



An  
Bord  
Pleanála

## Inspector's Report ABP-304525-19

**Development** Development at a site within Royal Hibernian Way. Provision of new entrance feature, expanded lobby area including amalgamation of adjacent sandwich shop unit and change of use to office use. Additional office areas located above 1st floor level to 5th floor levels, to include new areas over current void areas between Block C and Block D as well as to the east between Block C and Block B. Removal of plant room at fourth floor level and its replacement with 2 floor levels of office space. (Block C to now comprise 6 storeys). Amendments to basement level to include 18 no additional bicycle spaces and 1 no disabled car parking space shower and changing facilities. Proposal results in increase in gross office floorspace at block C of c866 sq.m bringing the building total to c 1,656 sq.m gross floor area. Provision of new ESB substation. Solar panels and roof plant. All associated and ancillary works.

<b>Location</b>	Royal Hibernian Way, Dawson Street, Dublin 2
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4627/18
<b>Applicant(s)</b>	Friend's First Life Assurance Company Ltd.
<b>Type of Application</b>	Permission.

<b>Planning Authority Decision</b>	Grant Permission subject to conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Davy Group.
<b>Observer(s)</b>	Transport Infrastructure Ireland TII.
<b>Date of Site Inspection</b>	18 <sup>th</sup> August 2019.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site which has a stated area of 0.24ha is located within the Royal Hibernian Way Complex at Dawson Street, in Dublin 2. The site is city central and within the South City Retail Quarter Architectural Conservation Area. It is surrounded by a vibrant mix of uses including office, retail, restaurant, public houses and residential uses. The complex is within block framed by Grafton Street to the west, Dawson Street to the east, Duke Street to the north and Anne Street to the South.
- 1.2. The Royal Hibernian Way was built on the site of the Royal Hibernian Hotel in the late 1980s. It is an outdoor shopping centre with offices overhead. The mall runs between Duke Lane Upper and Dawson Street. Works are currently nearing completion in respect of the upgrade and refurbishment of the existing ground floor retail units as permitted under application 3744/17.
- 1.3. The appeal site relates to block C which fronts onto Duke Lane Upper. The mixed-use block has a single basement level used for parking and servicing. The ground floor comprises retail and café floorspace and above ground level there are four to five storeys of offices.

## 2.0 Proposed Development

- 2.1. The proposal as set out within the detailed documentation accompanying the application involves
  - The provision of new feature entrance (including signage) to the Royal Hibernian Way complex.
  - Internal refurbishment of the existing block C, which comprises of circa 790 sq.m gross floorspace
  - Vertical extension (by two floors) above the existing block C (to include removal of existing plant room at roof level)
  - Horizontal extension to connect to Block A to the north and Block D to the east above ground floor level.
- 2.2 At ground floor level it is proposed to incorporate the existing sandwich bar into an extended office entrance fronting onto Duke Lane. The rationale is twofold: firstly, to

address the limited presence of offices at street level and secondly to address operational challenges with regard to access issues, reception space and fire safety. The proposed development will result in an increase in gross office floorspace at Block C of c866 sq.m bringing the building total to c1,656 sq.m gross floor area. The proposed development includes the addition of 2 no additional storeys of commercial space above the existing building of 4 storeys which includes a penthouse level. This contributes to a total building height of 6 no storeys.

- 2.3 The proposal also includes upgraded shower facilities at basement level along with the provision of a new single storey ESB substation in the internal service area between Duke Street and Royal Hibernian Way and roof level to include solar panels and roof plant area (including lift overrun). Permission is also sought for all ancillary engineering and site development works necessary to facilitate the development.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated 1<sup>st</sup> May 2019, Dublin City Council issued notification of its decision to grant permission and 13 conditions were attached which included the following of particular note:

Condition 2. Development Contribution €64,595.32. Section 48 Development Contribution Scheme.

Condition 3. Development Contribution €35,036.00 in respect of Luas Cross City, Section 49. Supplementary Development Contribution Scheme.

Condition 10 Archaeological monitoring.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- 3.2.1.1 Initial Planning report sought further information to include additional photomontages from Anne Street South at the junction with Duke Lane and from the junction of

Dawson Street and Anne Street South (outside St Ann's church) to enable the visual impact of the proposal to be assessed.

3.2.1.2 Final Planning Report notes that in relation to average daylight factor, no's 12 and 13 are already compromised and the impact is likely to be less noticeable. It is noted that daylight analysis concludes that the existing offices in the Royal Hibernian Way will remain adequately lit. The proposed development will enhance the public realm and urban fabric of this location while respecting the local built heritage. The additional height will not impact on views to and from St Ann's Church. There will be no impact on views along Dawson Street or Grafton Street where the proposed development will remain hidden by existing buildings. Permission was therefore recommended.

### 3.2.2. Other Technical Reports

3.2.2.1 City Archaeologist report notes location within the Zone of Archaeological Constraint for recorded monument DU018-020 Dublin City. Cartographic sources suggest the remains of the late seventeenth / eighteenth century development may survive at a subsurface level within the site. A condition regarding archaeological monitoring is recommended.

3.2.2.2 Engineering Department Drainage Division. – No objection subject to developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

3.2.2.3 Roads Streets and Traffic Department Road Planning Division report considers it appropriate that no parking is provided however cycle parking should be provided in accordance with Development Plan standards. Servicing management plan and a detailed construction management plan to be agreed. No objection subject to conditions.

### 3.3. Prescribed Bodies

3.3.3.1 Transport Infrastructure Ireland TII submission recommends conditions regarding payment of Section 29 Supplementary Development Contribution. As works are in

close proximity to Luas Overhead Conductor System, the developer to apply for a works permit from the Luas operator. No adverse impact on Luas operation or safety and compliance with Code of Engineering Practice for works on near or adjacent to Luas light rail system required.

### 3.4. Third Party Observations

3.4.1 Submission by Tom Phillips and Associates on behalf of Davy Group, *Davy House*, No 49 Dawson Street. Davy Group occupy the majority of the space in Royal Hibernian Way having been in situ since 1987 with a leasehold interest to 2037. There are currently 559 staff based at this location. Concerns arise regarding daylight/ sunlight overshadowing impact, overbearing design massing and overlooking and construction management impacts.

## 4.0 Planning History

**3744/17** Permission granted for works to upgrade the Dawson Street and Duke Lane entrances to Royal Hibernian Way and internal shop front and elevation upgrades within Royal Hibernian Way including removal of all existing Royal Hibernian Way entrance signage associated banners clock and concrete cladding from entrance piers.

**3643/16** Permission granted for the amalgamation, conversion and change of use of units Nos 3 and 4/5 for use as a single café/restaurant unit occupying an area of 222sq.m together with the provision of new shop front along Royal Hibernian Way. Amalgamation of units 19 & 20 for use as single retail units together with minor alterations to the existing shop front, amalgamation, conversion and change of use of units 17-18 and 22-27 for use as single mixed-use unit which will provide café/restaurant and retail uses together with the provision of new shop fronts along Royal Hibernian Way and Anne Street South. Incorporation of Lord Mayor's Walk pedestrian route within the new mixed-use café retail unit, provision of external seating areas along Royal Hibernian Way. Alterations and provision of new shop front to unit 16, removal of external clock at second floor level and installation of

signage measuring 31.7 sq.m, removal of 2 no existing canopies and provision of associated external plant and servicing together with associated site works.

**3558/14** Refusal of permission for 3 retractable awnings to ground floor on grounds of visual obtrusion and injury to the architectural conservation area.

**2960/14** Refusal of permission for retractable awnings affixed to the ground floor elevation of the Grafton Lounge at Upper Duke Lane at units 1 and 2 Hibernian Way. Visual obtrusive and injury to architectural conservation area.

**2122/12** Permission granted for ground floor extension of the existing licensed premises at unit 2 into unit 1. New frontage onto Duke Lane and additional fascia signage on unit 1.

## 5.0 Policy Context

### 5.1. National Policy

5.1.1 National Planning Framework. Project Ireland 2040 - Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work.

5.1.2 Section 28 Ministerial Guidelines.

- Urban Development and Building Height Guidelines. Department of Housing Planning and Local Government. December 2018.

### 5.2. Development Plan

5.1.1 The Dublin City Development Plan 2016-2022 refers.

The site is zoned Z5 *“To consolidate and facilitate the development of the central area and to identify reinforce and strengthen and protect its civic design character and dignity. The primary purpose of Zone Z5 is to sustain life within the centre of the city through intensive mixed-use development,”*

Royal Hibernian Way is designated as a category 2 retail street. The purpose of this designation is to protect the primary retail function of these streets in the retail core with an emphasis on higher order comparison retail and a rich mix of uses.

The site is within the South City Retail Quarter Architectural Conservation Area.

### 5.3. Natural Heritage Designations

None.

### 5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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 appeal is submitted by Tom Philips Associates Planning Consultants on behalf of Davy Group. Grounds of appeal are summarised as follows:

- Davy Group occupies the majority of the office space in Royal Hibernian Way, having been in situ at *Davy House* on Dawson Street since 1987 with a leasehold interest to 2037. There are currently 550 staff based at this location.
- Daylight / Sunlight /Overshadowing concerns
- Overbearing design, massing and overlooking.
- Construction Management impacts.
- Object to bridge link and invite the Board to impose changes by way of condition.
- Undue impact on the natural light available to offices and meeting rooms in *Davy House* have not been fully considered.
- Proposed development will have a dramatic detrimental impact on the Average Daylight Factor (ADF) in the northern wing of *Davy House*, which will result in a dramatic reduction of workplace amenity currently enjoyed by *Davy*



*House Staff*. Verified views document prepared by MCA architects does not realistically reflect the current or proposed level of ambient light available in the internal courtyard at Royal Hibernian Way. This is evident in View 5. (as shown in fig 2)

- Impact on ADF on the existing office accommodation could be significantly reduced through relatively straight forward design amendments to the proposed scheme.
- 3D Design Bureau Assessment does not assess impact on public spaces and streetscapes including potential impact on courtyard of Royal Hibernian Way and Lemon Street. As daylight levels are already low due to the existing building profile at Royal Hibernian Way reducing this daylight further may reduce the desirability and perceived safety and security of Royal Hibernian Way and Lemon Street. Additional Design interventions should be introduced to ensure that all public areas receive reasonable levels of sunlight and daylight. Also, may reduce daylight /sunlight impact on the existing residential unit noted in the report at No 12 South Anne Street.
- Interface between the proposed development and the northern wing of *Davy House* is overbearing and will adversely affect the amenity and ability to use the existing roof terrace. It will render one of the meeting rooms and office spaces unusable due to loss of privacy and confidentiality due to the close proximity of proposed windows.
- The planning and design objective envisaged by MCA can be delivered by linking the two facades by way of elevational treatment without having to link the floorspace across the mall.
- Concerns regarding potential impact or disruption on the day to day operations at *Davy House* arising from a prolonged construction phase. Noting elongated construction programme experienced while ground floor retail areas are being upgraded. 3744/17. Noise health and safety and operational issues.
- Request that a construction management plan with a provision which facilitates ongoing liaison with existing building occupiers is required.

- Davy's operations are highly sensitive and rely heavily on power supply and IT connectivity on 24/7 basis. Noting that the proposal includes provision of a new ESB substation the installation of which will likely require protracted power outages. It is requested that suitable mitigation measures be clearly detailed in this regard within the CMP.

## 6.2. Applicant Response

Response by John Spain Associates on behalf of the first party is summarised as follows:

- Notably the office element occupied by Davys is owned by the applicant therefore the first party has a material interest in ensuring this space is not negatively impacted on by the proposal.
- No expert evidence submitted in relation to disputing the analysis of 3D Design Bureau, specialists in conducting light analysis and assessment in urban environments.
- Report by 3D Design bureau includes an assessment of the external mall area at Royal Hibernian Way. The overshadowing as a result of the development is not considered to have any material detrimental impact on the quality or amenity of public open spaces at RHW Duke Lane or Lemon Street. The comparison photograph inserted by the appellant is considered to be subjective and appears to reflect an overcast winters day with low exposure.
- Photograph also shows a number of retail units at street level as vacant due to refurbishment with verified view no 5 prepared by MCA Architects illustrating the RHW in reality following completion and occupation of the refurbished units. Lighting schemes ensure that a high quality public spaces is maintained at RHW which will attract pedestrians and footfall to the street. A lightwell has been included between the proposed and existing blocks to enable natural light penetration.
- Any reduction in light access at public spaces is mitigated through high quality urban design and complementary lighting schemes which add positively to the public realm. It is worth noting that up until the end of 2018 the mall area was

partially covered by a canopy so it is only in recent months that it has benefited from direct sunlight.

- Scale and design of the building is fully compliant with Urban Development and Building Height Guidelines 2018. Height is directly related and compatible with neighbouring buildings with no overbearing impacts. Complies with NPF objective for compact urban development.
- Impact on privacy and confidentiality exaggerated.
- No impact on roof terrace at *Davy House*.
- Removal of the link across the mall as suggested by the appellant would directly conflict with the objective of the development to create an additional high-quality office floorspace and reduce the quality of the internal layout.
- Design and glazed material finish of the proposed floor space above the mall appears lightweight relative to the predominantly brick finish surroundings. The proposals introduce aesthetically improve the nature of the urban environment.
- In relation to construction management an outline management plan has been prepared by McKeon Group and further detailed CMP will be submitted as part of compliance.
- Applicant is fully committed to complying with the conditions of the permission. Any issues such as noise, dust and vibration will be mitigated through proper methods in accordance with Regulations. Pre- condition survey, traffic management plan.
- In relation to concerns regarding power supply, there is no likelihood of electricity outages during construction.
- Enclosed report from 3D design confirms accuracy of initial study. The majority of areas assessed will have a reduction of less than 20% of the original value. In the three spaces where the reduction is greater than 20% (Office 301, Area 3C and Office 401) the ADF will remain above 1.5.% and thus will remain adequately lit.

- Public space within the area has been recently significantly enhanced and improved with implementation of high-quality lighting scheme, upgrade of retail frontages and removal of canopy which has enhanced the public realm at street level.

### 6.3. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

### 6.4. **Observations**

6.4.1 Transport Infrastructure Ireland submission notes location within the area for the Luas Cross City Supplementary Contribution Scheme. Developer to ensure no adverse impact on Luas operation or safety and compliance with TII Code of Engineering Practice for works on near or adjacent to the Luas light rail system.

### 6.5. **Further Responses**

6.5.1 Response by Tom Phillips & Associates in response to the first party response to the appeal reiterates grounds of appeal and note the following:

- It is intended to commission an assessment of Average Daylight factor for both before and after construction in the event of permission by the Board.
- Linking of facades by elevational treatment rather than physical link across the mall is recommended.
- Ongoing serious concerns regarding impact or disruption on day to day operations at *Davy House* arising from a prolonged construction phase. Significant disruption arising from implementation of 3744/17. Project overran by a number of months. Concerns regarding further electrical outages and lack of investment in significant back up systems to ensure power supply is maintained.

## 7.0 Assessment

7.1. The key issues that arise for assessment by the Board in relation to the appeal can in my view be considered under the following broad headings:

- Principle of development
- Design plot ratio, impact on visual amenity and architectural heritage
- Daylight Sunlight Overshadowing and Overlooking
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1 The proposed development is acceptable in principle having regard to the “Z5” Zoning objective which seeks “*To consolidate and facilitate the development of the central area and to identify reinforce and strengthen and protect its civic design character and dignity. The primary purpose of Zone Z5 is to sustain life within the centre of the city through intensive mixed-use development.*” The proposed development seeks to improve the aesthetic appearance of the Royal Hibernian Way and to update and consolidate the established mixed-use site and to improve the overall vibrancy and vitality of this area which is in accordance with the Z5 City Centre zoning objective. The first party notes that the proposal will enhance the level of office floorspace on the site thereby making a significant positive contribution to employment generation within this city centre location. As regards the proposed height increase I consider that the proposal is in accordance with NPF Objectives and the the Urban Development and Building Height Guidelines 2018 in terms of provisions aimed at compact growth and densification in appropriate urban locations. On the basis of the foregoing I consider that there is strong policy support for the nature of the development proposed thus, it is appropriate to advance the assessment to the detail of the proposed development.

### 7.3.1 Design and Visual Impact

7.3.1 On the issue of site plot ratio, the proposal comprises a plot ratio of 3.2 and site coverage of 83%, both in excess of development plan indicative standards of 2.5-3.0

and 45%-60% respectively. However, I note that the Development Plan provides for a degree of flexibility where a higher plot ratio may be considered more appropriate adjoining public transport corridors or where an appropriate mix of residential and commercial uses is proposed or to facilitate comprehensive redevelopment in areas in need of urban renewal or where a site already has the benefit of a higher plot ratio. I consider that the proposed plot ratio and is justified in the context of the central and accessible location of the site and nature of established development on the site.

7.3.2 As regards the design and form of the proposed development, the proposal provides for increased height from 17.3m to 22.4m increasing the height of block C to six storeys. The enlargement of floors 1-3 by extending the floor plate north to link with Block D bridges the street below and east to link with block B. The existing fourth floor is a set back penthouse level and this is enlarged to match the extended floor below with an additional floor above. Photovoltaic panels and a recessed roof plant are incorporated at roof level. The proposed elevations are updated in accordance with the enhancement carried out at ground level. The use of extensive glazing to elevations provides for a contemporary reflective character.

7.3.3 I note the findings of the landscape and visual impact assessment which highlights that the visual envelope for the proposed development is constrained by the intimate street network surrounding it. The location of block C to away from the Dawson Street frontage means that it is visible mainly from Duke Lane upper and its junctions with Duke Street and Anne Street South. The site is also glimpsed along Lemon Street from Grafton Street.

7.3.4 In terms of assessment of impact on landscape character, it is asserted that the refurbishment of the existing façade will subtly enhance the character of the existing office building and better integrate it with the character of the refurbished retail frontage and streetscape below. The glazed envelop for the extended floorplate will introduce a contemporary architectural language adding a complementary contrast to the existing architectural fabric. The lightweight appearance contrasts to the brickwork of adjacent buildings while reflecting building and sky thereby making a

transition between the two. Overall it is asserted that the discrete location and modest scale of development will give rise to a moderate magnitude of change that will have a moderately positive impact on the local urban landscape character.

7.3.5 As regards the effect on local built heritage, the ACA and protected structures will be slight and positive with benefit from the enhancement of the 20<sup>th</sup> Century building and integrated high-quality approach.

7.3.6 As regards visual impacts a number of positive impact are highlighted including the creation of a greater sense of enclosure reinforcing the Royal Hibernian way as a space rather than a through route. The lightweight reflective appearance of the glazed elevation maintains a sense of openness and light. The proposal delivers an expansion and enhancement of the office building at Block C enriching the public realm and urban fabric while respecting built heritage. The proposal is restrained in proposing only one additional floor of office space which is consistent with blocks A and B fronting onto Dawson Street. The building remains screened from view from all neighbouring streets except along Duke Lane Upper and Lemon Street. Views to and from St Ann's Church contain no view of the proposed development save for a fleeting glimpse along Duke Lane Upper. There will be no visual impacts on views along Dawson Street or Grafton Street from where the proposed development remains hidden from view save for a framed view along Lemon Street from Grafton Street where the proposal creates an architectural feature at the end of the vista.

7.3.7 Having considered the detail of the proposal, the design strategy and assessment of impact I consider that the design approach has been substantiated and the bridging of the mall is appropriate. I consider that the proposal in terms of its presentation is justified and appropriately mitigates the impacts arising. The resulting visual impact is innovative and contemporary and presents a fresh sense of identity to the Royal Hibernian Way. I consider that the design and scale of the development is appropriate to the site and is successful from an urban design perspective.

#### **7.4 Daylight / Sunlight/ Overshadowing and Overlooking**

- 7.4.1 The potential for overshadowing and other impacts on the established amenities currently available to the existing office space is a key concern within the submissions of the third-party appellant. I note the assessment by 3D Design Bureau submitted by the first party which considers the impact on the Average Daylight Factor of the offices and the apartments at 12-13 Anne Street South. It is noted that BS 8206 Code of Practice for Daylighting recommends an ADF of 5% for a well daylit space and 2% for partly daylit space. Below 2% the room will appear dull and electric lighting is likely to be turned on. In terms of housing BS 8206 gives minimum values of ADF 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. While there is no set target value for office space it is asserted 1.5% is appropriate for office space.
- 7.4.2 The submitted assessment shows that majority of areas assessed will have a reduction of less than 20% of the original value and in three spaces where the reduction is greater than 20% (Office 301, Area 3C and Office 401) the ADF will remain above 1.5% and thus will remain adequately lit. As regards the impact on residential units 12-13 Anne Street it is noted that these rooms have an ADF less than 1% in baseline. The impact to ADF in 12 Anne Street may be perceptible however likely to be negligible in a well-lit. room. The impact to units on no 13 Anne Street would be imperceptible.
- 7.4.3 As regards impact on the courtyard of Royal Hibernian Way and Lemon Street this was assessed in response to the appeal. A study of the level of sunlight received notes that as the baseline figure for sunlight is low the impact of the proposed development is imperceptible.
- 7.4.4 As regards overlooking and perceived adverse impacts arising from the proximity to the established offices I consider that while the outlook from the existing offices will change this is acceptable in terms of the nature of the use and any adverse impacts arising can be readily mitigated.
- 7.4.5 As regards construction impacts, clearly protracted disruption arising from a prolonged construction period is undesirable. It is considered that negative impacts arising in terms of noise dust and health and safety matters can be appropriately addressed by way of a detailed construction management plan.



## **7.5 Appropriate Assessment.**

7.5.1 As regards appropriate assessment, the site is not located within or directly adjacent to any Natura 2000 sites. Having regard to the nature and scale of the development and the nature of the receiving environment and 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 significant effect individually or in combination with other plans or projects on a European Site.

## **8 Recommendation**

8.1 Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

## **9 Reasons and Considerations**

Having regard to the city centre location of the development, the planning history on the site and pattern of development in the area and the provisions of the Dublin City Development Plan 2016-2022 and to the nature, scale, layout and design of the proposed development, it is considered that the proposed development would provide for a vibrant form of development which would not seriously injure the visual or other amenities of the area or adjoining property would be acceptable in terms of impact on architectural and cultural heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and submitted on the 4<sup>th</sup> day of April 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the

planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

- 2 The developer shall 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 excavations 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 authorities considers appropriate to remove.

In default of 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.

3. The proposed development shall be implemented in such a manner as to ensure no adverse impact on Luas operation and safety and shall comply with Transport Infrastructure Ireland's Code of Engineering Practice for works on, near or adjacent to the Luas light Rail System. Prior to the commencement of development, the developer shall consult with TII and submit to the planning authority details showing compliance with these requirements for written agreement including the following:
- (i) Prior to the commencement of development, the developer shall obtain a permit from the Luas operator under the Light Railway (Regulation of Works) Bye Laws 2004 (SI No 101 of 2004) which regulates works occurring close to LRT infrastructure.

(ii) Demolition and construction method statement, identifying all interfaces to the Luas alignment and risk assessment for work associated with the interfaces including mitigation measures.

(iii) Construction management plan and construction traffic management plan.

Reason: In the interest of traffic safety and to ensure no adverse impact on Luas operation and safety.

4. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roofs of any of the building; height shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

6. No signage, advertising structures / advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. 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.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

10. 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 interest of sustainable waste management.

11. The construction of the development shall be managed in accordance with a construction 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 provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound including area identified for the storage of construction refuse
  - (b) location of areas for construction site offices and staff facilities
  - (c) Details of site security fencing and hoardings;
  - (d) Details of parking / transport facilities for site workers during the course of construction
  - (e) Details of timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
  - (f) measures to obviate queuing of construction traffic on the adjoining road network
  - (g) Measures to prevent the spillage or deposit of clay rubble or other debris on the public road network;
  - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of closure of any public road or footpath during the course of site development works;
  - (i) details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels.
  - (j) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
  - (k) Off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil;
  - (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(m) Arrangements for ongoing liaison with existing building and adjacent occupants.

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

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 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 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.

14. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the scheme.

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

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Bríd Maxwell  
Planning Inspector

20<sup>th</sup> September 2019