



An
Bord
Pleanála

Inspector's Report ABP-302952-18

Development	Demolition of three-storey building and construction of a seven-storey office building over basement
Location	17-21 Foley Street, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3752/18
Applicant(s)	E to Infinity ICAV acting on behalf of its sub-fund Blacklion Real Estate Fund
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Eimear Dunne Ulysses House Management Ltd.
Observer(s)	Kouchin Holdings
Date of Site Inspection	4 th February 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is situated on the corner of Foley Street, a one-way cobblestone street, and Joyce's Walk, a pedestrian lane, on the northside of Dublin city centre and is stated to measure 843sq.m. Adjacent to the east of the site is a five-storey office building, Ulysses House, while to the rear on Joyce's Walk is Block B of Joyce's Court a six-storey office building. To the west of the site on the opposite side of Joyce's Walk is a five-storey office headquarters building known as Block A of Joyce's Court. The Steelworks mixed-use development, including four to eight-storey blocks with residential uses on the upper floors, is located directly north of the appeal site on the opposite side of Foley Street, overlooking Eileen McLoughlin Park. Connolly rail and Luas station is located 75m to the east of the site.
- 1.2. A dilapidated former industrial three-storey building, approximately 12.7m in height, is situated on the southern half of the appeal site, adjacent to Block B of Joyce's Court. The northern portion of the site along Foley Street is extensively overgrown with vegetation spilling out over the 2.4m-high hoardings along the site boundaries. A rolling security gate serving the northern end of Joyce's Walk is located on the northwestern corner of the site. The surrounding area comprises a mix of residential and commercial uses. Ground levels in the vicinity and on site are relatively flat.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- demolition of a three-storey former industrial building with a stated gross floor area (GFA) of 1,052sq.m and removal of screen boundaries and rolling gate;
 - construction of a seven-storey over basement office building with stated GFA of 4,710sq.m, with elevations primarily comprising glazing, louvres and curtain wall;
 - provision of private open space walkway along the eastern side boundary, external terraces at fifth and sixth-floor levels and a sedum roof, as well as bicycle parking and changing areas, plant, stores and ancillary areas at basement level.

2.2. In addition to the standard planning application documentation and drawings, the application was accompanied by the following:

- Planning Report;
- Architectural Design Statement including Computer-Generated Images (CGIs);
- Landscape and Public Realm Design and Access Statement;
- Engineering Services Report;
- Outline Construction Management Plan;
- Justification and Outline Method Statement for Demolition Report;
- Mobility Management Plan Framework;
- Flood Risk Assessment;
- Waste Management Plan for Demolition, Construction and Operation;
- Daylight and Sunlight Assessment;
- Archaeological Assessment;
- Sustainability Report;
- Appropriate Assessment Screening Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to 22 conditions of a standard nature, including the following:

- **Condition 7** The ground floor windows on the Foley Street and Joyce's Walk elevations shall be permanently glazed with clear glass.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer (October 2018) reflects the decision of the Planning Authority and noted the following:

- demolition of the existing building is acceptable, as is the proposed additional office accommodation given the 'Z5-City Centre' zoning objective for the site;
- plot ratio (5.5) is above the Development Plan indicative plot ratio (2.5 – 3.0) standards, but would be acceptable given the location, the existing situation on site and the surrounding context;
- building height (26.3m) meets the upper limits (28m) for this area and the visual impact would be acceptable;
- the design strategy, massing and materials are appropriate and the proposed contemporary modern office building would complement surrounding developments;
- use of obscure glazing has had a negative impact on other office buildings along Joyce's Walk. Active uses at ground floor are preferred and the use of obscure glazing at street level should be avoided by a condition of permission;
- the landscaped break-out space along Ulysses House is considered acceptable, including its additional function as a service access to the building;
- the proposed development would not result in an unacceptable loss of daylight for the adjoining residents to the north in The Steelworks and would not result in excessive overshadowing of Eileen McLoughlin Park and balconies in The Steelworks;
- the proposed development would regenerate a vacant brownfield site and increase footfall in this part of the city;
- absence of car parking is acceptable given the site location;
- the area above the proposed basement along Joyce's Walk will not be taken-in-charge and a condition should be attached to require materials to tie in with existing landscaping along Joyce's Walk.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Roads & Traffic Planning Division - no objection subject to conditions;

- Environmental Health Officer (EHO) - no objection subject to conditions;
- City Archaeologist – no objection subject to conditions.

3.3. Prescribed Bodies

- Irish Water – no response;
- Minister for Culture, Heritage and the Gaeltacht – no response;
- Irish Rail – no response;
- Transport Infrastructure Ireland (TII) – recommends a Section 49 contribution should be attached (Luas Red Line Docklands extension);
- National Transport Authority – no response.

3.4. Third-Party Submission

- 3.4.1. Two submissions were received during consideration of the application. One submission was made on behalf of the management company for the adjoining offices in Ulysses House, Ulysses House Management Ltd. The second submission was from a resident of an adjacent fifth-floor residential apartment in The Steelworks development directly to the north of the appeal site. The issues raised in these submissions are covered in the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Pre-planning discussions between representatives of the applicant and the Planning Authority regarding an office development took place in April and July of 2018 (under Dublin City Council [DCC] Refs. PAC10147/18 and PAC10310/18). The applicant was requested to address the impact of the proposals on Ulysses House, to justify the demolition of the building on site, to provide details of ground floor uses and to ensure sunlight and daylight assessments are presented. The following application, which did not proceed, relates to the appeal site:

- DCC Ref. 3829/01 – permission granted (October 2002) for a mixed-use three to four-storey development comprising retail and commercial uses at street

level with offices and residential uses above, on the subject site and the adjacent properties along 39b to 45 Talbot Street and 13-16 Foley Street.

4.2. Surrounding Sites

4.2.1. There is an extensive planning history associated with the adjoining and neighbouring sites, the following of which are considered relevant to this appeal:

- Railway Street (DCC Ref. 4265/18) – application lodged for four to seven storey blocks containing 47 apartments on a site c.100m to the north of the appeal site. Further information was requested by the Planning Authority in December 2018;
- The North Star Hotel, Amiens Street (ABP Ref. 301591-18 / DCC Ref. 2323/18) – permission granted by the Board in November 2018 for an additional two storeys along Block B of the hotel onto Foley Street, to provide an additional 36 hotel bedrooms and increase the building height to nine storeys (27.5m);
- The Steelworks, Foley Street (DCC Ref. 4474/17) – permission granted by the Planning Authority in September 2018 for an additional two floors to Block B along Beaver Street. Leave to appeal was refused by the Board under ABP Ref. 302595-18 in September 2018;
- Ripley Court Hotel, Talbot Street (DCC Ref. 3438/16) – permission granted in November 2016 for the demolition of a three-storey building and its replacement with a seven-storey over basement hotel extension;
- Joyce’s Court, Joyce’s Walk (DCC Ref. 3056/06) – permission granted by the Planning Authority for two six-storey office and retail buildings (Blocks A & B).

5.0 Policy & Context

5.1. Development Plan

5.1.1. The appeal site has a zoning objective ‘Z5 – City Centre’ within the Dublin City Development Plan 2016-2022, where it is the stated objective ‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design, character and dignity’. Offices are a ‘permitted’ use on

lands zoned 'Z5'. The Plan outlines that the primary purpose of zone 'Z5' is to sustain life within the centre of the city through intensive mixed-use development. Part of the strategy for this area is to provide a dynamic mix of uses that interact with each other and to help create a sense of community, which sustain the vitality of the inner city both by day and by night. While the site does not have conservation status, it is within a Zone of Archaeological Interest.

5.1.2. Section 4.5.9 of the Plan includes policies relating to Urban Form and Architecture, the following of which are considered relevant to this appeal;

- SC25 - to promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture;
- SC28 - to promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures.

5.1.3. Section 6.5.2 of the Plan refers to 'offices/commercial/employment space', and notes that there is a need to encourage high-quality redevelopment of outdated office stock and that sites of sufficient size to provide floor-plates for office headquarters are often found in regeneration areas. Policy CEE11(i) is relevant to this appeal and states:

- 'To promote and facilitate the supply of commercial space, where appropriate, e.g. retail and office including larger floorplates and quanta suitable for indigenous and FDI HQ-type uses, as a means of increasing choice and competitiveness, and encouraging indigenous and global HQs to locate in Dublin; to consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city'.

5.1.4. Other relevant sections of the Development Plan include:

- Section 16.2 – Design Principles and Standards;
- Section 16.5 – Plot Ratio (2.5 to 3.0 within a Z5 zoning objective area);
- Section 16.6 – Site Coverage (90% within a Z5 zoning objective area);

- 5.1.5. Section 16.7.2 of the Development Plan sets out building height limits for development, including a 28m restriction for commercial development in the inner city and a 50m restriction within 500m of Connolly Station.
- 5.1.6. The Development Plan refers to the document 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (Building Research Establishment [BRE] Report 2nd Edition, 2011) for use in assessing the impacts of residential and student accommodation developments on access to sunlight and daylight.
- 5.1.7. Section 16.38 and Table 16.1 of the Plan outline that a maximum of one car park space per 400sq.m GFA of offices is allowed in the city centre.

5.2. National Guidelines

- 5.2.1. The following Guidelines are also relevant:
- Urban and Building Heights - Guidelines for Planning Authorities (Department of Housing, Planning & Local Government, 2018);
 - Urban Design Manual: A Best Practice Guide (Department of Environment, Heritage and Local Government, 2009).

5.3. Environmental Impact Assessment - Preliminary Examination

- 5.3.1. Having regard to the nature and scale of the proposed development and the location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The principal grounds of the two third-party appeals from the management company for Ulysses House and the residents of The Steelworks, can be summarised as follows:

Impacts on Ulysses House

- Ulysses House features 25 windows on the western elevation facing onto the appeal site and the proposed development has not been designed considerate of the impact on lighting and amenity for the staff of this five-storey office block;
- an assessment of the reduction in sunlight and daylight to the adjacent office building is not provided within the planning application;
- the proposed 6.8m separation distance between the proposed building and Ulysses House would merely serve as a service entrance and waste management area for the building, rather than facilitating sufficient light to Ulysses House;
- the proposed building would have an overbearing impact when viewed from Ulysses House and would result in devaluation of this adjacent office property;
- the Board has previously refused planning permission for an office development on the AIB Bankcentre campus in Ballsbridge, as the proposed development would impact on the amenities of adjacent office blocks within the campus and would depreciate the value of these blocks (ABP Ref. 29S.227259);
- an increased setback or reduction in floors would not address the concerns of the appellant, therefore refusal of planning permission is the only option available.

Impacts on The Steelworks

- the redevelopment of the site is welcome, including the relationship of the building to its corner context;
- the proposed seven-storey office building would not follow the existing five-storey building height along the south side of Foley Street;
- proposals would result in overlooking from the fifth and sixth floors of the office building into the residences in Block C of The Steelworks;
- the proposed building would restrict views from The Steelworks apartments towards the wider cityscape and towards the Dublin mountains to the south;

- the proposed development would lead to excessive loss of daylight, skylight and sunlight, as well as excessive overshadowing of residential apartments within The Steelworks.
- the proposals would ultimately impact on the amenities enjoyed by residents of their apartments, would result in increased electricity costs for residents and would depreciate the value apartments in The Steelworks.

6.2. Applicant's Response

6.2.1. The response of the applicant to the grounds of appeal can be summarised as follows:

- issues raised within the original Planning Report accompanying the application are reaffirmed, including the rationale and background for the proposals;
- by using an existing underutilised brownfield site the proposed development provides a positive response to the area and would in turn enhance property values in the vicinity;
- precedent for building height is provided by recent permissions at The North Star Hotel (ABP Ref. 301591-18) and The Steelworks (DCC Ref. 4474/17), and the design and height of the proposed development, including upper floor setbacks, are appropriate;
- extracts from the permission granted by the Board under ABP. Ref. 301591-18 for two additional floors to Block B of the North Star Hotel along Foley Street are referenced, including the Board's opinion that the development would not result in an unacceptable degree of overshadowing or overbearing;
- refusal of permission by the Board (ABP Ref. 29S.227259) for development at the AIB Bankcentre campus in Ballsbridge does not provide adequate justification for refusing the subject development, given the differing context for the campus site and the appeal site, and as there are additional regeneration benefits arising from the proposed development. Furthermore, the loss of daylight is not specifically referenced within the Board's reasons for refusal of the development at the AIB Bankcentre site;

- a detailed submission from the applicant’s daylight and sunlight consultant is appended to the applicant’s response, which refers to the existing vacant nature of the appeal site providing for levels of light to neighbouring properties above those typical of the surrounding area, while specifically addressing concerns raised with respect to sunlight and daylight to apartments in The Steelworks and Ulysses House;
- Ulysses House is provided with sufficient natural light through a lightwell and other elevations and features dark translucent screens to the ground-floor windows;
- loss of sunlight or daylight to commercial office space is not a material planning issue in this case and the Development Plan only refers to consideration of this issue with regard to residential accommodation;
- examples of cases where planning permission was granted for infill development in close proximity to existing offices are cited;
- the breakout space has been designed to a high-quality with sufficient separation distance from Ulysses House, in order to reduce any potential overbearing or overshadowing impacts arising;
- the breakout space on the east side is not intended to serve as a waste management area, as these are proposed to be located at basement level.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority responded to the grounds of appeal by stating that the Planning Officer’s report comprehensively deals with the issues raised and justifies their decision.

6.4. Observation

- 6.4.1. An observation has been submitted, stated to be on behalf of the landlords for Ulysses House, supporting the proposed development, stating that the design would be sympathetic to the area.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the substantive planning issues arising from the grounds of appeal and in assessing the proposed development are as follows:

- Zoning Objectives & Development Standards;
- Building Height;
- Design & Visual Impact;
- Impact on Local Amenities.

7.2. Zoning Objectives & Development Standards

7.2.1. The proposed development would provide for a seven-storey city-centre office building replacing a vacant and dilapidated former industrial building. Under the provisions of the Dublin City Development Plan 2016-2022, the appeal site is zoned 'Z5 - City Centre' and is subject to an objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design, character and dignity'. Office use is a permissible use under this land-use zoning objective. The proposed development would add an additional 4,710sq.m of office accommodation for the city. Consequently, Development Plan policy CEE11(i), which seeks to promote and facilitate the supply of commercial space, is supported by the subject proposals. The immediate area comprises an expansive mix of uses, including office, residential, hotel, educational and retail uses. Justification for the demolition of the existing building is outlined within a report accompanying the application titled 'Justification and Outline Method Statement for the Demolition of Existing Building', referring to the risks of maintaining this substandard building. The building and subject area does not have conservation status. Overall, I consider the principle of demolishing the existing building and replacing this with a contemporary building would be acceptable, subject to assessment of the relevant planning and environmental considerations identified below.

7.2.2. The Plan outlines that site coverage is a control for the purpose of preventing the adverse effects of overdevelopment, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. The proposed site coverage would amount to 76% and would therefore comply with the 90% maximum indicative site coverage allowed for in the Development Plan. The proposed development would result in a stated plot ratio of 5.5, whereas the indicative plot ratio for Z5 lands in the Development Plan is 2.5 to 3.0. Given the location of the appeal site within an inner-urban area, proximate to various modes of public transport, I am satisfied that a higher plot ratio is acceptable under the Development Plan provisions, subject to more detailed consideration of the impacts of the development on local amenities.

7.3. Building Height

- 7.3.1. The grounds of appeal assert that the proposed seven-storey office building would not follow the existing prevailing five-storey building height along the south side of Foley Street. The Planning Authority considered that the building height (c.26.3m) would be within the Development Plan limitations, which allow for 28m-high commercial buildings in inner-city areas, as well as buildings up to 50m in height within 500m of Connolly Station. In response to this, the grounds of appeal assert that the proposed building height is justified by the adherence to Development Plan standards and also by recent permissions for additional floors to the neighbouring North Star Hotel (ABP Ref. 301591-18) and The Steelworks (DCC Ref. 4474/17) bringing their respective neighbouring building heights to 27.5m and 26.8m.
- 7.3.2. Building heights along Foley Street and Joyce's Walk range from three to six storeys. Within The Steelworks mixed-use development to the north, building heights vary from five storeys directly opposite the appeal site, stepping upwards to eight storeys moving into the complex. Contiguous elevations of the proposed development with respect to existing buildings along Foley Street and Joyce's Walk are provided in the application (see Drawing Nos.P2001 Rev A and P2002 Rev A).
- 7.3.3. The overall height of the proposed office building would be 26.3m, which is within the upper height limits for this area and would not be inconsistent with existing and permitted heights in the immediate area. I am satisfied that the proposed development would not result in an abrupt transition in building heights. Section 16.7.2 of the Development Plan sets out that notwithstanding the maximum

permissible heights specified, proposals will be subject to assessment against standards set out elsewhere in the Development Plan and in this regard I note that Section 16.4 of the Plan states that ‘the density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity’. Assessment of the proposed development with respect to standards relating to residential amenity is undertaken in Section 7.5 below.

7.4. Design & Visual Impact

- 7.4.1. The Development Plan acknowledges the intrinsic quality of Dublin as a low-rise city and recognises the need to protect the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. The replacement of the existing vacant industrial building, which is not of architectural merit, with a contemporary building would serve to improve the streetscape and the visual context. At ground level, I consider that the development would make a significant positive contribution to the public realm along Joyce’s Walk and Foley Street, in introducing active uses during daytime hours that would contribute to the regeneration of this city centre area. The Planning Authority’s decision included a condition requiring the ground-floor windows onto Foley Street and Joyce’s Walk to be permanently fitted with clear glass, which would offer increased surveillance over the public realm, including Joyce’s Walk. I consider that a condition similar to this should be attached in the event of a permission, particularly as the Development Plan policy RD17 encourages active uses at street level on the principal streets of the city centre.
- 7.4.2. An Architectural Design Statement accompanied the application, with CGIs of the proposed development from eight locations provided. Details of lighting are included as part of the application within the Landscape & Public Realm Design and Access Statement and within the landscape drawings. The existing buildings and the narrowness of Foley Street would largely screen views of the proposed building from the surrounding area, with the most sensitive views of the development immediately fronting the site and from within Eileen McLoughlin Park.
- 7.4.3. Having regard to the city centre location and the surrounding context, I consider that the scale and form of the proposed development would be acceptable. The building

would feature a double-height recessed curved entrance on the northeastern corner and a set back to the fifth and sixth-floor levels. The CGIs submitted appear to accurately present the proposed scheme and reveal that the proposal would be in keeping with the style of recent commercial developments in the historic core of the city. Accordingly, I am satisfied that permission should not be withheld for the proposed development for reasons relating to design and visual impact.

7.5. Impact on Local Amenities

- 7.5.1. The grounds of appeal of the neighbouring residents assert that the proposed development would result in overlooking and loss of natural light to apartments in The Steelworks on the opposite side of Foley Street. Block C of The Steelworks development closest to the appeal site, was built in the 2000s and comprises ground-floor commercial and educational units along Foley Street with apartments overhead. I am satisfied that overlooking from the proposed offices to The Steelworks apartments would be similar to that presently experienced between Ulysses House offices and The Steelworks apartments, which would not be uncommon within the historic core of the city. The proposed development would include external access to a roof terrace along the fifth and sixth floors onto Joyce's Walk and Foley Street. Use of the external roof terraces along Foley Street has significant potential to lead to unwarranted overlooking of the apartments, including balconies, approximately 11m to 13m to the north in Block C of The Steelworks and this use should be omitted by condition.
- 7.5.2. The potential impact of the proposed development on lighting to neighbouring areas has been presented as part of the application, with a Daylight Impact Assessment provided by the applicant. The assessment is stated to have been prepared based on the BRE guide 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2nd Edition)', which is advocated as a guide in both the Development Plan and the Urban Development and Building Height Guidelines.
- 7.5.3. The applicant's assessment identifies The Steelworks apartments and Eileen McLoughlin Park, as the most-sensitive receptors in the area and utilises points along the southern façade of Block C to The Steelworks and within the park to investigate the current levels of skylight and sunlight received and the potential levels received following the proposed development. The assessment identifies that

the resultant change in levels of skylight and sunlight would not comply with the standards required for the minority of apartments in Block C of The Steelworks. Where a proposed development would not fully meet the standards outlined in the BRE guide, rationale or compensatory design solutions must be set out by the applicant and An Bord Pleanála should consider the proposals having regard to the site context and wider planning objectives. The applicant sets out rationale based on the site context, the pre-existing situation, including balconies to the apartments, and on strategic and national guidelines to allow for flexibility and use of locally-adaptive performance targets to justify the identified departures from the BRE standards. While the proposed development would inevitably result in a reduction of natural light to a number of apartments, I am satisfied that based on the details of the assessment, the reduction would not be substantial in the context of the inner-urban built-up location, which is characterised by other existing developments with a similar relationship to that now proposed, including the adjacent Blocks D and G2 to The Steelworks development. I also note the provisions within the Urban Development and Building Height Guidelines allowing for deviations from the standards in situations such as this.

- 7.5.4. The grounds of appeal assert that adequate consideration of the impact of the proposed development on the amenities and lighting to Ulysses House, the adjacent five-storey office block on Foley Street, was not undertaken in designing the proposed development. The grounds of appeal also highlight that the Daylight Impact Assessment submitted did not address the loss of sunlight and daylight to Ulysses House. In response to this, the applicant outlines that the loss of sunlight or daylight to commercial office space is not a material planning issue in this case and that the Development Plan only refers to consideration of this issue with regard to residential accommodation. The applicant also highlights that the proposed development would be set off the side elevation to Ulysses House and this would adequately address the impact of the development on the amenities of the adjacent office space.
- 7.5.5. The existing former industrial building on site is set back from Foley Street and Ulysses House. The proposed development would feature a 6.8m-wide break-out space along the eastern boundary with Ulysses House, an office building that features windows on each elevation, including the western elevation onto the appeal

site. The applicant has provided landscaping details for this break-out space, which would also function as a service entrance to an internal lift to basement facilities, including bin stores and cycle parking. The grounds of appeal also assert that precedent for refusing the subject development on amenity and property devaluation grounds is provided for by the Board's refusal of permission for an office development at the AIB Bankcentre campus in Ballsbridge (under ABP Ref. 29S.227259). An observation to the appeal, stated to be the landlords for Ulysses House, supports the proposed development and considers that the design would be sympathetic to the area. While the proposed development would inevitably impact on the amenities of Ulysses House, including the extent of natural lighting, I am satisfied that the proposed development would be acceptable given the development standards that would be achieved, the inner-urban context for the site and the positive regenerative benefits of the proposed development, as supported by planning objectives within the Development Plan and national guidelines.

- 7.5.6. In conclusion, I consider that, subject to a condition addressing the use of the upper-floor terraces onto Foley Street, the proposed development would not unduly impact on the amenities enjoyed by residents of neighbouring apartments, including those within Block C of The Steelworks. Furthermore, the proposed development would be of an appropriate scale and form and would not unduly impact the amenities of neighbouring commercial buildings, including Ulysses House, beyond that which would be typical in this inner-urban context. Accordingly, I recommend that permission should not be refused on the basis of the impact of the proposals on local amenities.

8.0 Appropriate Assessment

- 8.1. Having regard to the existing development on site, the nature of the proposed development, the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted for the proposed development, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

- 10.1.1. Having regard to the zoning objectives for the site and surrounding area and the provisions of the Dublin City Development Plan 2016-2022, the inner-urban location, including existing and permitted development in the area and the proximity to public transport facilities, it is considered that the proposed development, subject to compliance with the conditions set out below, would constitute an appropriate development at this location, which would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of its scale, form, height and urban design. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) the use of the roof terraces along Foley Street shall be omitted.

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 residential amenity.

3. Details of all external finishes to the proposed development, including samples, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The external finishes to the building at ground-floor onto Foley Street and Joyce's Walk shall primarily comprise permanent clear glazing.

Reason: In the interest of the residential and visual amenity.

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

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

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

5. Prior to commencement of development, details of all plant, machinery,

chimneys, ducting, filters or extraction vents to be used in connection with the development (including any such items used in conjunction with the commercial uses hereby permitted) shall be submitted to, and agreed in writing by, the planning authority. These shall include details of any proposed sound attenuation measures to be incorporated within such plant, machinery, chimneys, ducting, filters or extraction vents.

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

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

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

7. No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

9. 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 and to ensure a proper standard of development.

10. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of wastes to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimization, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan covering the Dublin Region.

Reason: In the interests of orderly development and sustainable waste management.

11. Prior to the commencement of development, a Construction Management Plan shall be submitted to, and agreed in writing by, the Planning Authority. This shall include a construction programme for the works, car parking, a traffic management plan, noise and dust mitigation measures, groundwater monitoring, wheel-washing facilities and details of construction lighting. The Construction Management Plan shall indicate the measures proposed to mitigate the impact of the construction activities (and associated activities including vehicle movements) on the amenities and operation of premises in the vicinity at all times during each phase of the construction of the proposed development.

Reason: In the interests of the amenities of the area and of property in the

vicinity.

12. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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 order to safeguard the residential amenities of property in the vicinity.

13. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the Planning Authority, to 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. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on this site at any time except within such buildings or storage areas as may have been approved beforehand in writing by the Planning Authority

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment and in the interests of the amenities of the area.

14. Proposals for a development name, office/commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

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 streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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.

17. The developer shall pay to the planning authority a financial contribution in respect of Luas Red Line Docklands Extension (C1) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Colm McLoughlin
Planning Inspector

13th February 2019