



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305853-19

#### Development

Demolition of the 3 storey commercial unit, modifications to a previously permitted development (DCC Reg. Ref. 2971/17/ABP Ref. PL29N.249037, DCC Reg. Ref. 2954/18) . The proposed development will result in the increase of the total number of rooms from 127 rooms to 151 rooms

#### Location

35-36, Abbey Street Upper and Abbey Cottages, Dublin 1

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

3804/19

#### Applicant(s)

Abbey Cottage Limited

#### Type of Application

Permission

#### Planning Authority Decision

Refuse

#### Type of Appeal

First Party

#### Appellant(s)

Abbey Cottages Limited

#### Observer(s)

TII

**Date of Site Inspection**

09<sup>th</sup> March 2020

**Inspector**

Colin McBride

## 1.0 Site Location and Description

1.1 The appeal site has a stated area of approximately 600sq.m and is located on the northside of Dublin city centre, fronting onto Abbey Street Upper and the Luas redline, and siding onto a narrow laneway, often referred to as Abbey Cottages. The site is adjacent to the Jervis Street Luas stop. The laneway to the side of the site serves as a rear access to properties along Liffey Street Lower including mews apartments. Vehicular access along Abbey Street Upper fronting the appeal site is limited, to prioritise Luas movements. The site has been cleared and was formerly occupied by a three-storey unoccupied commercial structure. The cottages that once occupied the rear of the site have since been demolished.

1.2 The two to five-storey buildings to the immediate east of the adjoining laneway along Abbey Street Upper and Liffey Street Lower, accommodate a mix of retail services at ground floor and residential and commercial uses at upper levels. Two mews buildings onto the laneway accommodate ancillary commercial space at ground floor and residential uses on the upper floors. To the south of the site at the end of the adjoining laneway is a single-storey electricity substation. Adjoining to the west of the site is an open expansive parcel of land, which has been cleared of buildings and is enclosed by palisade fencing. These adjoining lands open onto Abbey Street Upper and Great Strand Street. To the north of the site is a service yard for Jervis Shopping Centre. Reflective of this inner-urban location, the area is characterised by a host of lands uses, including offices, retail, education and residential uses. Ground levels in the vicinity are relatively flat, with only a slight drop moving southwards towards the River Liffey.

## 2.0 Proposed Development

2.1. Permission is sought for modifications to a previously permitted development (ref no.s 2971/17, PL29N.249037, 2954/18) resulting in the omission of the previously permitted basement level -3 and resultant reconfiguration of the remaining 2 no. basement levels; installation of double height glazing at ground and first floor level of the north elevation and part of the eastern elevation; the removal of the previously permitted mezzanine to the first floor level; the removal of first floor guest bedrooms

and their replacement with dining spaces, food preparation area, circulation and toilets; amendments to the fenestration resulting in an addition of 5 no. opaque windows per floor on the western elevation from the first to the tenth floor and the use of clear glazing instead of the previously permitted opaque glazing at 2 no. windows on the first floor and 4 no. windows on the second floor of the eastern elevation; the repositioning of the façade at seventh and eighth floor levels to align with the recently granted scheme at the neighbouring no.s 31 to 34 Abbey Street Upper (ref no. 3172/18); the construction of 2 no. additional floors each measuring 380sqm; the relocation of the previously permitted condensers from eighth floor level to roof level; the removal of previously permitted solar panels at roof level and their replacement with a domestic hot water heat pump; and all associated site works above and below ground. The proposed development will result in an increase of the total number of rooms from 127 no. (permitted under ref no. 2954/18) to 151 no. rooms and increase the gross floor area from 4,927sqm (permitted under ref no. 2954/18) to 5,355sqm, all provided in an 11 storey over 2 basement levels.,

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused based on three reasons...

1. Having regard to the scale and height of the development already permitted on site, it is considered that the proposed increase in height would result in the development detracting from the character, and failing to integrate successfully with the existing streetscape and built environment of the surrounding Abbey Street Upper. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan (2016-2022), to the Urban Development and Building Height Guidelines set down by the Department of Housing, Planning and Local Government and to the proper planning and sustainable development of the area.

2. Having regard to the scale and height of the development already permitted on site, it is considered that the proposed increase in height would result in the

development appearing overbearing and monolithic when viewed from Abbey Cottages. The proposed development would be seriously injurious to the visual amenities of the laneway and therefore be contrary to the provisions of the Dublin City Development Plan (2016-2022), to the Urban Development and Building Height Guidelines set down by the Department of Housing, Planning and Local Government and to the proper planning and sustainable development of the area.

3. The proposed development which consists of the use of clear glazing instead of previously permitted opaque glazing at 2 no. windows on the first floor and 4 no. windows on the second floor of the eastern elevation would contravene materially condition no. 2(b) attached to existing permission (planning reference no. 2971/17-ABP Ref PL29N.249037) which required that all eastern elevation windows facing directly onto the residential apartments on the upper floor of the mews building backing onto the side laneway 'Abbey Cottages' be finished in obscure glazing'. The proposed development is therefore contrary to the proper planning and development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Planning Report (10/10/19): It is noted that the proposal exceeds the maximum height under the City Development Plan and despite the Department's Building Heights Guidelines the proposal would have an adverse visual impact in terms of the character of the streetscape along Abbey Street and in the context of Abbey Cottages. It is noted that the alteration of a number of windows from obscure to clear glazing would be contrary a condition applied under ref no. 2971/17/PL29N.249037. Refusal was recommended based on the reasons outlined above.

### **3.2.2. Other Technical Reports**

City Archaeologist (19/09/19): No objection subject to compliance with condition no. 7 attached to ref no. 2971/17.

Drainage Division (20/09/19): No objection subject to conditions.

### 3.3. Prescribed Bodies

TII (16/09/19): The development is subject to a Section 49 Supplementary Contribution Scheme, conditions recommended regarding intrusion in the OCS zone and no adverse impact on the operation of the Luas Line.

### 3.4. Third Party Observations

#### 3.4.1 Submission by Balark Trading GP Limited.

- The submission is from the owners of the adjoining site to the west (31-34 Abbey Street Upper). The submission indicates support for the proposal in that the provision of two additional floors will be consistent with the proposals on the observers' site, which is currently subject to appeal ref no. ABP-305280-19.
- The observers request that all windows facing west towards a proposed courtyard are opaque glazing in the event of a grant of permission.

## 4.0 Planning History

4.1 2954/18: Permission granted for modifications to permission DCC Ref. 2971/17/ABP Ref. PL29N.249037 for a tourist hostel to include the following: Set-back of the permitted 7th and 8th floor from Abbey Street Upper in accordance with Condition No. 2a of ABP Ref. PL29N.249037; Provision of opaque glass and the west facing windows at first and second floor level in accordance with condition 2b of ABP Ref: PL 29N.249037. Provision of additional pv panels, stairs, lifts/lift overrun at roof level with no change to the overall height of the building as permitted under DCC Ref. 2971/17 / ABP Ref. PL29N.249037; Provision of an additional basement level (Level -3) to facilitate relocation of/additional plant areas and stores. Reconfiguration and enlargement of the permitted upper basement level -1 to include lobbies, toilets, food prep areas and dining/canteen area. Relocated refuse area to mid-basement level - 2. Reconfiguration/alterations to the permitted mid-basement level -2 to now include

stores, staff changing areas and administrative offices and meeting rooms; Relocation/reconfiguration of permitted administrative office, toilets and reception at ground floor level and provision of a waiting area, games room and lounge. Provision of ESB sub-station/off-loader (c.19sq.m); Relocation of permitted food prep area, cafeteria and bar at ground floor level to mezzanine floor level; Reconfiguration of permitted bedrooms and alterations to permitted stores, toilet/shower areas and provision of disabled rooms and refuge areas at 1st-8th floor levels; Reconfiguration/alterations of internal areas including lobbies/circulation areas, stair/lift cores and provision of additional lifts throughout; Provision of additional plant at 7th and 8th floor levels; Associated elevational changes to the north/south/east/west including alterations to finishes/materials and windows and doors throughout and voids on the west facade at 1st-8th floor levels; The revised total number of bedrooms is 127. The revised total gross floor area of the building is c4,927sq.m (including basement). All associated site development works; The remainder of development to be carried out as permitted under DCC Ref. 2971/17 / ABP Ref. PL29N.249037.

- 4.2 PL29N.249037 (2971/17): Permission granted 9 storey tourism hostel consisting of 144 no. rooms.

On adjacent sites...

- 4.3 ABP-305280-19: Construction of 2 additional floors to hotel (11 storey building) an additional 64 bedrooms and an overall hotel comprising 303 bedrooms.
- 4.4 3093/19: Permission granted to amend part of the development permitted under Reg. Ref. 3172/18, to provide for an increase in the permitted basement area of c.129m<sup>2</sup> providing for additional hotel storage space, resulting in a revised basement area of c. 1,718m<sup>2</sup>. 31-34 Abbey Street Upper/42-51 Great Strand Street.
- 4.5 2997/19: Permission granted for to amend part of the hotel development permitted under Reg. Ref. 3172/18; development replaces the permitted stairwell providing

ABP-305280-19 access to Byrne's Lane (from basement to eighth floor level) to now provide for an increase of c. 15.5m<sup>2</sup> to the basement storage space and an increase of c. 16.5m<sup>2</sup> to the ground floor retail unit to provide a service access/escape and the provision of eight additional hotel bedrooms (one per floor from first to eighth floor level (resulting in an increase in the number of permitted hotel bedrooms from 239 to 247; development also provides for associated revisions to the facade fronting Byrne's Lane to accommodate the hotel bedrooms and for revisions to the facade of the hotel fronting onto Abbey Street Upper.

- 4.6 3172/18: Permission granted for construction of a nine-storey (with seventh and eighth floor level set back) over basement aparthotel fronting Great Strand Street, comprising 269 bedrooms and related aparthotel facilities. Condition 5 required: The aparthotel block shall be reduced in extent at seventh and eighth floor levels so as not to project further east than the stairwell in the south-eastern area of the block.

## 5.0 Policy Context

### 5.1. Development Plan

The relevant Development plan is the Dublin City development plan 2016-2022. The 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 character and dignity'.

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.

## 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.

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.

**SPPR1:**

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

**SPPR3:**

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

## 5.2. **Natural Heritage Designations**

5.2.1 None in the vicinity.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1 A first party appeal has been lodged by Thorthon O'Connor Town Planning on behalf of Abbey Cottages Limited. The grounds of appeal are as follows...

- It is noted the revised proposal provides for a satisfactory design at the corner infill site and that the site is not in a conservation area. It is noted that the proposal is consistent with the National Planning Framework policy objectives and the Urban Development and Building Height Guidelines.
- It is noted that the design will be a logical progression of the streetscape in the event that the development subject to ABP-305280-19 on the adjoining site is permitted. It is noted that the city centre location of the site can absorb the increased height without having an adverse impact on the character of the area. It is note that the visual impact assessment/photomontages demonstrate the acceptable visual impact of the proposal.
- The proposal would have no material impact on Abbey Cottages in that the additional height will be imperceptible to the residents. The photomontages demonstrate that the relationship between the existing development and proposed development is acceptable.
- The daylight/sunlight report demonstrates that there would be no adverse impact on adjoining properties. The alterations proposed improve the design of the structure along the laneway.
- The proposal for clear glazing at first floor level along the laneway (eastern elevation) would provide passive surveillance and animation long the elevation and the existing laneway. The appellant requests that this aspect of

the proposal is allowed to remain in place. In the case of the 4 no. windows at second floor level it is noted that it would be desirable to retain such as clear glazing however the applicant/appellant is willing accept a condition retaining opaque glazing should the Board deem it necessary.

- The applicant/appellant have provided a revised Option B reducing the scheme by one-storey to 10 for consideration however the preferred option is the proposal as sought.

## 6.2. **Planning Authority Response**

6.2.1 No response.

## 6.3. **Observations**

6.3.1 An observation has been submitted by the TII.

- The development is subject to a Section 49 Supplementary Contribution Scheme, conditions also regarding intrusion in the OCS zone and no adverse impact on the operation of the Luas Line.

## 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

Design, scale, height, visual amenity

Adjoining amenities/opaque glazing

Appropriate Assessment

7.2 Principle of the proposed development:

7.2.1 The proposed development consists of alterations to a permitted development granted under PL29N.249037. The permitted development is a tourism hostel with a

127 rooms. The main changes include the omission of one basement level, the provision of two additional floors, alteration to the façade at grounds and first floor level, and increased parapet height (seven to nine storeys) and changes from opaque to clear glazing in a number of cases. The proposal entails an increase in the number of rooms from 127 to 155.

7.2.2 The principle of the proposed development and nature of use is established in that permission has been granted under PL29.249037 and ref no. 2954/18. There is no change to the nature of use with the alterations relating to height, scale and elevational treatment. The use is consistent with the zoning objective for the site and is a use compatible at this city centre location. There is no issue concerning the proposed intensity of use and increase in room number given its city centre location. The main issue relates to the impact of the alterations in scale and elevational treatment in the context of visual amenities of the area and the amenities of adjoining properties. These aspects of the proposal are to be dealt with in the following sections of this report.

7.3 Design, scale, height, visual amenity:

7.3.1 The main change is the increased height of the development going from a permitted development of nine storeys to eleven. The permitted development featured seven storeys in line with the building line along Abbey Street Upper and a setback of the seventh and eighth floor. The proposal has a parapet level at the eighth floor with the ninth and tenth setback. The Dublin City Development Plan under Section 16.7.2 outlines that heights within the inner city of up to 28 metres for commercial are permissible. The proposal has a ridge height of 34.065m, which exceeds the maximum height specified under Development Plan Policy.

7.3.2 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. I would note the policy objectives SPPR1 and SPPR 2, which are outlined above. The first party appellants/applicants indicate that the revised proposal meets the policy objectives of the NPF, is a design led approach having regard to the visual amenities of the area and has regard to development proposals on the adjoining site subject to ABP-305280-19. I would first note that the appeal site is in a city centre location well served by public transport facilities and is an area in which increased building height should be considered subject to a satisfactory design approach and impact on adjoining amenities. The provision of an efficient use of this city centre site would be in accordance with the policy objectives of the NPF and of the City Development Plan.

7.3.3 The proposal appears to be designed to take account of the scale of the development proposed under ABP-305280-19 (31-34 Abbey Street Upper), which at the time of lodgement of the appeal had yet to be decided. The proposal on the adjoining site has since been permitted and provides for a structure of eleven storeys in height to the west and south of the appeal site. The appellant has submitted photomontages illustrating the proposed development in the context of what is currently permitted on both the appeal site and adjoining site (pre the recent grant under ABP305280-19), the proposed development in the context of permitted development on the adjoining site (pre the recent grant under ABP305280-19) and the proposed development in the context of now permitted development (ABP-305280) on the adjoining site. The views are taken predominantly from Abbey Street Upper with views also illustrated from Liffey Street Lower and from Wellington Quay.

7.3.4 The fact that permission has now been granted for an eleven-storey structure on a larger site adjoining the appeal site is a relevant consideration. The photomontages submitted illustrate the relationship between the development proposed on the appeal site and the approved development under ABP-305280-19. I am satisfied that the photomontages submitted give an accurate demonstration of the overall visual impact. Taken in conjunction with the development permitted on the adjoining site under ABP-305280-19, the overall visual impact of the proposal would be satisfactory. The proposal ties in well with the permitted development and has a satisfactory visual impact along Abbey Street Upper. The city centre/built up location

allows for the additional height and scale to be integrated into the area without an adverse impact on the streetscape.

7.3.5 The proposal has a very limited visual impact when viewed from the surrounding area. The proposal would be barely visible from Great Strand Street to the south, the Quays further south and from Liffey Street Lower due to existing development and the fact that the approved development on the adjoining site has a much larger footprint and is located to the west and south of the appeal site. I would consider that the photomontages ably demonstrate that the visual impact of the proposal taken in conjunction with recently permitted development on the adjoining site and existing development on adjoining sites, would be satisfactory in the context of visual amenity.

7.3.6 The alterations to the facade at first and second floor level at the junction of Abbey Street Upper and Abbey Cottages would be acceptable in the context of the visual amenities of the area. The alternative Option B, which reduces the height by one floor is not necessary given the scale of development granted under ABP-305280-19 on the adjoining site.

7.4 Adjoining amenities/opaque glazing:

7.4.1 The proposal entail a number of alterations from the permitted development on site with increased height and changes to the elevations including the addition of 5 no. opaque windows per floor on the western elevation from the first to the tenth floor and the use of clear glazing instead of the previously permitted opaque glazing at 2 no. windows on the first floor and 4 no. windows on the second floor of the eastern elevation. It is notable that under PL29N.249037 condition no. 2(b) stated that...

“All eastern elevation windows facing directly onto the residential apartments on the upper floors of the mews buildings backing onto the side laneway ‘Abbey Cottages’ shall be finished in obscure glazing”.

This condition was clearly attached to protect the amenities of adjoining residential properties and in this case I can see no justification for a change in this scenario. I do not consider that the terms of the condition is a significant imposition or onerous

requirement for the appellants/applicants or would compromise the quality of the proposed development sought. Having regard to the need to protect the amenities of adjoining residential properties I would recommend the two window at first floor level and 4 no. windows at second floor level have opaque glazing and that a similar condition is applied in the level of a grant of permission.

7.4.2 The proposal seeks an increased height. The appeal site is adjoined by a larger development site to the west and south and permission has been granted for an eleven storey structure under ABP-305280. The proposed development has adequate regard to the design and scale of the adjoining permitted development, would integrate well with such and would have no adverse impact on amenities of the adjoining properties to the west and south. On the opposite side of Abbey Cottages are residential properties. The proposal maintains a similar distance from the properties on the opposite side of the laneway but does feature an increased height with a parapet level at nine-storeys and two level set back from the eastern elevation. Despite the increased height there is no change in separation distances or outlook from the adjoining properties to the east. The applicant submitted an assessment of sunlight/daylight and has demonstrated that the altered proposal has no significant or adverse impact and over and above that of the permitted development under PL29N.249037 and amendments to such granted under ref no. 2954/18.

7.5 Appropriate Assessment:

7.5.1 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

Having regard to the Z5 zoning provision of the Dublin City Development Plan 2016-2022, the site's planning history, the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018, the pattern of development and recent permissions in the area and to the nature and scale of the additional accommodation proposed, it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the visual amenities of the area, would respect the character and pattern development of the area and would not seriously injure the character of the adjoining Georgian building. 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. The development shall be carried out and completed in accordance with the conditions attached to register reference numbers PL29N.249037 and 2954/18, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

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

**Reason:** In the interest of visual amenity.

4. All eastern elevation windows facing directly onto the residential apartments on the upper floors of the mews buildings backing onto the side laneway 'Abbey Cottages' shall be finished in obscure glazing.

Revised drawings reflecting the requirements of this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interests of orderly development, visual and residential amenity.

5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

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

7. 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.

8. 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 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.

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Colin McBride  
Planning Inspector

11<sup>th</sup> March 2020