



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305501-19

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<b>Development</b>	Construction of a third level education and research building.
<b>Location</b>	Block A Ardilaun Centre, St. Stephen's Green, 4, Proud's Lane, part of No. 26 York Street, and part of the courtyard of the Ardilaun Centre, Dublin 2.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2016/19
<b>Applicant(s)</b>	The Royal College of Surgeons Ireland
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	(1) An Taisce (2) Breda Bennett (3) Melissa & Ivor Cherry (4) Conor O'Malley (5) Cuffe Lane Resident Homeowners

	(6) Sharon O'Malley
<b>Observer(s)</b>	(1) Transport Infrastructure Ireland (2) JMS International Holdings Ltd
<b>Date of Site Inspection</b>	19 <sup>th</sup> December 2019
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.3 hectares, is located to west of St. Stephen Green with frontage along St. Stephens Green West. The appeal site is a portion of the Ardilaun Centre, which consists of three office blocks (A, B and C), laid out around a courtyard area. The appeal site coincides with Block A, which is a part five-storey up to seven storey office block, which is currently vacant. Block B and C are located to the south and south west and are similar in design and scale (both are occupied). There is pedestrian access to the courtyard serving the Ardilaun Centre from St. Stephen Green West with the courtyard located a level below St. Stephen Green West. The appeal site also includes a podium level car park that is part of the Royal College of Surgeons Campus at this location and is located to the rear of no. 121 York House and south of no. 26 York Street. The car park is accessed from Cuffe Lane, which runs to the west of the site and has a junction with Mercer Street to the south west of the site. In terms of adjoining structures, there is a three-storey apartment Block (Ardilaun Court) located to the south west of the appeal site and it is part of the Ardilaun Centre. To the north is a five storey structure (protected structure), no.s 119/120 St. Stephen Green West. This structure is occupied by a restaurant (Shanahans) and office use. To the rear of no.s 119/120 and backing onto the northern boundary of the site and fronting Prouds Lane are a number two-storey structures (no.s 1, 2 and 3 Prouds Lane) which are in office use. No 4 Prouds Lane is an L-shaped three-storey structure attached to no.3 and is part of the site and in use as offices for the RSCI. To the south of the site and in between Block A and C of the Ardilaun Centre is the Unitarian Church, which is also a protected structure. On the western side of Cuffe Lane are two-storey dwellings. Cuffe Lane has parking along its western side and a pay parking/permit parking scheme in place.

## 2.0 Proposed Development

2.1. Permission is sought for the development of an education and research building on a site of c. 0.3945 hectares comprising Block A Ardilaun Centre (also known as Nos. 112-114), St. Stephen's Green, Dublin 2, D02 AF59, No. 4, Proud's Lane, Dublin 2, D02 WY28, part of No. 26 York Street, Dublin 2, D02 P796 and part of the courtyard of the Ardilaun Centre, Dublin 2. The development will consist of the demolition of

Block A Ardilaun Centre (vacant office of varying heights from five to eight storeys over basement/lower ground floor) (7,904 sqm), No. 4 Proud's Lane (office) (three storeys) (265 sqm), an ESB substation and security hut to the rear of No. 26 York Street at Cuffe Lane (12 sqm and 11 sqm, respectively) and the podium and basement car park and associated ramp access vis Cuffe Lane serving No. 26 York Street and Ardilaun Centre (1,135 sqm), and the construction of a Third-Level Education building including research (laboratories), teaching, faculty, administration, staff and student services (including catering, recreation and welfare facilities), ancillary teaching and learning spaces, public engagement space and associated ancillary spaces, building infrastructure and support.

- 2.2. The development will consist of the construction of a building of varying heights from five to eight storeys (including setbacks) (with roof top plant) of 10,339 sqm gross floor area (including roof top plant of 74 sqm) over lower ground floor (1,420 sqm) and basement (1,585 sqm) levels. The development will also include the provision of: a ground floor level entrance lobby to No. 26 York Street to its south elevation (12 sqm); a second floor level link connecting the new building to second floor level of No. 26 York Street; and an ESB substation and security hut to the rear of No. 26 York Street at Cuffe Lane (11 sqm and 9 sqm respectively). The development includes a cantilever at third and fourth floor levels to the east elevation, and terraces to the north elevation at third floor level, to the south elevation at third, fourth and fifth floor levels, and the east elevation at fifth floor level. The development will include: the reconfiguration of the existing vehicular ramp; the relocation of existing bicycle parking spaces (100 no.) for No. 26 York Street to lower ground floor level and the provision of an additional 96 No. bicycle parking spaces at this location; related elevational works; vehicular and bicycle access via Cuffe Lane and pedestrian access via St. Stephen's Green, Proud's lane and Cuffe Lane; changes in level; boundary treatments (and revisions to existing boundaries, where applicable) and access gates; balconies and terraces; associated lighting; the relocation of a 450mm combined public sewer from underneath the Ardilaun Centre car park and associated ramp to the proposed landscaped courtyard; associated site servicing (foul and surface water drainage and water supply) and related pipework and tanks; the provision of SUDs measures, including attenuation tanks and green roofs; disabled

car parking; solar panels; waste management areas; all hard and soft landscaping (including tree and planting removal); boundary treatments; changes in level; and all other associated site excavation and site development works above and below ground.

- 2.3. The proposal was revised in response to further information and the approved development is the revised scheme with the main changes consisting of the omission of one floor. The floor omitted was identified as the sixth floor in the original plans submitted. The revisions also include alterations to the western façade and alterations to the eastern facade including reduced level of projection at third and fourth floor level. The approved structure is reduced in gross floor area by 995sqm.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission granted subject to 17 conditions. Of note are the following conditions...

Condition no. 3: Supplementary Development Contribution (Luas Cross City).

Condition no. 6: Restriction in construction hours.

Condition no. 8: Noise control measures during construction.

Condition no. 11: Provision of construction management plan.

Condition no. 14: TII requirements.

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

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

Planning Report (27/02/19): Further information required including measures to deal with concerns regarding visual impact at a sensitive location and potential overbearing impact on adjoining residential properties, clarify extent of land ownership, details of a mobility management plan, details of cycle parking and shower/changing facilities and demonstrate adequate access for refuse vehicles. The applicant were requested to review the location of plant equipment at roof level

in regards to visual amenity and review the extent of projection of the St. Stephens Green facade in the context of the setting of an adjoining protected structures.

Planning Report (27/08/19): The revised proposal was considered be acceptable in the context of Development Plan policy, the visual amenities of the area, the amenities of adjoining properties and traffic safety. The proposal was deemed to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined below.

### 3.2.2. Other Technical Reports

EHO (25/01/19): No objection subject to condition.

City Archaeologist (04/01/19): Archaeological condition to be attached including Archaeological Impact Assessment.

Drainage Division (06/02/19): No objection subject to condition.

Irish Water (05/02/19): No objection.

Transportation Planning Division (20/02/19): No objection subject to conditions.

Conservation Officer (20/16/19): Further information required including

Transportation Planning Division (20/08/19): No objection subject to conditions.

### 3.3. Prescribed Bodies

TII (04/02/19): Conditions recommended in the event of a grant of permission due to the fact that the overhead Conductor System for the Luas is attached to the existing structure to be demolished.

An Taisce (12/02/19): Given the location of the site in an ACA and adjoining protected structures it is considered that a revised design is required to better integrate at this location.

### 3.4. Third Party Observations

3.4.1 A number of submissions were received. The issues raised in these submission can be summarised as follows...

- Inappropriate design, scale relative to location within an ACA and adjoining protected structures, adverse physical impact on adjoining properties in relation to an overbearing impact, overshadowing/loss of light, overlooking and general disturbance associated with the nature of the proposed use, contrary development plan policy in relation to land use and built heritage, adverse impact in terms of construction, demolition and construction traffic.

## 4.0 Planning History

4.1 4280/15: Permission granted for a change of use from residential use to office use ancillary to RCSI at no. 4 Prouds Lane.

4.2 PL29S.242754 (2916/13): Permission granted to amend previous permission Reg.Ref: 3813/07.

4.3 3813/07: Permission granted for amendment to the permitted development under P.A. Ref. No. 5616/05. The changes largely relate to the roof area providing for the replacement of a roof top all weather sports facility to a chemistry laboratory within an enclosed structure and amendments to the services plant provision on the roof. Condition no.4 is of note as it specified that this permission ceased to have effect when the parent permission 5616/05 expires.

4.4 5616/05: Permission was granted for the construction of a five storied building above ground level and four stories below ground level on the site (25 (part of) to 31 York Street and also on Proud's Lane. Permission for extension of duration of the permission was subsequently granted extending the permission until the 22<sup>nd</sup> of February 2016. The development provided for the provision of the National Surgical

Training Centre and a multi sports centre at the basement levels and the upper floors accommodated a variety of educational, training and commercial uses

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The relevant Development Plan is the Dublin City Development Plan 2016-2022.

The appeal site is zoned Z5 with a 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”.

The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night (Section 14.8.5).

Permissible uses include office, hotel, and restaurants.

The Z5 zoned area is identified as the key employment location within the city (Section 2.2.4).

Core Strategy - It is an overarching aim ‘to consolidate and enhance the inner city in order to strengthen its crucial role at the heart of the capital city and the city region’.

Shape and Structure of the City -In terms of the Shape and Structure of the City the plan (4.5.1.1.) sets out a number of policies;

SC7: – To protect and enhance important views and view corridors into, out of and within the city and to protect existing landmarks and their prominence.

Fig 4 outlines Key Views and Prospects (Indicative).

SC16: - To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).



SC17: - To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in Chapter 15 (Guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.

Section 4.5.41 sets out Dublin City Council's approach to taller buildings. It is policy to provide for taller buildings in limited locations identified in the Building Height in Dublin map. Georges Quay is identified as allocation where a tall building could be located (above 50m).

City Economy and Enterprise – recognises that Dublin must develop with sufficient critical mass in order to compete at an international level and fulfil its role as the key economic driver of growth for the Greater Dublin region and the country as a whole. Relevant policies include CEE5 and CEE11, which recognise the need for high quality and dense development to drive productivity and innovation; the supply of commercial space as a means of increasing choice and competitiveness and the redevelopment of obsolete office stock in the city to consolidate employment.

Development Standards - Section 16.7.2 of the plan sets out Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development. It also sets out the Assessment Criteria for Higher Buildings.

The requirements for Infill Development are set out in Section 16.2.2.2, where it is noted that it is particularly important that proposed development respect and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

Built Heritage and Culture - The policies in relation to Protected Structures are set out in Section 11.1.5.1. The policies in relation to Conservation Areas are set out in Section 11.1.5.4. These policies seek to protect the structures of special interest which are included in the Record of Protected Structures (Volume 4 of the Plan) and the special character of Conservation Areas.

Relevant policies include the following;

CHC1 - Preservation of the built heritage of the city.

CHC2 – Protection of the special interest of protected structures.

CHC4 – Protection of special interest and character of Conservation Areas.

Table 16.1 and Table 16.2 set out the car and cycle parking standards for various uses.

## **5.2. National Policy**

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

## **5.3 EIA Screening**

5.3.1 Having regard to the nature and scale the development which consists of demolition of an existing office block and the construction of a new seven storey block (over basement level) occupied by a third level institution, 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.

## 5.4 Natural Heritage Designations

5.4.1 None in the vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by An Taisce. The grounds of appeal are as follows...

- The appellants emphasis the historic and sensitive location of the site in the context of its location on St. Stephen Green, being within an ACA and adjoining a number of protected structure and the a number of Development Policies in regards to protection of ACA and built heritage.
- The proposal is considered to have an adverse impact on the character of the area and due to its height relative to adjoining protected structures with the existing structure on site to be demolished having respected the height of the previous Georgian Houses that stood on the site. It is noted that the proposal should be reduced in height to match that of no.s 119 and 120 and if such cannot be achieved by way of condition, the proposal should be refused due its scale and subsequent visual impact at this location.

6.1.2 A third party appeal has been lodged by Breda Bennett, 8 Ardilaun Court, The Ardilaun Centre, St. Stephens Green. Dublin 2.

- The appellant lives in the apartment block adjoining the site and existing office block. The appellant raises concerns regarding the impact of the change of use from office to third level institution in the context of the impact of noise, light, loss of natural light and disruption of pedestrian access.
- The appellant questions why the proposal was not subject to an Environmental Impact Assessment Report and notes that there are concerns regarding project splitting in the centre of the applicant plans to redevelop the entirety of the Ardilaun Centre.

6.1.3 A third party appeal has been lodged by Melissa & Ivor Cherry, 3 Cuffe Lane, Cuffe Street, Dublin 2. The grounds of appeal are as follows...

- The proposal would be contrary Development Plan policy as it would not protect the amenities of residential properties in the vicinity.
- The use of Cuffe Lane for access will cause disturbance to existing residents. The construction phase will impact on the level of parking available to the permit holders on Cuffe Lane and this shortage is likely to continue after construction. Cuffe Lane is inadequate in width to cater for larger construction vehicles and the impact of construction will cause significant disruption for residents.
- The proposal would result in a loss of light and overshadowing of the appellants' property and subsequent reduction in residential amenity. A shadow/sunlight survey should have been carried out in relation to properties on Cuffe Lane. The proposal by reason of height and scale would have a detrimental visual impact and overlook the appellants' property.

6.1.4 A third party appeal has been lodged by Conor O'Malley, Riverside, Bleach Green, Lucan, Co. Dublin. The grounds of appeal are as follows...

- The proposed change in use adjoining Ardilaun Court will have an adverse impact with the change from an office use limited in hours to a more intense use with increased noise and light disturbance in close proximity to the existing apartments.
- It is noted that previous application on site confirms that the courtyard is designated amenity space for both the office and apartment block and that the proposal impacts on this space.
- The proposal by virtue of its massing and scale would diminish the residential amenity of the area and would be contrary Development Plan policy, due to loss of privacy, loss of light, noise and light disturbance, overbearing impact and reduced amenity space.

- The proposal would materially contravene Development Plan policy in relation Conservation Areas (CH1, CH2, CH4 and CH5) due to its impact on the curtilage of a protected structure (Unitarian Church) and the designated ACA it is located in.
- The applicant own the lands to the south (Ardilaun Centre) and it is noted that it will be subject to future development by the applicants. The appellant notes that the lack of masterplan is inappropriate and that the current proposal constitutes project splitting for the purposes of avoiding the requirement for an Environmental Impact Assessment Report.
- The appellant notes that incorrect statutory procedure was followed in the issues raised in the written record of pre-application consultation and the fact that the application was not referred to a number prescribed bodies.

6.1.5 A third party appeal has been lodged by O'Neill Town Planning on behalf of the Cuffe Lane Resident Homeowners. The grounds of appeal are as follows...

- The appellants note concerns about project splitting and contend that an EIAR should have been submitted dealing with all elements of the applicants' masterplan at this location.
- The proposal would impact adversely on the residential amenities of existing residents along Cuffe Lane and be contrary Development Plan policy. The appellants note that if permission is granted that a number of stipulations should be included including restricting access for additional pedestrian/cyclists, refuse vehicles and the management of construction traffic along Cuffe Lane.
- It is noted that the proposed demolition and construction impact would be significant and cause significant disruption and if permitted require strict conditions regarding construction management.

6.1.6 A third party appeal has been lodge by Sharon O'Malley, 7 Ardilaun Court, Ardilaun Centre, St. Stephens Green, Dublin 2. The grounds of appeal are as follows...

- The proposed change in use adjoining Ardilaun Court will have an adverse impact with the change from an office use limited in hours to a more intense use with increased noise and light disturbance in close proximity to the existing apartments.
- It is noted that a pervious application on site confirms that the courtyard designated amenity space for the both the office and apartment block and that the proposal impacts on this space.
- The proposal by virtue of its massing and scale would diminish the residential amenity of the area and would be contrary Development Plan policy, due to loss of privacy, loss of light, noise and light disturbance, overbearing impact and reduced amenity space.
- The proposal would materially contravene Development Plan policy in relation Conservation Areas (CH1, CH2, CH4 and CH5) due to its impact on the curtilage of a protected structure (Unitarian Church) and the designated ACA it is located in.
- The applicant own the lands to the south (Ardilaun Centre) and it is noted that it will be subject to future development by the applicants. The appellant notes that the lack of masterplan is inappropriate. The appellant notes that the current proposal constitutes project splitting for the purposes of avoiding the requirement for an Environmental Impact Assessment Report.
- The appellant notes that incorrect statutory procedure was followed in the issues raised in the written record of pre-application consultation and the fact that the application was not referred to a number prescribed bodies.

## 6.2. Applicant Response

6.2.1 Response by Tom Phillips & Associates on behalf of the applicant, The Royal College of Surgeons in Ireland.

- It is noted there are no short or medium-term plans to develop Block B and C and that these buildings have tenants. There is no concrete redevelopment plans for these structures and the subject development is a standalone project. It is considered that an EIAR is not required and it is noted that even including Block B and C the site area would fall well below the threshold for mandatory EIAR under Part 2, Section 10(iv) of Schedule 5 of the Planning and Development Regulations, 2001. Notwithstanding such an extensive level of information has been submitted with application to assess the proposal in the context of its impact on the receiving environment.
- It is noted that the proposed education use is compatible with adjoining uses including residential and commercial uses. The proposed use is compatible with the zoning objective. The hours of operation will be 9pm to 6am weekdays and is not dissimilar to the operating hours of the existing office accommodation in the vicinity.
- The applicants refute the claims that the courtyard area is designated as public amenity space for both the offices and apartment block within the Ardilaun Centre.
- It is noted that design and scale of the approved development has adequate regard to its location on St. Stephens Green within a designated ACA and in close proximity to protected structures and would have an acceptable visual impact at this location. The proposed development would be acceptable in the context of the wider visual amenities of the area and is not visible from key views within the city.
- It is noted that the design and scale of the approved development has adequate regard to the amenities of adjoining properties and that the proposal would have no significant or adverse impact over and above the existing structure on site in terms of overlooking and overshadowing. It is noted that the supporting information including a daylight and sunlight impact report demonstrates such in regards to both Ardilaun Court and the dwelling on Cuffe Lane. Lighting control measures will be implemented to reduce light overspill onto adjoining properties.

- It is noted that the decision to grant permission included a number of conditions requiring construction management and includes restrictions on construction hours and noise emission limits. The applicants have no issue with such conditions and note a Construction Management Plan will be prepared and implemented.
- In regards to construction traffic it is a requirement of Condition no. 13 to agree details of construction traffic access and management prior to the commencement of development. The applicant notes that they have no issue with such a condition being imposed and note that there are a number measures that can implemented to control construction traffic to minimise disruption to residents along Cuffe Lane.
- It is noted that the reinstatement of paid parking along the eastern side of Cuffe Lane is a matter for the Planning Authority and the applicant have no control over this issue.
- The proposal entails the removal of a car park within the applicants' premises accessed off Cuffe Lane. It is noted the proposal entails the provision of bicycle parking. It is noted that proposal will entail a net decrease in traffic using Cuffe Lane post construction.
- The applicants are willing to submit a delivery and services management plan for written agreement if deemed necessary.

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

6.3.1 No response.

### **6.4. Observations**

6.4.1 An observation has been submitted by Transport Infrastructure Ireland.

- The observation reiterates the contents of the TII's submission during the application and includes requirements concerning the Overhead Conductor System of the Luas line to be included by way of condition in the event of a grant of permission.



6.4.2 An observation has been submitted by JMS International Holdings Ltd.

- The observation is on behalf of the business in operation at no. 119 St. Stephen Green West, Shanahan's on the Green. The observer raise concerns about disruptive impact of the construction and demolition required and its impact on their existing business at this location.
- The observation wish that consideration is given regarding the demolition and basement construction stages and the noise and vibration impacts such would have on the operation of the existing restaurant. The observers note that such impact may have detrimental impacts on the operation of the existing restaurant and specific measures are required to minimis impact.
- It is considered that condition no. 6 is inadequate in regards to protecting the existing business during construction and it is required that a condition prohibiting piling or demolition works until after 12:30pm Monday to Saturday and no work on Sunday be applied (this appears to be written incorrectly in the observation and the intention is to restrict such works to between 07:00am-12:30pm).
- It is noted that condition no. 8 is welcome however a restriction should relate to vibration levels as well as noise.

## 7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan policy

Design, height, scale and mass of buildings

Visual impact

Adjoining amenity

Construction Impact

Traffic

EIA screening

Appropriate assessment

7.2 Principle of the proposed development/development plan policy:

7.2.1 The proposal seeks to demolish the existing office development on site and construct a new block that is an extension of existing third level use to the north of the site. The appeal site is zoned Z5 under the City Development Plan with a 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”. The proposed use is compatible within this zoning and does not deviate from the established uses on site or in the surrounding area. The existing structure on site is an existing office block. The existing structure is not on the record protected structures and its demolition would not be a significant loss in terms of architectural character at this location. The proposal seeks to provide additional accommodation for the RSCI, which is a long established use at this location. I would consider that the proposed development accords with national policy/guidance, which seeks to secure compact growth in urban areas and deliver higher densities in suitable locations.

7.3 Design, height, scale and mass of buildings:

7.3.1 The proposal entails the demolition of an existing office block, which is Block A of the Ardilaun Centre. The existing office block is a H shaped block that is currently vacant and varies in heights from five to eight storeys over basement/lower ground floor. The initial proposal was to construct a building of varying heights from five to eight storeys (including setbacks) (with roof top plant) of 10,339 sqm gross floor area (including roof top plant of 74 sqm) over lower ground floor (1,420 sqm) and basement (1,585 sqm) levels. The development was also to include the provision of: a ground floor level entrance lobby to No. 26 York Street to its south elevation (12 sqm); a second floor level link connecting the new building to second floor level of No. 26 York Street; and an ESB substation and security hut to the rear of No. 26 York Street at Cuffe Lane (11 sqm and 9 sqm respectively). The development includes a cantilever at third and fourth floor levels to the east elevation, and terraces

to the north elevation at third floor level, to the south elevation at third, fourth and fifth floor levels, and the east elevation at fifth floor level.

7.3.2 In response to further information the proposal was amended with the main changes being the omission of one of the upper floors (sixth floor in the original plans) reducing the building to 7 storeys. The other main change is an alteration to the facade fronting St. Stephen Green (eastern elevation) with reduced level of projection at third/fourth floor level (relative to St. Stephens Green West) and alterations to the eastern façade and south eastern corner.

7.3.3 The overall plot ratio of the proposed development (initial proposal) is 2.6:1 with a site coverage of 38%. For the Z5 zoning plot ratios between 2.5-3.0 and 90% site coverage is permissible. The approved development has been reduced in floor area (995sqm) and therefore has reduced plot ratio, which is within the standard permissible under Development Plan policy.

7.4 Visual Amenity/Architectural Heritage:

7.4.1 The appeal submissions raise concern regarding the overall bulk and scale of the proposal in the context of the visual amenities of area having regard to its location on St. Stephens Green in a designated conservation area and adjoining protected structures. The appeal site is located between protected structures with no. 119/120 St. Stephen Green West to the north and the Unitarian Church to the south. The appeal submissions note that the proposal would be detrimental to the character of the area which is a sensitive area designated as an ACA, the setting of protected structures adjoining the site and subsequently be contrary development plan policy regarding built heritage (outlined in planning policy section).

7.4.2 As noted earlier the approved proposal was amended owing to some concern by the Planning Authority regarding design and scale with the amended proposal entailing a reduced height and alterations to the eastern elevation deemed to be acceptable in the context of the visual amenities of the area. The proposed development has a

significant degree of road frontage along St. Stephen Green West. The existing structure on site is five-storeys where it adjoins the public road and is set back a small distance from the building line of no. 119/120. The approved structure is five-storeys in height along the St. Stephens Green West frontage, however it has a higher parapet level than the building it replaces, the structure is stepped back from this frontage with fifth and sixth floor setback from the floors below. The façade on St. Stephens Green West features a number of angled fascia's coinciding with the third and fourth floor cantilevered above part of the footpath and a recessed area created by the angled fascia of the floors below. Although the existing structure on site is seven storeys, the approved proposal provides for an increased level of development with a larger footprint and increases in the bulk of development located above the fifth floor level.

7.4.3 A visual impact assessment was submitted as part of the further information response and included photomontages showing the views of the proposed/approved development from 29 locations in the immediate vicinity and from the wider area. The most sensitive location regarding visual impact is within St. Stephen Green particularly along St. Stephen Green West and from with the green itself. As noted earlier this area is designated as an ACA and the site is adjoined by a number of protected structures. I would consider that the photomontages submitted are sufficient to assess the overall visual impact of the proposal in the context of the visual amenities of the area and architectural heritage. I would consider that the amendments made in relation to the overall height of the proposal and the level of projection on the eastern façade were appropriate and make a significant difference in the overall visual impact of the proposed development. The overall visual impact of the approved proposal when viewed from St. Stephens Green and the immediate vicinity is acceptable. I would consider that change in scale from moving from the five-storey structure at no.s 119/120 to the appeal site is an acceptable transition with the fifth and sixth floor setback from the main facade onto the street. The photomontages submitted also show that the angled facade of the approved structure actually facilitates a better view of the Unitarian Church when viewed north along St. Stephen Green West.

7.4.4 I am of the view that the overall scale and design of the approved development when viewed from within the St. Stephen Green area, top of Grafton Street and north along Harcourt Street is acceptable in the context of the visual amenities of the area. The appeal site is mostly visible from street level and the reduced height and bulk of the proposal above fifth floor level taken in conjunction with the setback of these upper levels provide for a structure of acceptable scale in terms of overall visual impact. I would note that the upper levels at fifth and sixth floor levels are not highly visible from the surrounding area and where they are visible they are absorbed into the existing cityscape. In regards to the setting of the adjoining protected structures, the proposal is contemporary in nature and features a light coloured finished to solid elements with a high degree of glazing. I would consider that the lighter coloured external finish and high degree of glazing would help the proposal integrate with the streetscape at this location and replaces a structure that is defined by a quite a dark coloured and rigid pattern of development. I would be of the view that the approved development does not diminish or impact on the setting or character of either of the protected structures on each side of the site along St. Stephens Green West. I would consider these structures have a strong enough and distinctive character and that the unstructured approach to the façade of the approved structure taken in conjunction with its light coloured external finish and high degree of glazing would have no significant or adverse impact on the setting or character of these structures.

7.4.2 I would note that views of the approved development from the wider area around site are not possible due to existing cityscape obscuring views of the site. The photomontages submitted in response to further information are sufficient to demonstrate the overall visual impact of the proposed development. I would consider that the overall visual impact of the approved development is satisfactory in the context of the visual amenities of the area. I am also satisfied that the approved development is satisfactory in the context of the status of and character of the designated Architectural Conservation Area within which the site is located and the approved proposal would also be acceptable in the context of the setting and character of adjoining protected structures. The proposed development would, therefore, be in compliance with the City Development Plan policy regarding built heritage as outlined above under the planning policy section.

## 7.5 Adjoining Amenity:

- 7.5.1 The appeal site is located within a city centre area with a number of adjoining uses and structures in close proximity. The appeal submission raises a number of concerns regarding the impact on their amenities. To the north of the site is no.s 119/120 St. Stephens Green West, which is four-storey structure housing Shanahans restaurant and office accommodation. There are also two-storey structures to the rear of it that front onto Prouds Lane to the north that appear to be office use (no.s 2 and 3) No 1 Prouds Lane does have an external yard to the rear and windows on the southern elevation and appears to be a dwelling.
- 7.5.2 The appeal site is part of the Ardilaun Centre, which is a complex of office structures consisting of three blocks, A, B and C. The proposal concerns demolition of Block A. Block B and C are located to the south and around an internal courtyard. Within the Ardilaun Centre and to the west of the site is Ardilaun Court, which is a three-storey apartment block located less than 10m from the western elevation of Block A and the western elevation of the proposed structure. In addition appeal submission relating to residential amenity were received from residents of the two-storey dwellings along the western side of Cuffe Lane, which provides vehicular access to the site and the RCSI property at no 26 York Street.
- 7.5.3 One of the main issues raised by the appellants relates to the overall scale and proximity of the proposed structure to existing properties and subsequent impact in term of an overbearing impact, overlooking, overshadowing and the general disruption caused by the change in use from office to third level institution. In relation to overshadowing and light levels the application was accompanied by a Daylight and Sunlight Impact Report. As noted above the proposed development was revised and reduced in scale by one floor. An amended Daylight and Sunlight Impact Report was submitted to assess the impact of the revised and subsequently approved scheme.

7.5.4 Ardilaun Court is a three-storey apartment block located to the south west of the site and is part of Ardilaun Centre with the block accessible through the existing courtyard and from the existing pedestrian access off St. Stephen Green West. The eastern façade of the apartment block is just under 7m from the western facade of the existing office block on site. The approved development maintains a similar level of separation between its western façade and the eastern elevation of the apartment block. The new block maintains the level of separation between it and the existing apartment block. The approved block is 8 storeys (include lower ground floor) in relation to the ground level of Ardilaun Court, however the western facade of the block is set back at fifth and sixth floor level relative to the six floors below. The approved structure also features a chamfered corner at the south west corner at fifth and sixth floor level. I would be of the view the approved structure is not significantly different in scale or physical impact relative to Ardilaun Court than the existing office block on site. The approved development features a link into the existing RCSI building at 26 York Street at second floor level. I would consider that sufficient separation is provide between this element of the approved structure and the existing apartment block at Ardilaun Court.

7.5.5 To the north of the existing office block on site and the approved block is no.s 119/120 St. Stephen Green West and no.s 1, 2 and 3 Prouds Lane, which front onto Prouds lane and back onto the site. No. 1 has windows on the rear elevation with a small external yard to the rear. There is no adverse physical impact on no.s 119/120 as the proposed development adjoins the southern gable of the existing structures as per the existing pattern of development. The approved structure features increased height adjoining the northern boundary of the site and directly south of no.s 1, 2 and 3 Prouds Lane. The approved structure has no real physical impact upon no. 3 as it entails demolition of an existing three-storey L-shaped block (no. 4) that wraps around the western and southern side of no.3 and replaces it with a three-storey block with an open space area at fourth floor level. Concerns were expressed regarding the physical impact of the proposal on no.1 Proud Lane through loss of light due to increased scale of development to the south.

7.5.6 The amended Daylight and Sunlight Impact Report is sufficient in scope and methodology to assess the physical impact of the proposal in relation to overshadowing/loss of light. The approved proposal has an altered impact in regards to overshadowing/light levels experiences at adjoining properties at Ardilaun Court. The assessment demonstrates that windows serving apartments at Ardilaun Court will have a Visual Sky Component (VSC) of not less than 0.8 times their former value as a result of the alteration in response to further information. I am satisfied based on the submitted assessment that the overall impact of the approved development is not significantly worse than that of the existing arrangement at this location with the proposed development having a largely similar relationship with the apartment block as is the case with the existing structure on site despite the increase in scale proposed. I am satisfied that amended proposal has adequate regard to the residential amenities of the existing apartment block.

7.5.7 In the case of no. 1 Prouds Lane, the existing structure which appears to be a dwelling already has a very low baseline in terms of light levels with a heavy reliance on artificial light. This is due to its location fronting onto a narrow laneway to the north and the fact that existing office block on site is located in close proximity to the rear elevation and the existing windows orientated south. I would consider that the approved development although it increases the bulk of development located adjoining the northern development does not alter the fact that no. 1 Proud Lane currently experiences low levels of natural light due its location relative to existing structure including Block A of the Ardilaun Centre. I am off the view that the approved development, would not have a significant impact in relation of overshadowing/loss of light over and above that of the existing structure on site.

7.5.8 The residents of the dwellings on the western side of Cuffe Lane raise concerns regarding impact of overshadowing and loss of privacy as a result of the proposed development. There is reasonable degree of separation between the existing dwellings and the approved structure. I am satisfied based on the information in the amended Daylight and Sunlight Impact Report that that the approved structure would



have no significant adverse impact in regards to overshadowing or loss of light at the properties along Cuffe Lane. In relation to overlooking, the approved structure replaces an existing structure of up seven storeys with windows on its western elevation. The approved structure is not a major deviation from the pattern or scale of development on the appeal site or the orientation of windows. I am satisfied that there is a reasonable degree of separation between the approved structure and the existing dwellings and the orientation of the windows on the western elevation look towards the public road (Cuffe Lane) and the front of the existing dwellings and have no view of the private amenity space of these dwellings. I would consider that the context of the city centre location and the level and nature of existing development on site is relevant in this regard and in this case I would consider that the approved development has no significant physical impact beyond that of the existing structure on site relative to the adjoining properties.

7.5.7 One of issues raised relate to the fact the that the proposal is for different use than the existing office use with it noted that the new third level use would be a more intense use (operating hours) and impact upon the amenities of adjoining properties, in particular Ardilaun Court. I would be of the view that the proposed use is not significantly different in nature to the existing office use and that it is likely that the most intense period of operation will coincide with that of the hours of the existing office use. I would consider that the change in nature of use on the appeal site is acceptable and in keeping with the zoning objective and in keeping with long established land use to the north of the site. In relation to the impact of light overspill, I would note that the pattern of development and level of separation proposed is similar to the existing pattern of development and orientation of windows. Based on the nature of the activity and the likelihood it is to be mostly confined to standard working hours, I am off the view that the issue of light overspill from the western façade would not be detrimental to residential amenity.

7.5.8 The appeal submissions in relation to Ardilaun Court also raise concerns that the proposal reduces amenity space associated with the apartments due to the increased footprint of the proposal and the reduced level of open space in the

courtyard area. Having inspected the site I would consider that the courtyard area is a circulation area that provides pedestrian access to the office blocks (A, B and C) and the Ardilaun Court from St. Stephen Green West. The proposal infills a section to the south of Block A. I would be of the view that this increased footprint does not diminish the amenities of the existing apartment block as I would question whether this space is truly vital to the amenities of the existing apartment block rather than a circulation area for the overall Ardilaun Centre. The submission also raises concerns about the restriction of pedestrian access. The existing apartments are accessed from both St. Stephens Green and Cuffe Lane. There is no indication that pedestrian access from St. Stephen Green is to be restricted in relation to the existing apartments and if there are certain rights and entitlements to such access the onus is on the relevant parties to uphold such. Issues of rights of access are not planning considerations.

7.5.9 I am satisfied that the alterations made to the proposed development in response to further information are sufficient address any concerns regarding impact on the amenities of adjoining properties and that the approved development would be in accordance with the proper planning and sustainable development of the area.

## 7.6 Construction Impact:

7.6.1 The impact of construction and demolition is one of main issues raised in the appeal submission with the main concerns regarding the disruption likely to be caused by such works including issues relating to noise, vibration and construction traffic. Given the location of the site in built up city centre location with several existing structures and uses in close proximity, there is potential for disruption as a result of construction impact. Such impacts include noise, vibration, dust and the impact of construction traffic. The construction period is temporary in nature and appropriate construction management would mitigate the impact and minimise the level of disruption such would cause. I would consider subject to the provision of an appropriate construction management plan to be agreed with the Planning Authority prior to the commencement of development and subject to a number of conditions

such as restriction on the hours the proposal would be acceptable in relation to construction impact.

7.6.2 The residents of Cuffe Lane raise concerns regarding the impact of construction traffic along the public road serving their dwellings. I would consider that any construction management plan should include detailed construction traffic management details and that such should be referenced in any conditions regard the provision of a construction management plan. I would consider that based on the likely hours of construction activities and based on the provision of an appropriate construction management plan including traffic measures, the proposal would be satisfactory in the context of traffic management. The observation from JMS International Ltd wishes to place a restriction on the hours of demolition and sub ground level works to have no such activities from the period of 07:00hrs to 12:30hrs. I would be of the view that the standard construction hours normally attached to such permissions are satisfactory and would consider that any restriction that may prolong the construction period should not be attached. I would note that any conditions regarding construction management should include measures to minimise noise, vibration and dust impact of the proposed construction and demolition works.

## 7.7 Traffic impact:

7.7.1 The appeal site is a city centre location and is an extension of an existing third level use. The existing campus and the appeal site has a vehicular access from Cuffe Lane which runs on a north south axis and forms a junction with Mercer Street Upper to the south of the site. Cuffe Lane serves a number of two-storey dwellings located on its western side, provides vehicular access to the existing podium level car parking on the appeal site as well as vehicular access to the parking associated with Ardilaun Court on the eastern side of Cuffe Lane. A number of the submissions raise concerns regarding traffic impact and note that previously there was parking available in the eastern side of the road and such was removed by the Local Authority at time of the construction of no. 26 York Street (RCSI building) and such has never been reinstated. The residents along Cuffe Lane raise concern regarding the traffic impact of the proposal and its impact on the parking availability along Cuffe

Lane. At present Cuffe Lane has parking spaces along the western side of the road and such are subject to pay parking or parking permits for local residents. No parking is facilitated on the eastern side of the road with double yellow lines and parking control in operation in the area.

7.7.2 Part of the appeal site is a podium level car parking area accessed off Cuffe lane. The proposal entails changing the parking area to an open space area while retaining vehicular access off Cuffe Lane for service vehicles with access to the existing ramp to the north of Ardilaun Court. I would be of the view that the proposed development would have no significant impact in relation to traffic impact (construction traffic is dealt with in previous section). The proposal is for a structure that is an extension of the established third level use at this location. The existing campus and sizeable office building to be replaced have the benefit of an existing vehicular access off Cuffe Lane and there is no change to this arrangement. In addition I would note that the proposal may entail a reduction in traffic level along Cuffe Lane as a result of the proposal to replace the podium level car park with an open space area. I would also note that the existing structures that make up part of the RSCI campus and the existing office block to be demolished already have the benefit of use of Cuffe Lane and the existing vehicular access for service vehicles. I do not consider that the proposed structure would entail a significant change or intensification in this regard.

7.7.3 The issue of whether the parking on the eastern side of Cuffe Lane is reinstated or not is a matter for the Local Authority. Cuffe Lane is a city centre location that is subject to strict parking control and management and there is pay parking and resident permit system in place. I do not consider that the proposed development which is provision of city centre third level use to replace an existing office use would alter the existing traffic patterns to the degree that it would be detrimental to traffic safety or parking availability at this location. I would also note that the appeal site is located in a city centre location, which is very well served in terms of public transport infrastructure.

## 7.8 EIA screening:

7.8.1 A number of the appeal submission indicate that the proposal should be subject to an EIAR and that the proposed development is part of a larger development site and constitutes project splitting to avoid the requirement of an EIAR. It is noted that the site is part of a larger landholding owned by the applicants that also include Blocks B and C of the Ardilaun Centre. It is noted that a masterplan for the entire redevelopment of this landholding should be assessed with an EIAR. It is notable under Part 2, Section 10(iv) of Schedule 5 of the Planning and Development Regulations, 2001 (infrastructure Projects) that the following category requires a mandatory EIA...

Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph "business district" means a district with a city or town in which the predominant land use is retail or commercial use).

The appeal site has an area of 0.3945sqm and the area of the appeal site in addition to the area of landholding coinciding with Blocks B and C of the Ardilaun centre is well below an area of 2 hectares. In this regard there is no mandatory requirement for Environmental Impact Assessment in regards to the proposed development or in the context of the development of the remainder of the landholding associated with the applicants at this location. I would note that the argument that the proposal would constitute project splitting to avoid the requirement for EIA is incorrect.

7.8.2 Having regard to the nature and scale the development which consists of demolition of an existing office block and the construction of a new seven storey block (over basement level) occupied by a third level institution, 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.

## 7.9 Appropriate Assessment:

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

## 8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

## 9.0 Reasons and Considerations

### 10.0 Having regard to:

- (a) The provision of the Dublin City Council Development Plan 2016-2022,
- (b) The existing pattern of development in this city centre location,
- (c) The design, scale and layout of the proposed development, and
- (d) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area or the character and setting of the adjoining protected structures or the St. Stephens Green Architectural Conservation Area, would be acceptable in the context of the amenities of adjoining properties and existing commercial operations on site. 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, and as amended by the further plans

and particulars lodged with the application, and as amended by the further plans and particulars received on the 31<sup>st</sup> day of July 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 interests of clarity.

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

Reason: In the interests of visual amenity.

3. The developer shall comply with the following conservation requirements:

(a) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works.

(b) All works hereby approved shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued by the Department of Arts, Heritage and the Gaeltacht.

Reason: To ensure that the integrity of the adjacent protected structures is maintained and that all works are carried out in accordance with best conservation practice.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

6. 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 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.

7. Prior to the occupation of the development the applicant shall submit to and agree with the planning authority a mobility management/ traffic plan for the proposed development.

Reason: In the interest of orderly development and provide for sustainable travel patterns for the users of the site.

8. Prior to the commencement of construction works on the site the applicant shall liaise on construction vehicle traffic management arrangements with the Railway Procurement Agency.



Reason: In order to avoid conflict with works involved in the construction of the Luas Cross City.

9. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

10. The development shall comply with the following Transport Infrastructure Ireland requirements.

(a) Overhead Conductor System (OCS) building fixing(s) are located on the façade of the existing building.

(b) Prior to the commencement of development, the developer shall be required to agree details of temporary fixings and subsequent permanent fixings with the TII and the Luas operator. All costs associated with the removal, temporary and permanent instalment of the fixings shall be borne by the developer.

(c) Works are proposed to be carried out in close proximity to the Luas OCS. The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (regulation of Works) Bye-laws 2004 (S.I. number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII's Code of engineering practice for works on, near, or adjacent the Luas light rail system'. The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure. The permit application will require prior consultation, facilitated by the Luas operator, Transdev.

(d) The Luas OCS and other Luas infrastructure are located adjacent the proposed development. The Luas Operator/TII will require 24hr access to this infrastructure. Prior to the commencement of development, the developer shall enter into an access and management agreement with TII.

(e) Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted for the written agreement of the planning authority with written approval by TII. The Construction Traffic Management Plan shall identify mitigation measures to protect operational Luas infrastructure.

(f) Prior to the commencement of development, a demolition and/or construction method statement shall be submitted for the written agreement of the planning authority with written approval by TII. The method statement shall resolve all Luas interface issues and shall contain (i) identification of all Luas alignment interfaces, (ii) contain a risk assessment for works associated with the interfaces, and (iii) mitigation measures for unacceptably high risks.

(g) Prior to the commencement of development, a vibration and settlement monitoring regime for Luas track infrastructure shall be submitted for the written agreement of the planning authority with written approval by TII. This monitoring regime shall be undertaken strictly in accordance with TIIs 'Code of engineering practice for works on, near, or adjacent the Luas light rail system' and shall contain inter alia the proposed regime operation and mitigation responses. The monitoring regime is required to ensure the track rail alignment remains within tolerance and shall be wholly carried out at the developer's expense.

(h) Servicing access arrangements including during construction works shall not have an adverse impact on Luas operation and safety. Prior to the commencement of development, full plans and details of all servicing access arrangements for the development, including during construction, shall be submitted for written agreement of the planning authority with written approval by TII.

(i) All deliveries made to the development site, including during the construction phase, shall be made to limit interference with Luas operations.

(j) Lighting design for the scheme shall not create glare onto the Luas alignment. Prior to the commencement of development, details of lighting design shall be submitted for the written agreement of the planning authority with written approval by TII.

(k) The developer shall be required to ensure any works including landscaping, planning and signage do not impede tram drivers' visibility of the road junctions, associated signals or affect the footpath to the extent that pedestrians may walk into the swept path of oncoming trains.

(l) Impacts on Luas service and alterations to the Luas infrastructure to accommodate the proposed development shall be managed and facilitated wholly at the developer's expense. Appropriate agreements between TII, Luas Operator and the development shall be undertaken and completed prior to the commencement of development.

Reason: To ensure no adverse impact on the operation and safety of Luas infrastructure.

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

Reason: In the interest of public safety and the amenities of the area.

12. 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.

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. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

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

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Colin McBride  
Planning Inspector

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13<sup>th</sup> January 2020