821-18 relates to a third-party appeal against the decision of Dublin City Council to issue notification to demolish an existing shed structure and to construct in its place a 4-storey building accommodating a café at ground floor level and offices on the three storeys above ground floor level at No. 17-22 Parkgate Street, Dublin 8. The grounds of appeal argue that the proposed development is of a substandard architectural design particularly in the context of its close proximity to Kingsbridge House and the Heuston Station terminal building.

2.0 Site Location and Description

- 2.1. The appeal site is located in the western environs of Dublin City Centre, to the immediate north of the River Liffey at the junction of Parkgate Street and Sean Hueston Bridge. Sean Hueston Bridge only accommodates Luas trams. The subject site faces southwards towards the River Liffey. The subject site has a road frontage of approximately 55 metres and a setback slightly from the adjoining building to the east which accommodates a 3-storey insurance office. Lands further east accommodate the larger Ashling Hotel a multi-storey contemporary style building which faces onto the western end of the Croppy Acre Memorial Park. Lands to the west of the site accommodate a single storey car sales outlet while lands further west on the northern side of Parkgate Street accommodate a mixture of commercial uses with residential and office space overhead. The new Criminal Courts building is located at Parkgate Street at its junction with Infirmary Road.
- 2.2. The subject site accommodates a series of buildings of different design ranging from 1 to 3 storeys in height set around a central courtyard. Two separate three-storey buildings face onto Parkgate Street on the eastern side of the site. A low single-storey building with no direct frontage onto Parkgate Street is located on the eastern side of the site. The rear of the site accommodates a number of two and three storey buildings which face onto the central courtyard. One of these buildings Kingsbridge House incorporates a fine stone façade with brick finishes surrounding the windows and entrances into the building at ground floor level. It is listed as a protected

structure. The subject site is also located in a designated architectural conservation area. Kingsbridge House currently accommodates a number of solicitor firms. The site has a total floor area of 1,285 square metres.

- 2.3. A second 2-metre-high metal gate is located at the single access to the courtyard area.
- 2.4. The central courtyard area currently serves as a surface car parking. The single storey shed to the front of the site is accessed internally from the courtyard. The front elevation of this building is currently used as a billboard for commercial advertisement (see photographs attached).

3.0 Proposed Development

Planning permission is sought for the following under the current application:

- The demolition of the existing single-storey shed which fronts onto Parkgate Street in the western portion of the site. This shed is to be replaced by a 4-storey building containing the following:
 - The ground floor is to accommodate a new café in the eastern portion of the building with an open terrace area adjacent to the existing footpath facing onto Parkgate Street. The eastern portion of the building is to provide the main foyer and entrance area to office accommodation above. It is also to accommodate toilet facilities and a training room/meeting room at ground floor level. A new sunken well is proposed to the rear of the café facing onto the courtyard which is to accommodate additional seating area associated with the café.
 - It is also proposed to provide a new reception and foyer area to the entrance to the eastern office building which is accessed off the courtyard. The new reception and foyer area is to infill the eastern portion of the courtyard between the three surrounding buildings.
 - The new building to replace the existing shed is to accommodate open plan offices at first, second and third floor level. A central core area incorporating stairs, lifts and toilets are located on each floor.

- It is also proposed to provide open plan office space to the rear of the existing office fronting onto Parkgate Street at the eastern end of the site. New open plan office space is provided at first, second and third floor level. A terraced area is also proposed to the rear of the open plan office space at third floor level. The new building on the western side of the site rises to a height of 15 metres with the top floor stepped back. It incorporates extensive glazing at ground floor level and six large windows facing onto Parkgate Street at first and second floor level. These windows incorporate an anodized aluminium glazed curtain walling to the side of the windows. The area between the windows comprise of a randomly coarsed cut stone cladding described in the drawings as “a beige perola white stone limestone”. A basalt stone feature is also to be incorporated at ground floor level and the north facing elevation onto the courtyard.
- The proposed extensions onto the existing buildings on the eastern side of the site facing onto Parkgate Street incorporate a pre-weathered zinc cladding. The fenestration arrangements fronting onto Parkgate Street incorporate three windows which mirror the fenestrations of the front elevation at lower levels.
- The most easterly building is to incorporate a new roof feature comprising of a new aluminium framed glazed roof- lantern feature.

4.0 Planning Authority’s Decision

4.1. Decision

Dublin City Council issued notification to grant planning permission for the proposed development subject to 20 conditions.

4.2. Documentation Submitted with the Planning Application

- 4.2.1. The planning application was accompanied by public notices, drawings, planning application form and associated fees. It was also accompanied by the following reports.

- *An Architectural Heritage Impact Assessment*. This report details the history of the site making reference to various cartographic evidence. It notes that the existing protected structure on site Kingsbridge House constitutes a 10-bay three storey former furniture store and factory built around 1880. The building is rated as being of regional importance as it contributes to the commercial and industrial heritage of the city. The heritage report also contains a detailed and comprehensive and photographic survey of the building.
- Also submitted is a *Design Statement and 3D Modelling Report*. This report sets out the design concept and concludes that the proposal represents an opportunity to provide an active streetscape along a prominent street running along a major public transport corridor. It also provides an opportunity to enhance the setting of an existing protected structure and will enhance and rationalise the remaining buildings on site. Finally, it is argued that the proposal will make a significant contribution to the rejuvenation and revitalisation of Parkgate Street. The report also comments on site coverage, the flood risk assessment and traffic and car parking arrangements. It is noted that it is proposed to eliminate all parking within the courtyard area in order to enhance the setting and context of the protected structure and having particular regard to the site's close proximity to the Luas and QBC.
- A *Flood Risk Assessment* report was also submitted prepared by JBA Consulting. It concludes that the site is situated within Flood Zone C and therefore is at a low risk of flooding. The review of available historic and predictive flood information confirms that the site did not experience historic flooding nor is it at risk from the predicted 1% and 0.1% AEP flood events from the River Liffey which is located c.100 metres from the subject site. The appraisal undertaken also confirms that the site will not be impacted upon by the potential effects and climate change.
- An *Engineering Drainage Report* sets out details of the surface water drainage system, the foul drainage system and the water supply serving the development.

4.3. Observations

A number of third-party observations were received, objecting to the proposed development mainly on design grounds and the proposed new building's proximity to the existing protected structure (Kingsbridge House).

4.4. Internal Reports

- 4.4.1. A report from the **Waste Management Division** requests that any construction and demolition projects comply with various waste protocols.
- 4.4.2. A report from **Transport Infrastructure** Ireland requires that a number of conditions be attached safeguarding overhead Luas line infrastructure in the context of the proposed construction works.
- 4.4.3. A report from the **Conservation Officer** notes that the site is located in close proximity to several nationally important sites including Heuston Station, Collins Barracks, the Department of Defence and the Royal Hospital. While the proposed demolition of the shed in question is not a conservation issue, it is noted that the perimeter wall is a surviving masonry wall associated with industrial site. In view of the conservation officer the proposed new development should have greater regard to the setting of the surviving industrial archaeological character and the collection of structures across the site. The reuse and expression of the substantial masonry wall at ground level will reduce the overall impact of the proposed development as well as retaining the clarity of the curtilage of the site. It is recommended that the scale of the proposed development be more coherent with the overall character of the former industrial complex. Revised drawings of the proposed new build should respect the historic height of adjoining parapets and roof lines.
- 4.4.4. A report from the Roads, Streets and Planning Division states that there is no objection to the provision of no car parking on the subject site having regard to the site's close proximity to public transport. The report recommends a total of four conditions be attached if planning permission is granted.

4.5. Additional Information Request

- 4.5.1. The planner's report assesses the proposed development and recommends additional information be requested in relation to the following:
- The Planning Authority has concerns in relation to the overall height of the proposed structure and in particular the height and scale of the stair/lift core element which projects significantly above the roof setback. In this regard the applicant is requested to consider a reduction in the overall height of the structure in order to reduce its visual impact and to not detract from the prominence of the 19th century warehouse building to the rear.
 - The applicant is requested to clarify if the area indicated in the submitted plans as an open terraced area to the front of the proposed development, is within their ownership, and if so to submit satisfactory evidence and details of the legal interest in respect of same.

Further information was requested on 22nd September, 2017.

4.6. Information Response

- 4.6.1. Revised drawings were submitted on 1st December, 2017. The revised drawings indicate a reduction in the overall plant at roof level so as to match the main roof parapet thus mitigating the overall visual impact of the structure from both Parkgate Street and from views in the vicinity of Montpelier Hill.
- 4.6.2. In relation to the second issue it is stated that the area to the front of the proposed new building where it is proposed to have a café terraced area outside the building is not within the ownership of the applicant but it is proposed to apply for a street furniture licence for this area. It is stated that it is a wide pavement area and will easily accommodate external seating.

4.7. Further Assessment by Planning Authority

- 4.7.1. A report from the Roads and Traffic Planning Division stated that there is no objection subject to four conditions.
- 4.7.2. An additional report from the conservation architect states that there was no review of the additional information received.

- 4.7.3. A further planning report states that the applicant has responded satisfactorily to the items raised in the further information. Having regard to the location of the site and the current building fronting the street it is considered that the provision of a contemporary structure would enliven the streetscape and provide a mixed use at this location which would be in keeping with the development plan provisions for the area. It is therefore recommended that planning permission be granted for the proposed development. In its decision dated 5th January, 2017 Dublin City Council issued notification to grant planning permission for the proposal.

5.0 Planning History

No planning history files are attached. Reference is made to two applications in the planning report which are set out below.

Under Reg. Ref. 4554/09 Dublin City Council granted planning permission for the change of use of part of the ground floor and part of the first floor of the premises from warehouse/stores to office space on the subject site. This permission specifically related to the No. 17 Parkgate Street.

Under Reg. Ref. 3022/97 planning permission was granted for a rotating sign.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council to issue notification to grant planning permission was the subject of a third-party appeal by Claire Coughlan and Daragh Coughlan. The grounds of appeal are outlined below.
- 6.1.1. It is argued that the proposed development is of a substantial architectural design and the Board is referred to the fact that the subject site is located in a Conservation Area that incorporates many of the city's most historic buildings. The subject site is zoned Z5 which seeks 'to consolidate the development of the central area and reinforce, strengthen and protect its civic design character and dignity'. The proposal does not meet these aims both in design-quality and scale.
- 6.1.2. The site is very prominent sitting adjacent to Heuston Station terminal building and several other protected structures in the vicinity not least of which is Kingsbridge House which is located within the curtilage of the application. The site is in close

proximity to and effects the setting of Kingsbridge House, a location of historic amenity and tourism importance.

- 6.1.3. The scale and generalised design is 'bland, dull and tired and does not reflect the pivotal and sensitive nature of the site' and would interfere with views and prospects of special amenity in the environs of the site which it is necessary to preserve.
- 6.1.4. The proposal would detract from the character and appearance of the Conservation Area and would adversely affect the setting of protected structures in the vicinity. The proposal is therefore contrary to the proper planning and sustainable development of the area.

7.0 Appeal Responses

- 7.1. A response was received by the Board on 12th March, 2016. It comprised of two separate documents.
 - Correspondence from Brock McClure, Planning Consultants which argues that the appeal should be invalidated as it does not comply with relevant legislation.
 - A report from Noonan-Moran Architecture which sets out a first party response to the issues raised in the third-party appeal.

The letter from Brock McClure, Planning and Development Consultants argues that the Board has made a procedural error in accepting the third-party appeal on the grounds that it is invalid as the address used in the Dublin City Council acknowledgement letter does not match that given in the third-party appeal. It is argued therefore that it is not possible for the appeal to be considered valid as it fails to meet legal requirements. In the absence of any information on this critical requirement, the Board is obliged to invalidate the appeal without further consideration. It is argued therefore that it would be procedurally unsound to proceed with assessing the third-party appeal as due procedure has not been followed.

The second document submitted in response to the third-party appeal specifically deals with the issues raised in the appeal. It argues that the proposed development fully complies with the Dublin City development plan and reiterates concerns in relation to the validity of the application.

It is argued that in terms of architectural standards, the proposed development is a contemporary response to the site and will help create a streetscape along this section of Parkgate Street. The replacement of an existing billboard structure with the proposed development represents a substantial planning gain.

The response goes on to outline the site location and description and the planning history associated with the site. Details of the current proposal and the building arrangements on site are set out.

Specifically, in relation to the issues raised in the third-party appeal, it is considered that the architectural response represents a high quality arrangement that seeks to enliven the streetscape and maintain a visual connection with Kingsbridge House.

It is argued that the proposed building uses a simple palate of material with a mixture of stone anodized aluminium and glass. It is stated that the window fenestration has been modelled and arranged with an off-set frame creating a movement and dynamic in the main façade reminiscent of the staggered signage that was on the site in the early 19th century.

It is argued that the proposal creates an opportunity to provide an active streetscape along a prominent street running along one of the city's main Luas lines. It also provides an opportunity to enhance the setting of the existing period warehouse building and it offers an opportunity to enhance and rationalise the remaining buildings on site. Finally, it is argued that the proposal provides for employment and enterprise and will make a significant contribution to the rejuvenation and revitalisation of Parkgate Street. The proposal therefore constitutes an appropriate intervention into the urban landscape by increasing the vitality of the area and having an overall positive impact on the area.

7.2. Planning Authority's Response to the Grounds of Appeal

A submission received from Dublin City Council dated 23rd February, 2018 states that the Planning Authority's reasoning was set out in the planning report which has already been forwarded to An Bord Pleanála. On foot of this it is not proposed to respond in detail to the grounds of appeal as the reasoning and justification for the decision is set out in the planning report.

7.3. Observations

An observation was submitted by **Gartlan Furey Solicitors** on behalf of Corcoran Chemicals Limited reiterating the view that the Board have made a procedural error in accepting the third-party appeal as a valid appeal.

An observation was also submitted by **Transport Infrastructure Ireland** which recommends that the Board take account of the observations submitted by Transport Infrastructure Ireland in their assessment of the current appeal. The submission to Dublin City Council is attached and requires that in the case where planning permission is granted three conditions be attached in relation to the protection and safety of the LUAS line adjacent to the site.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The subject site is governed by the zoning objective Z5 – *‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’*. The plan seeks to strengthen and consolidate the robust city centre mixed use zoning (Z5) with active promotion of the inner city as an attractive place for urban living, working and visiting. The Z5 zoning is the key employment location and is well served by public transport. The plan notes that whilst the concentration of employment in the Dublin 2 area has now been complimented by the Docklands, there are emerging locations for employment such as Smithfield, Grangegorman, Heuston and the Digital Hub.
- 8.2. Both office use and cultural, recreational and restaurant uses are all permissible uses under the Z5 zoning objective.
- 8.3. It is noted that Heuston Station and its environs is also earmarked as strategic development and regeneration areas.

9.0 Planning Assessment

- 9.1. I have read the entire contents of the file and have had regard to the zoning objectives for the site, and the wider strategic vision for the Heuston area of the City, and I consider that the proposed land uses of café with office use overhead is acceptable in principle. I therefore do not consider that an evaluation of the proposed development de novo is required. I consider that the Board can restrict deliberations to the issues raised in the grounds of appeal namely the quality of the architecture incorporated into the proposal and its impact on the setting of the protected structure on site Kingsbridge House.
- 9.2. Any architectural and design evaluation of the proposal must be made in the context of the site and its surroundings. Both the applicant and the appellant are in agreement that the subject site is pivotal in terms of its location on Parkgate Street. Parkgate Street is one of the principle thoroughfares to the west of the city and provides direct access onto the City Quays which marks the arrival of the western environs of the city centre. Furthermore, the subject site is located at the intersection point between the Conyngham Road, Parkgate Street, Wolfe Tone Quay and Sean Heuston Bridge. It also provides an important vista when looking northwards from the concourse of Heuston Station and when travelling northwards across the River Liffey on the Luas line. The site currently accommodates a fine three storey stone former industrial building which is included on the Record of Protected Structures. However, the front portion of the site directly adjacent to the public footpath incorporates a single-storey shed with a blank frontage onto which an advertising billboard is appended. In urban design terms, I consider that the site can be currently characterised as being visually weak and does not in any way contribute to the public realm in which it is located. Having regard to the Z5 zoning objective, it cannot be reasonably argued in my opinion that the character of the site at present in any way contributes to the civic design, character and dignity which is the main objective of the Z5 zoning.
- 9.3. In my view, the proposed site would greatly benefit from a redevelopment incorporating a building of sufficient size and scale which would contribute to the urban environment and complement the urban grain and massing associated with the Z5 zoning. Currently the subject site and the single-storey car sales unit to the

immediate west do not contribute in any significant way to the urban public realm. The presence of the existing buildings on site and the adjoining site provide a weak suburban type vista on entering when looking north from Heuston Station- the main transportation terminal to the west of the city. Providing a building of sufficient mass and scale would be greatly beneficial to the subject site and the surrounding public domain.

- 9.4. With the above in mind, I consider the quantum of development proposed is totally appropriate for the subject site and would greatly benefit the urban domain in design terms. I consider the proposal represents an appropriate compromise between the existing two and three storey buildings to the west of the subject site and the larger buildings including the Ashling Hotel and apartment developments further east.
- 9.5. Furthermore, I consider the architectural approach to be appropriate. The building proposed on the subject site represents an appropriate scaled contemporary building incorporating a clean concise design, and is of a massing and scale that sits comfortably on the subject site. The external finishes are bright and the solid to void ratio in the external elevation is suitable for a building of the size and scale proposed.
- 9.6. Furthermore, as the applicant points out in the response to the grounds of appeal, there is significant planning gain to be derived from the replacement of a building incorporating dead frontage onto Parkgate Street together with a large billboard (which adds to the visual clutter of the area), with a ground floor café and restaurant which incorporates active and vibrant roadside frontage, will greatly assist in the rejuvenation and regeneration of the Heuston area. The proposal therefore represents a significant planning gain, not only and in terms of the visual improvement of the public realm but also in terms of land use provided on site.
- 9.7. The grounds of appeal also argue that the proposed development adversely affects the context and setting of the protected structure – Kingsbridge House to the rear of the site. As already mentioned, Kingsbridge House is a particularly fine example of 19th century industrial architecture. It incorporates a fine limestone and brick building which is rated in the National Inventory of Architectural Heritage as being of Regional Importance. The proposed development in no way materially alters the building in question. However, the grounds of appeal argue that the size and scale of the

proposed development impacts on the context and setting of the building. I consider the presence of the existing single-storey shed building, with a commercial billboard appended to the Parkgate Street elevation, seriously detracts from the setting of the existing protected structure. While the proposed four-storey development will further conceal and screen the protected structure from public vantage points to the south in and around Heuston Station and the River Liffey, this must be balanced against the contribution which the proposed building makes to the public realm as described above and also the wider strategic aims set out in the development plan and in the recently adopted National Planning Framework. Heuston Station and its environs is earmarked as an area in need of regeneration in the development plan. The size and scale of the building proposed together with the nature of land uses, particularly at ground floor level, will greatly assist in these regeneration objectives. Furthermore, the recently adopted National Planning Framework highlights the need to develop brownfield sites such as the subject site in a more sustainable and efficient manner increasing the quantum of development where appropriate, in order to create a high density of development within existing built-up areas. The fact that the subject site is so well served by public transport being adjacent to a Luas line and a major public transport terminus in Heuston Station, further justifies a significant increase in the quantum of development on the subject site such as that proposed. Thus, any potential adverse impact on the setting of Kingsbridge House must be balanced against the wider strategic aims for Dublin City.

- 9.8. Finally, in relation to this point the retention of the courtyard area and the size and scale of the access into the courtyard area will maintain views of the protected structure to the rear. It is my view that the proposal, rather than adversely impacting on the setting of the protected structure by replacing an existing single-storey shed and advertising hoarding with a larger more aesthetic pleasing and confident structure such as that proposed in the current application.
- 9.9. With regard to the validity of the application, the applicant in the response to grounds of appeal argue that the Board should invalidate the application due to discrepancies contained in the applicant's address. The response highlights the fact that the applicant's enclosed an acknowledgement letter to Dublin City Council which gives an address as 38 Montpelier Hill, Arbour Hill, Dublin 7 whereas the stated address in the planning appeal was 5 Montpelier Court, Dublin 7. I have checked the addresses

given and there is a discrepancy in the stated addresses. Furthermore, Section 127(b) is clear and unambiguous in requiring that any appeal or referral shall state the name and address of the appellant or person making the referral and of the person, if any, acting on his or her behalf.

- 9.10. Notwithstanding the discrepancies highlighted by the appellant in his response to the grounds of appeal, I would recommend that the Board adopt a more precautionary approach in respect of invalidating the appeal. While there are discrepancies in the addresses given this does not necessarily imply that the address given in the case of the appeal is not the address of the appellant. That is to say that, an incorrect address may have been given in the case of the observation submitted to Dublin City Council and that the applicant may well reside in 5 Montpelier Court, the address stated in the appeal submission. The Board could of course investigate further in this issue, and may wish to do so should it reject my recommendation to uphold the decision of the City Council and grant planning permission for the proposed development.
- 9.11. While the submission by Brock McClure argues that the Board should invalidate the appeal “as proceeding with the appeal contravenes the principle of proper planning and exposes any future decision to legal challenge by way of judicial review”. If the Board were to dismiss this appeal in the first instance as suggested in the response to the grounds of appeal, without further investigating details of the address, this could leave the Board’s decision open for judicial review if the address stated in the grounds of appeal was found to be the appellant’s true address. I therefore recommend that the Board should not invalidate the appeal as suggested by the applicant.

10.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

11.0 Conclusion and Recommendation

Arising from my assessment above I recommend that the decision of the Planning Authority be upheld in this instance and that planning permission be granted for the proposed development.

12.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to the Z5 zoning objective which seeks to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity, it is considered that the proposed development, subject to conditions set out below would not seriously impact on the visual amenities of the area or affect the context and setting of the adjoining Kingsbridge House which is listed on the Record of Protected Structures in the Dublin City Development Plan. Furthermore, it is considered that the proposed development would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development therefore would be in accordance with the proper planning and sustainable development of the area.

14.0 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 additional information submitted to the planning authority on the 1st day of December 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 the commencement of development and the development shall be carried out and completed in

accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

3. Details of all external shopfronts and signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

4. The works hereby approved shall be carried out under the professional supervision on site of an architect or expert with specialised conservation expertise in accordance with the Department of the Environment, Community and Local Government, Architectural Heritage Protection, Guidelines for Planning Authorities and in accordance with Best Conservation Practice.

Reason: To ensure that the integrity of the protected structure is maintained during the works undertaken.

5. No advertisement or advertisement structure shall be erected or displayed on the building, or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. The café shall accommodate a sit-down café/delicatessen. Any subsequent change of use including use as a take-away for the sale of hot food for consumption off the premises shall require a separate grant of planning permission.

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

7. Site development and building works shall be carried out only between the hours of 7 a.m. to 6 p.m. Mondays to Fridays inclusive, between 8 a.m. to 2 p.m. on Saturdays and not at all on Sundays or Bank Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. A scheme shall be submitted to and approved in writing by the planning authority for effective control of fumes and odours from the operation of the café. The scheme shall be implemented before the use commences on site and thereafter shall be permanently maintained.

Reason: In the interest of the amenities of both the immediate neighbours and general surroundings.

9. Water supply and drainage arrangements, including the attenuation and 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.

10. No additional development shall take place above roof level including the incorporation of additional plant and equipment such as lift motors, air handling equipment, storage tanks or any other external plant other than those shown on the drawings which are the subject of the current approval or unless authorised by a prior grant of planning permission.

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

11. 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 Regional in which the site is situated.]

Reason: In the interest of sustainable waste management.

12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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, in particular recyclable materials, in the interest of protecting the environment.

13. The developer shall comply with the following requirements of Transport Infrastructure Ireland in relation to working in proximity to the Luas line.
 - (a) The proposed development is located in close proximity to the Luas line. The developer shall ensure that there is no adverse impact on Luas operation and safety. The development shall comply with the “Code of Engineering Practice for Works on, near or adjacent to the Luas Light Rail System”.
 - (b) If works are proposed to be carried out in close proximity to the Luas overhead conductor system (OCS) the developer or contractor shall apply for a works permit from the Luas operator required under the Light Railway (Regulation of Works) Bylaws 2004 (S.I. No. 101 of 2004) which regulates works occurring close to LRT infrastructure. The permit application will require prior consultation facilitated by the Luas operator, Transdev.
 - (c) Should the proposed works require the erection of hoarding and scaffolding, attention is drawn to the Light Railway (Regulation of Works) Bylaws 2004 (S.I. No. 101 of 2004) which regulate the works

occurring close to the LRT infrastructure, as well as the guidance document “Code of Engineering Practice for Works on, near or adjacent to the Luas Light Rail System”. In accordance with the Bylaws a permit is required to be issued for the works by the Luas operator which will require prior consultation facilitated by the Luas operator, Transdev.

Reason: In the interest of public safety and the operation of the Luas trams system.

14. The developer shall pay to the planning authority a financial contribution of €78,047 (seventy-eight thousand and forty-seven euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering

the local authority to apply such security or part thereof to the satisfactory completion 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.

Paul Caprani,
Senior Planning Inspector.

26th June, 2018.