



An
Bord
Pleanála

Inspector's Report ABP-305177-19

Development	PROTECTED STRUCTURE; The development of a hotel at a 0.212 Ha site.
Location	Site at 133 & 133A Capel St. 136A & 136B Capel St.7 & 7A Meetinghouse Lane & 23 Little Mary St. Dublin 1 (Part known as Former Bolands Bakery, 133B Capel St.)
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3572/18
Applicant(s)	Cathedral Leisure Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Creekvale Ltd K&M Evans Trading Ltd Seskin Investments Ltd. N.Smyth & Co. Ltd

Observer(s)

Transport Infrastructure Ireland.

Date of Site Inspection

22nd November 2019.

Inspector

Sarah Lynch

1.0 Site Location and Description

- 1.1. The site consists of an existing former bakery site with a stated area of 2,120m², situated between Nos. 133 and 133a Capel Street, 136A and 136B Capel Street, 7 and 7A Meetinghouse Lane and 23 Little Mary Street. The site is predominantly a backland site extending behind existing buildings, on Little Mary Street, Arran Street East and Capel Street. Meetinghouse Lane leads from Mary's Abbey to a right of way, which in turn extends to the southern boundary of the site. Access to the site is via No. 133 Capel Street, No. 23 Little Mary Street and No. 7 Meetinghouse Lane.
- 1.2. The site is occupied by a two-bay, three-storey building A, which provides frontage onto Little Mary Street, consisting of a reception area which leads to offices in the larger former bakery building B to the rear.
- 1.3. Building B extends from building A to Meeting House Lane. To the east of building B are two buildings C and D, with the smaller building C to the south being a former biscuit factory and building D to the north being a former meeting house. Building C, which has a pitched roof above, is bounded to the south by an existing two-storey building occupied by Evans Art Supplies, which has frontage to Meeting House Lane, beyond which are four existing gable fronted buildings at on Meeting House Lane.
- 1.4. Building E is a former bakery building extending between building C and the rear of existing buildings at Capel Street while building F is an existing two-bay terraced three-storey house fronting onto Capel Street, which has a vehicular entrance at street level leading through to the remainder of the site.
- 1.5. No. 23 Mary Street Little (i.e. Building A), the former bakery at No. 7 Meeting House Lane, No. 133B Capel Street, 133A Capel Street and No. 133 Capel Street are all protected structures. The area of the site which fronts onto Capel Street is in the architectural conservation area (ACA) of Capel Street and Environs
- 1.6. Two rights of way are indicated on the site plan, one leading into the site from Capel Street through the ground floor entrance to the building F and one to the south of the site from Meetinghouse Lane.
- 1.7. The surrounding area is characterised by a mix of use with commercial predominantly on ground floor and residential above.

2.0 Proposed Development

2.1. Planning permission is being sought to develop the following:

- Development of a hotel incorporating existing protected structures.

3.0 Planning Authority Decision

3.1. Decision

Permission granted with standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planners report is consistent with the planning authority decision, further information was requested and can be summarised as follows:

- Additional archaeological test excavation.
- Reconsider the proposed height and scale in the context of the Capel Street ACA and surrounding Protected Structures.
- An architectural conservation justification for the substantial removal of historical fabric from the Protected Structures in the proposed development and a greater retention of such fabric in the building.
- Works are to be carried out on Meeting house Lane outside of the redline application boundary, the applicant was requested to clarify the legal entitlement to carry out such works.
- Construction traffic movements may conflict with pedestrians and traffic movements on Mary's Abbey Street, further information is requested to address these concerns and change the construction management plan accordingly.
- The applicant was to demonstrate that the proposed development would not impact the operation of the Luas line.
- Details of how the development potential of adjoining sites is to be safeguarded, in particular the site to the west.

- Calculate the exact areas of where the development relies on rights of way and how these rights of way will be preserved during construction.

3.2.3. Other Technical Reports

- Drainage Division - No objections subject to conditions
- Transportation - Further information was requested as above, no objection in principle was determined in response to the additional information submitted subject to the following being submitted;
 - a service management plan
 - vehicular traffic generated by the hotel should be monitored for one year following occupation;
 - any future traffic management measures required as a result of the proposal should be approved and provided at the expense of the applicant;
 - deliveries and collections would be co-ordinated by the hotel management and would take place only when loading bays are operational.
- Environmental Health – No objections
- Conservation – reduction in height from 28m to 14.9m is welcome. The loss of the roof structure of building B is regrettable, further details in relation to the reuse of the original cast-iron structural columns at first floor level of building B are required. The majority of the concerns raised have been addressed, resulting in an amended proposal which has consideration for, and responds significantly to, the protected structures and to the ACA. Significant conservation and archaeological investigative work has been carried out; revised proposal is of very high architectural quality and has potential to be an exciting new addition to the area; considered that proposal will have a positive impact on the immediate and wider area; no objection subject to conditions to be attached.
- Archaeology - recommended that proposed areas of piling be subject to a full archaeological excavation to the level of natural subsoil; proposal also requires ground reduction monitored by an archaeologist, with any deposits found above

the formation of the new build to be archaeologically investigated; note development plan policy CHC9 – ‘to protect and preserve monuments’, including preservation in situ or by record, including (5) ‘to preserve known burial grounds and disused historic graveyards, where appropriate, to ensure that human remain are re-interred, except where otherwise agreed with the National Museum of Ireland’; no objection subject to condition.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland - The development falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City. Conditions recommended in relation to construction management plan, Luas cross city Section 49 supplementary development condition, servicing and delivery access and note code of engineering practice for works on, in, under or adjacent to the Luas system.
- An Taisce – 28m is the maximum height for commercial buildings in the city. Impact on surrounding area needs to be considered.
- Failte Ireland - hotel occupancy rates in the city are peaking at over 94% and it is essential that the delivery of new hotel accommodation is facilitated.

3.4. Third Party Observations

- Numerous submissions were received from residents, owners and occupiers of adjoining premises at Little Mary Street, Meetinghouse lane, Capel Street, East Arran Street and the site to the west.

4.0 Planning History

4.1. Appeal site:

- **2084/09:** application was withdrawn for development of a mixed-use retail/commercial, office, residential, cafe/restaurant and ancillary scheme.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

The appeal site is located within an area zoned Z5 in the Dublin City Development Plan 2016-2022 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'.

The following relates to Built Heritage

- Archaeology: located in a zone of archaeological constraint for recorded monument DU-018-020 (Dublin City), DU018-020151 (Meeting House), DU018-02048 (Abbey site), DU018-020367 (Chapter House).

The following policies and objectives are more generally relevant:

- Policy CHC9: seeks to protect and preserve National Monuments:
- Objective CHCO10 – seeks to promote archaeological best practice.
- Policy CHC12: seeks to promote tourism in the medieval city and suburbs.
- Policy CEE12 (i): promote & facilitate tourism as one of the key economic pillars of the city's economy.
- Policy CEE13 (iii): to promote and support the development of additional tourism accommodation at appropriate locations.
- Policy CEE22: to promote and facilitate the crucial economic and employment potential of regeneration areas in the city such as Dublin 1, 7 & 8

Urban Development and Building Height Guidelines for Planning Authorities 2018

- Section 3.0 Building Height and Development Management

5.2. Natural Heritage Designations

South Dublin Bay and Tolka Estuary SPA – 3km northeast of site.

South Dublin Bay SAC – 4km south east of site.

South Dublin Bay and river Tolka Estuary SPA – 4km south east of site.

North Bull Island SPA – 6km north east of site.

North Dublin Bay SAC - 6km north east of site.

6.0 The Appeal

6.1. Grounds of Appeal

Four no. appeals have been received as follows:

Tom Philips has prepared the grounds of appeal for 2 no. appellants as follows N. Smyth & Co Ltd and Seskin Investments Limited, both of which own properties adjacent to the site. N. Smyth & Co. Ltd own a significant landholding to the south east of the appeal site and Seskin Investment Limited own buildings to the west of the appeal site which are known as Begley's. The issues raised within these appeals are significantly similar and can be summarised as follows:

- Site does not have capacity for proposed development.
- Out of hours construction work will occur and this would be detrimental to the residential amenity of the site.
- Scheme would have a long term detrimental effect on the development and operational potential of adjoining sites.
- The proposal does not provide an appropriate solution for the redevelopment of the wider island block.
- Proposal would impact negatively on right of way of adjoining properties.
- The N Smyth lands are not protected and would have greater redevelopment potential.
- Development provides a lost opportunity to provide a better urban quarter.

Staines Law have prepared the grounds of appeal on behalf of K&M Evans Trading Ltd who are the owners of 5-6 Meeting house lane. The issues raised can be summarised as follows:

- The appellant runs a business which is both walk in and online.
- The premise is accessed solely from Meetinghouse Lane.
- The revised traffic congestion plan is not significantly different to the original.
- It is proposed to service the development from Meetinghouse lane, the impact to the appellants business will be catastrophic.
- Appellant has a right of way from building to Caple street, it is unclear as to whether this right of way will be protected and maintained for use as a fire escape.
- Meetinghouse Lane is a delivery set down for K&M concerns have been raised as to how this will operate when the hotel is built.

John Spain has prepared the grounds of appeal on behalf of Creekvale Ltd who have interest in the Begley's building to the west of the site. The issues raised within the grounds of appeal can be summarised as follows:

- The scheme constitutes piecemeal development.
- The proximity of the proposed building to Begley's building unreasonably restricts the redevelopment potential of the Begley's site.
- A greater set back is required between the proposed development and the Begley's site.
- A similar scheme on Begley's land would create a fire safety issue.
- A construction methodology should be provided and agreed with the adjoining landowners prior to permission.

6.2. Observations

- TII have submitted an observation outlining that the appeal site is located within the Luas Cross City Section 49 scheme.
- A construction traffic management plan is also required to be agreed with the planning authority.

- Prior to the commencement of development full plans and details of all servicing access arrangements for the development shall be agreed.

7.0 Assessment

7.1. The proposed development is located within an area zoned Z5 under which hotel developments are accepted. The principle of the proposal is therefore in accordance with the zoning objective for the site. This is a multiple third party appeal against Dublin City Council's decision to grant permission for the proposed development. It is important to note that significant further information was requested by Dublin City Council whereby the height of the proposed development was reduced from 28 metres to 14.9 metres. The reduced and revised scheme is the final permitted scheme which is the subject of this appeal.

7.2. I note that 4 separate appeals have been submitted and the grounds of appeal within these submissions are significantly similar, as such, I consider it appropriate to deal with the issues by topic rather than each individual appellant. I also consider having reviewed the plans and particulars submitted with the appeal and the application that a de Novo assessment of the development is not warranted in this instance, the issues for consideration before the Board can be limited to those raised within the grounds of appeal as follows:

- Impact on redevelopment potential of adjacent sites
- Integration with surrounding buildings
- Access
- Impact on rights of way
- Appropriate Assessment
- Other matters

Impact on redevelopment potential of adjacent sites

7.3. It is contended by the N. Smyth & Co Ltd, Seskin Investments and Creekvale Ltd within their grounds of appeal that the proposed development will impact the redevelopment potential of the Begley site to the west. Concerns are raised in relation to the proximity of the proposed development to the western boundary. These appellants contend that

the future development potential of Begley's will be compromised by the proposed development in that development on the Begley's site will have to provide a set back and therefore will not be able to optimise the full area of the site.

7.4. I note from the plans submitted with the application that the proposed development has been significantly altered from the original design in response to the submissions received by the local authority, the development will now provide for a 62-bedroom facility as follows:

- Building A - Increase in floor area from 241.9m² to 309.8m² due to reduction in demolition at mezzanine level; Building A is reused as the hotel entrance and reception at ground floor level with hotel staff accommodation above; proposal provides for removal of the ground floor shopfront and signage to Little Mary Street, internal walls, internal stairs and a non-original extension to the rear.
- Building B - Reduction in floor area from 3,915.2m² to 2,232.5m² due to significant reduction in overall scale and massing of building; Building B consists of hotel accommodation with 58 bedrooms at upper floor levels and open plan reception, bar/café and restaurant at ground floor level; proposal retains existing boundary walls, brick arches and most of the iron beams at ground floor level; all other internal elements and the roof are to be removed.
- Building C Increase in floor area from 317.3m² to 398.5m² due to increase in building height from two storeys (with mezzanine level) to three storeys (with mezzanine level); Building C provides back of house uses (kitchen and wcs), terrace to building D and four new hotel bedrooms; proposal provides for demolition of all internal and external elements.
- Building D - Increase in floor area from 866.8m² to 989.7m² due to a reduction in the area to be demolished at first floor level; Building D consists of a two-storey (with mezzanine) restaurant and bar/function room with snug area at upper floor level; proposal includes removal of all non-original internal partition walls and reinstatement of some original openings; internal ironmongery, columns and trusses to be retained.
- Building E - Reduction in floor area from 283.8m² to 191.4m² allowing additional area of original gable to be revealed. Building E is a single storey

function space with outdoor courtyard; proposal includes removal of non-original internal and external walls, new openings to the arched recesses in the west façade between the ovens; retention of all existing ovens.

- Building F- Gross floor area of 231.8m². Building F is the existing covered access laneway from Capel Street. The proposed amendments also provide for a reduction in the separation distance between Building B and the western boundary of the site from c.6m to c.2.5m at second floor level. A new 1.8m high railing, with black aluminium fins (maximum 45mm spacing between vertical posts) is provided above finished floor level of the second floor level hotel bedrooms on the west side.

7.5. The overall height of the building will be largely three storey which is a significant reduction from the 8 storeys originally proposed. The design of the proposed hotel is industrial in appearance in keeping with both the original use of the site and the character of the surrounding buildings.

7.6. I note from the plans submitted that the existing western elevation of the building on site abuts the building to the west (Begley's) and it is proposed to build the hotel bedrooms behind this wall and place a tree screening 2.5 metres from the window of these bedrooms which will provide a screen to the upper bedroom floor. The existing wall will provide full screening to lower bedrooms. Given the limited views that residents of the hotel will have, I do not consider overlooking to be a significant issue.

7.7. Having regard to the position of the existing building on site in particular the western boundary wall and the design solution provided by the response to the further information request which negates any significant overlooking to this site and taking into account the commercial nature of the proposed building, I consider that the proposal as permitted by Dublin City Council will not significantly impact the development potential of the site to the west known as Begley's.

7.8. It is important to note at this juncture that it is the policy of Dublin City Council to seek and support the speedy re-development of extensive vacant / underutilised sites within the city centre in order to facilitate the renewal and regeneration of the city centre. The redevelopment of this site which is directly adjacent to the Luas Line will bolster the city's use of this infrastructure and thus further capitalise on the significant Luas investment made to date. I also note that the Begley's site is in use at present and the

prevent of development on the appeal site based on a possible redevelopment of the Begley site would be unreasonable and unjustified.

7.9. Integration with surrounding buildings

7.10. It is contended by the N. Smyth & Co Ltd within the grounds of appeal that the proposed development does not integrate with existing development in the area and the proposal is a lost opportunity to incorporate and make better use of the urban quarter. It is stated that such a coordinated approach would have allowed synergies between both sites and would allow for the creation of a better sense of place. It is further contended by Creekvale Ltd that the proposed development constitutes piecemeal development and is not appropriate in its current form.

7.11. Whilst I note the appellants concerns and acknowledge that in some instances a coordinated approach can provide for comprehensive redevelopment of such areas, I consider the proposed development can be developed independently of the surrounding sites and note that the appeal site is not reliant on these adjacent sites for access.

7.12. I note that Section 16.10.8 of the Dublin City Development Plan seeks to support backland development in such areas whereby the proposed development would not cause a significant loss of amenity to existing properties such as loss of privacy, overshadowing noise disturbance or loss of landscaping. As outlined above the design response to these issues results in a modest development in terms of height which covers the existing footprint of the site, whereby overlooking is negligible and overshadowing is insignificant in the context of an inner-city location.

7.13. I consider the proposal which will give renewed life to a Protected Structure and will positively impact the diversification, revitalisation and regeneration of this area of the city. The proposal is acceptable in terms of its overall design concept and is in accordance with the requirements of the Dublin City Development Plan 2016-2022 in this regard. Given the inland position of this site, the multiple access routes available to it and the way in which the proposed building sits comfortably between adjacent buildings I do not consider the proposal to be piecemeal development. I consider the proposed use and design to be an appropriate solution to the redevelopment of this enclosed site.

Access and right of way

- 7.14. A number of concerns have been raised by all of the appellants in relation to access to the development. K&M Evans have outlined that their property is solely accessed via Meetinghouse Lane and are concerned about the impact that the development will have on their business. It is contended by this appellant that the proposal will have a catastrophic impact on their business not only as a result of construction traffic disturbance but also by reason of the proposed servicing of the hotel from this entrance as they rely on this space as a delivery set down area. It is also contended by K&M Evans that there is a fire escape right of way from Meetinghouse Lane through to Capel Street and they have raised concerns in relation to the maintenance of this right of way.
- 7.15. It is important to note at this juncture that Rights of Way are not a matter that the Board can adjudicate on. This is largely a legal matter and is not one that the Board can finally determine. Section 34 (13) of the Planning and Development Act, states that the granting of permission does not entitle a person to carry out development and covers the eventuality that the development cannot be implemented for legal reasons.
- 7.16. In relation to the access of the proposed development I note that Meetinghouse Lane is proposed as the main construction entrance and that the main entrance to the hotel will be located on Mary Street Little. The development also has a right of access from Capel Street. A traffic report was prepared by Stephen Reid Consulting in response to Dublin City Council's further information request and dealt specifically with the operational traffic and servicing and the management of construction traffic.
- 7.17. It is stated within this report that the rationale for the proposed access points was based on a wider assessment of delivery routes having regard to the radii required for turning delivery trucks and vans safely and weight restrictions and restricted turning movements on certain roads and the provision of taxi set down areas.
- 7.18. It is proposed that all accesses which are existing will remain as pedestrian accesses only. A taxi rank is present on Capel Street opposite an entrance to the appeal site which can be utilised by guests. It is considered that the majority of guests will access the site by public transport.
- 7.19. The report submitted outlines the following traffic movements associated with the operational stage of the development:

- 2 brewery truck deliveries per week.
- 2 rigid lorry deliveries per week.
- A total of 14 transit van deliveries per week.
- 3 no. waste lorry collections per week.

7.20. It is acknowledged that brewery lorries would have to enter the site out of hours so as not to interfere with the operation of the Luas as would refuse trucks. It is proposed to schedule maintenance services for off peak hours and outside of delivery times in order to minimise demand for parking or use of the loading bays in the vicinity of the site. If the Board is of a mind to grant permission these arrangements can be adequately controlled by condition.

7.21. A Construction Traffic Management Plan was submitted with the application and states that there will be no parking at the site. It is recommended within this report that a permanent gateman/banksman is present to control access and egress of delivery vehicles during key delivery times. It is further stated that no construction vehicles will be permitted to wait on the operational sections of public roads. Carparking will be provided off site and is subject to agreement. The applicant proposes to liaise with Dublin City Council on an ongoing basis in relation to road closures and events which could impact the free flow of traffic around the site.

7.22. I noted from site inspection that the entrance at Meetinghouse Lane is narrow and will require ongoing and consistent management during the construction phase so as not to disrupt both the existing business, the operation of the Luas and the general free flow of traffic in the vicinity. I also noted that the space in front of the building at Meetinghouse Lane directly in front of K&M Evans is currently used for car parking and is blocking the entrance to the appeal site at this point. Similar to rights of way, car parking issues are a civil matter and should be agreed between parties.

I note that K&M Evans shopfront opens directly onto the space in front of the appeal site at Meetinghouse Lane. In order to prevent significant disturbance to this business construction traffic will have to be managed and deliveries should largely be carried out outside of opening hours. Details of Construction traffic management can be adequately dealt with by condition and I do not consider it reasonable given the city centre location of this site, to refuse the proposed development on the basis of construction traffic.

With regard to operational traffic entering Meetinghouse Lane I consider that this can also be adequately controlled by condition. Various uses cohabit throughout the city and operate deliveries and servicing in a managed and non-cumbersome manner on a daily basis. Whilst I acknowledge the constraints of the appeal site and the narrow width of Meeting House Lane I also acknowledge that the applicant has proposed adequate solutions to deal with the maintenance and servicing of the proposed hotel and am satisfied that careful management of traffic will not result in any overly burdensome impact on the K&M Evans business.

Appropriate Assessment

7.23. An Appropriate Assessment Screening document has been prepared by Openfield Ecological Services on behalf of the applicant in which it was concluded that significant effects are not likely to arise, either alone, or in combination with other plans or projects. This screening report states that the site is not located within or adjacent to any Natura 2000 sites. The nearest Natura 2000 sites that are found within the proximity to the appeal site are as follows:

- South Dublin Bay and Tolka Estuary SPA – 3km northeast of site.
- South Dublin Bay SAC – 4km south east of site.
- South Dublin Bay and river Tolka Estuary SPA – 4km south east of site.
- North Bull Island SPA – 6km north east of site.
- North Dublin Bay SAC - 6km north east of site.

7.24. I have assessed the information provided and carried out a site inspection and note that no pathway exists between the appeal site and these sites and as such in the absence of any pathway connecting the development site with the sites above and having regard to the nature of the development, its location in a serviced urban area, and the separation distance to any 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.

8.0 Recommendation

8.1. It is recommended that permission is granted subject to conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not give rise to impacts on archaeology. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

Reason: In the interest of public health

4. 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.

5. 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

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The developer shall liaise with Transport Infrastructure Ireland in this regard, prior to the submission of this statement. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and location of site compounds.

Reason: In the interests of public safety and residential amenity.

7. 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.

8. Prior to the commencement of development, the developer shall Liaise with both Transport Infrastructure Ireland and the tram operators. In this regard a Construction Traffic Management Plan shall be submitted which shall identify mitigation measures to protect operational Luas Infrastructure, and provide mitigation measures to reduce the impact of construction traffic on adjoining businesses for the written agreement of the planning authority.

Reason: In order to safeguard public transport infrastructure.

9. Prior to the commencement of development, the developer shall Liaise with both Transport Infrastructure Ireland and the tram operators. In this regard, the applicant shall submit full plans and details of all servicing access arrangements for the development, for the written agreement of the planning authority.

Reason: In order to safeguard public transport infrastructure.

10. 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.

11. The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

Reason: In the interests of environmental amenity.

12 The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

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

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

13. Prior to the commencement of development details of a suitable ventilation system shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of public health.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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 Cross City 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.

Sarah Lynch
Planning Inspector

29th November 2019