



An
Bord
Pleanála

Inspector's Report ABP306858-20

Development

Alterations to a permitted hotel building comprising of a reduction in the size of the permitted basement level, the provision of an additional floor and the provision of a new mezzanine floor between ground and first floor, the removal of a Gym and Retail Unit at ground floor level and internal alterations. The number of bedrooms is to increase from 180 to 206.

Location

Twilfit House, 137/140 Abbey Street Upper, 57-60 Jervis Street and 1-4 Wolf Tone Street, Dublin 1.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

4679/19.

Applicants

PL Hotels and Restaurants.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal	Third Party -v- Grant.
Appellant	Ben Dunne.
Observers	None.
Date of Site Inspection	6 th July, 2020.
Inspector	Paul Caprani.

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1.0 Introduction

ABP306858-20 concerns a third-party appeal against the decision of Dublin City Council to issue notification to grant planning permission for alterations to the permitted development comprising of a 218 bedroom hotel (reduced to 180 rooms by condition) granted by An Bord Pleanála under Reg. Ref. 301416/18. The alterations include a reduction in size of the permitted basement level and the provision of a mezzanine floor between ground and first floor to provide additional hotel bedrooms and the provision of an additional floor. The third-party appeal argues that the Planning Authority failed to adequately assess the proposal, and that the current proposal contravenes a previous condition attached to the parent permission. It is also argued that the proposal omits key facilities and would exacerbate traffic congestion and represent a traffic hazard.

2.0 Site Location and Description

2.1. The subject site is located in Dublin City Centre. It is a rectangular shaped site with a site area of 0.127 hectares and fronts directly onto Abbey Street Upper. The site is bounded to the east by Jervis Street, to the west by Wolf Tone Street and to the north by Wolf Tone Park/Wolf Tone Square. The site currently accommodates a three-storey brown bricked building dating most probably from the 1930s. This building currently accommodates a museum and a gym. The Jervis Street Shopping Centre is located to the immediate east of the subject site. A two-storey building accommodating institutional/educational use is located directly opposite the site on the southern side of Abbey Street Upper while the site to the immediate west on Wolf Tone Street is currently vacant. The Luas Red Line runs along the front of the site on Abbey Street Upper.

3.0 Proposed Development

3.1. Under ABP301416 planning permission was granted by An Bord Pleanála for the demolition of the existing three-storey building and the erection of an eight-storey over basement building incorporating a gross floor area of 9,205 square metres to

accommodate a 218 bedroomed hotel with ancillary bar/restaurant facilities at ground floor to sixth floor level and a gym studio at basement level and part ground floor level. During the course of the application, and appeal the building was reduced by one storey in height to seven storeys. This resulted in the omission of 38 bedrooms reducing the overall number of bedrooms to 180.

3.2. Under the current application and appeal before the Board the following alterations are sought.

- A reduction in the size of the permitted basement area of 1,090 square metres to 324 square metres including the omission of the permitted gym at this level and a change of use from gym to hotel related use including staff facilities, plant area and water attenuation tank.
- The provision of a mezzanine floor between ground and first floor level above the reception area and work zone permitted at ground floor level to accommodate an additional 11 bedrooms and a linen room amounting to an additional 413 square metres.
- A reduction in the overall void area at first floor level along the Jervis Street elevation to provide additional bedrooms.
- A reduction in the size of the lightwell centrally located within the building from second to sixth floor level.
- The provision of an additional hotel floor (seventh floor) to accommodate an additional 10 hotel bedrooms. This floor is recessed back from the main building line fronting onto the surrounding streets.
- In total the floor area is to increase by 265 square metres and an additional 26 bedrooms are to be provided bringing the overall number of bedrooms to 206. The proposal will result in an increase in the substantive building height by 1.9 metres.

4.0 Planning Authority's Decision

Planning permission was granted subject to standard conditions.

4.1. **Documentation Submitted with Planning Application**

- 4.1.1. The planning application was accompanied by the following documentation.
- 4.1.2. - A **Planning Report** prepared by Tom Phillips and Associates. It sets out details of the proposed scheme and the design rationale behind the proposed changes. It also sets out the planning history relating to the site and the key development management issues.
- 4.1.3. - An amendment to the **Archaeological Impact Assessment** submitted. It concludes that the size of the basement area will reduce the archaeological impact arising from the proposal. The other changes proposed will not impact on the archaeology of the area. The report also includes a number of archaeological recommendations.
- 4.1.4. - A delivery **Services Management Plan**. It notes that servicing is proposed from a 24 metre long on-street loading bay adjoining the Wolf Tone Street elevation.
- 4.1.5. - A **Flood Risk Assessment**. It notes that there is no change in the flood risk level with that associated with the permitted development.
- 4.1.6. - An **Engineering Assessment Report** relating to foul water drainage, surface water drainage, water supply and transport.
- 4.1.7. Also submitted was a **Daylight, Sunlight and Overshadowing Study**. It notes that there will be a marginal reduction in sunlight at Wolf Tone Park. However, the alterations proposed will nonetheless exceed the BRE recommendations. Furthermore, there will be no significant increase in overshadowing of the Park compared to the development permitted.
- 4.1.8. A Report containing **Photomontages** of the proposed alterations were also submitted.

4.2. **Planning Authority's Assessment**

- 4.2.1. A report from the **Engineer Department Drainage Division** states that there is no objection to the proposed development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.

- 4.2.2. A report from **Transport Infrastructure Ireland** recommends a number of conditions to be attached to any grant of planning permission primarily in relation to construction methods in close proximity to the Luas line. It is also noted that the proposed development falls within an area designated under the Section 49 Supplementary Financial Contribution Scheme for the Luas Cross City Line.
- 4.2.3. A report from **An Taisce** considers the proposal to be invalid on the basis that the nature and extent of the proposed development is not clearly indicated on the planning notices.
- 4.2.4. A report prepared by the **Waste Regulation Section** of the Waste Management Division of Dublin City Council sets out a number of waste protocols which should be complied within the event that planning permission is granted.
- 4.2.5. A report from the **Transportation Planning Division** recommends additional information be requested in relation to how the dedicated bicycle store at basement level will be accessed by staff and details are also required as to what type of bicycle stands are proposed.
- 4.2.6. A report from the **City Archaeologist** recommends that the applicant comply with Condition No. 9 of the previous grant of planning permission.
- 4.2.7. A number of letters of objection from third parties were submitted including the current appellant, the contents of these letters have been read and noted.
- 4.2.8. The **planner's report** assesses the proposed development and states the following in relation to the modifications:
- In relation to the reduction and reconfiguration of the basement it is stated that no objection is raised to the proposed reduction as it is likely to have a lesser impact on any archaeological material on site.
 - With regard to the reconfiguration at ground floor level, it is considered that the proposal will not compromise the active frontages onto the street and that the co-working space will provide a good quality active interface which is considered to be acceptable.
 - In relation to the mezzanine floor, it is noted that floor to ceiling heights and voids would be maintained along a portion of Abbey Street and along the Jervis Street and Wolf Tone frontages. A minimum ground floor, floor to

ceiling height of 2.95 metres would be maintained in all cases and this is deemed to be acceptable.

- With the additional floor it is noted that the overall height would increase to 25.8 metres and it is noted that the additional bedrooms will provide a good standard of amenity for the hotel users. A number of photomontages have been submitted and it is considered that the development would not significantly impact on the appearance over and above the development already granted. The additional floor would provide a “strong crowning element to the development” and would result in a roof profile which would appear simplified and in this regard no objections are raised.
- It is not considered that the proposal would have a detrimental impact on sunlight or overshadowing on surrounding areas. Finally, the report states that the proposal has been adequately described in the notice submitted.

4.2.9. The planner’s report concludes that the proposed alterations are acceptable and therefore recommends that planning permission be granted for the proposed development.

5.0 Planning History

5.1. One appeal file is attached. Under ABP301416 An Bord Pleanála upheld the decision of Dublin City Council and granted planning permission for the demolition of the existing three-storey building on site and the construction of a seven-storey hotel. The original documentation submitted with the planning application sought permission for an eight-storey hotel containing 218 bedrooms. However, on foot of an additional information request by Dublin City Council, the hotel omitted one storey and 38 bedrooms. The Board endorsed the decision of Dublin City Council and planning permission was granted for a seven-storey structure accommodating 180 bedrooms on site.

6.0 Grounds of Appeal

6.1. The decision was the subject of a third-party appeal by Ben Dunne. The grounds of appeal are outlined below.

- 6.1.1. It is noted that the applicant original proposed an eight-storey building at this location under Dublin City Council Reg. Ref. 4110/17. However, the Planning Authority expressed concerns in relation to its overall height, scale and massing and noted that the proposal exceeded the indicative plot ratio contained in the development plan. It was on this basis that the applicant reduced the building height to seven storeys and permission was granted by Dublin City Council. It flies in the face of reason that the Planning Authority would now conclude that eight storeys are acceptable. The planner's report fails to make any reference to the previous concerns. The Planning Authority has not provided any basis which would warrant a reversal of the original assessment.
- 6.1.2. The subject application proposes to omit the gym at basement level and the retail unit at ground floor level in order to be replaced with hotel related uses. It is argued that the omission of these facilities is wholly unacceptable and should not have been accepted by the Planning Authority. The planner's report makes no comment or assessment on the loss of amenities to the site. The Board are requested to take a more considered view on this issue and conclude that the alteration resulting in the loss of the gym and retail space is not acceptable.
- 6.1.3. Concerns are expressed that the proposal will generate a large quantum of traffic both pedestrian and vehicular. The surrounding street network is grossly inadequate to cater for the development proposed given the extent of traffic restrictions and the one-way system of streets surrounding the site. The proposed intensification of hotel use has not been matched by an increase in car parking or additional servicing arrangements. The level of servicing required for this development would exacerbate the existing gridlock around the site and would have a significant impact on traffic levels in the area. The proposal therefore would endanger public safety by reason of a traffic hazard.
- 6.1.4. It is suggested that the City Council's Transportation Division failed to make an adequate assessment of this application. It is noted that the Planning Officer also disregarded the City Council's Transportation Division's request for additional information to address cycle parking issues.
- 6.1.5. An Bord Pleanála are requested to make a detailed assessment of the proposed increase in hotel bedrooms in terms of traffic safety and traffic hazard.

7.0 Appeal Responses

7.1. The Planning Authority have not submitted a response to the grounds of appeal.

7.2. Applicant's Response to the Grounds of Appeal

7.2.1. A response was submitted on behalf of the applicant by Tom Phillips and Associates, Planning Consultants.

7.2.2. By way of introduction it is stated that contrary to what is suggested in the grounds of appeal, the Planning Authority have fully considered the current development in accordance with statutory plan requirements and also took into consideration the third party submissions objecting to the proposed development.

7.2.3. It is stated that the current application and appeal before the Board incorporates a lower building height than that originally proposed under the parent application in 2017. The proposed development provides two additional floors, but these are accommodated by the introduction of a mezzanine level between ground and first floor level and bedrooms at roof plant level by adjusting the floor to ceiling height. It is suggested that the number of storeys should not be relevant. The issue which would be adjudicated upon is the overall height. Reference is made to the National Planning Framework and the need to encourage more sustainable development on brownfield and infield urban sites.

7.2.4. Also, it is stated that the bronze coloured treatment suggested for the roof plant in the previous planning inspector's report (ABP301416-18) has been incorporated into the treatment of the new setback upper floor resulting in a more visually consistent building from the surrounding area. This is indicated in the photomontages submitted. Thus, the approach to the massing and design of the proposed development has been entirely consistent.

7.2.5. With regard to the omission of uses at the basement and ground floor, it is stated that the southern façade facing onto Abbey Street Upper is not open to vehicular traffic and pedestrian footfall is light as there is limited active frontage in this area. The proposal provides for a work zone to be operated by the hotel in place of the permitted retail unit. It is stated that the replacement use will animate the street across the extended working day and is more likely to attract people to the area. It is considered that the work zone will potentially appeal to a broader range of people

than the gym and retail unit. The proposed work zone is a facility that the Premier Inn operates in their flagship hotels and accommodates an active vibrant space which is open to the public which provides communal desk, power outlets, free Wi-Fi and access to refreshments. A letter is attached from a Failte Ireland representative which states that in her opinion the workspace will result in more active uses at ground floor level.

- 7.2.6. With regard to traffic and access, it is stated that no evidence is provided by the appellant to suggest that the pedestrian vehicular movements associated with the alterations cannot be accommodated in this city centre location.
- 7.2.7. A delivery service management plan has been provided with the application which identifies the service requirements associated with the hotel. The delivery service management plan identifies the routes to and from the site having regard to the one-way street system. It is noted that Dublin City Council's Transportation Division did not request further information on this point.
- 7.2.8. As is typical in many planning applications for city centre hotels no on-site car parking is proposed. The vast majority of guests at the hotel do not arrive by private car. The site is proximate to good quality public transport and it is noted that there are numerous public car parking in the area including the Jervis Street car park adjoining the site. The provision of an additional 26 bedrooms is highly unlikely to have a significant effect on the capacity of car parks in the area.
- 7.2.9. Details in relation to cycle parking can be addressed by way of condition.
- 7.2.10. It is wholly rejected that the alterations proposed including the provision of an additional 26 hotel bedrooms would result in the endangerment of public safety or would result in a traffic hazard. These conclusions are not supported by any technical evidence.

8.0 Observations

No observations were submitted in respect of the application.

9.0 Planning Policy Context

9.1. Development Plan

9.1.1. Dublin City Development Plan 2016-2022

Land use zoning objective Z5 City Centre *'to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity'*.

Hotel, shops, public house, restaurant, recreational use (including gym use) are permitted in principle within the Z5 zone.

Other objectives: Zone of Archaeological Interest for Dublin City (RMP DU018-020); Architectural Conservation Area for Capel Street abutting Jervis Lane Lower to the west; Henry Street Conservation Area (encompassing St Mary's Church abutting north side of Wolfe Tone Park); Protected Structures (to north, west and east of Wolfe Tone Park, and southeast of Abbey Street / Jervis St junction).

Chapter 6 Enterprise – Policy CEE12 (i) *'To promote and facilitate tourism as one of the key economic pillars of the city's economy ... and to support the provision of necessary increase in facilities such as hotels ... cafes, and restaurants'* CEE18(v)

Chapter 10 Green Infrastructure, Open Space and Recreation – Objective GIO13 *'To implement Conservation Plans for ... Wolfe Tone Park'*.

Chapter 11 Built Heritage and Culture – Policy CHC1 (preservation of built heritage);

S.11.1.5.4 – 11.1.5.6 Architectural Conservation Areas and Conservations Areas. Policy CHC4 (to protect Dublin's Conservation Areas).

S.11.1.5.14 Monument Protection. Policy CHC9 *'To protect and preserve National Monuments (1-8). 1. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in Zones of Archaeological Interest.'*

CHC4 *'To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute*

positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. [...]

Development will not: 1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area; 2. Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shop-fronts, doors, windows and other decorative detail; [...] 4. Harm the setting of a Conservation Area; 5. Constitute a visually obtrusive or dominant form. [...].'

11.1.5.6 Conservation Area – Policy Application: [...] Development outside Conservation Areas can also have an impact on their setting. Where development affects the setting of a Conservation Area, an assessment of its impact on the character and appearance of the area will be required. It should be recognised that this setting can be expansive and development located some distance away can have an impact. Any development which adversely affects the setting of a Conservation Area will be refused planning permission and the City Council will encourage change which enhances the setting of Conservation Areas.

Chapter 16 Development Standards: Design, Layout, Mix of Uses and Sustainable Design - s.16.2.1 Design Principles; s.16.2.1.2 Sustainable Design; s.16.3.4 concerning open space; s.16.5 Plot Ratio (Z5 2.5-3.0, but higher may be permitted in certain circumstances); s.16.5 Site Coverage; s.16.7.2 Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development;

9.2. **Natural Heritage Designations**

South Dublin Bay and River Tolka Estuary SPA Site 004024 c.2.8km at the nearest distance (to NE).

North Bull Island SPA Site 004006 c.5.7km at nearest distance (to E-NE).

North Dublin Bay SAC Site 000206 c.5.7km at nearest distance (to E-NE).

South Dublin Bay SAC Site 000210 c.3.8km at the nearest distance (to SE).

Poulaphouca Reservoir SPA site code 004063 c.24km at nearest distance (to SE).

10.0 EIA Screening Assessment

10.1. On the issue of environmental impact assessment screening I note the relevant class for consideration is Class 10(b)(iv) “*urban development which would involve an area greater than 2 hectares in the case of a central business district*”. Having regard to the size of the development located on a site which is 0.127 hectares which is considerably below the 2 hectare threshold and having regard to the nature of the proposed development and its location on an urban brownfield site it is considered that the proposal is not likely to have significant effects on the environment and that the submission of an environmental impact statement is not required.

11.0 Planning Assessment

I have read the entire contents of the file and have had particular regard to the issues raised in the grounds of appeal. I have also visited the subject site and its surroundings. Having regard to the planning history of the site and the parent permission pertaining to the site, I consider that the principle of a hotel development on the subject site has already been determined. Therefore, I consider that the Board can restrict its deliberations to the issues raised in the grounds of appeal.

- The Provision of an Additional Floor.
- The Alterations in Basement and Ground Floor Uses.
- Traffic and Road Safety Issues.

11.1. The Provision of an Additional Floor

11.1.1. It is apparent from the planning history that permission was previously granted for a hotel development on site. In the course of deliberating on the application, the Planning Authority requested that the applicant would omit a floor on the basis that Dublin City Council had concerns in relation to the height, scale and massing of the building which it was considered would have an overbearing impact. The Board in determining the appeal required that the applicant carry out the development in accordance with the plans and particulars lodged by way of further information - thereby also requiring the removal of a floor.

- 11.1.2. The grounds of appeal suggest that the Planning Authority are being inconsistent in requiring the omission of a floor under the parent application, and are now permitting an additional floor under the current application.
- 11.1.3. The critical issue in my view is not the number of floors proposed but the impact of the proposed alterations in terms of the overall height, scale and massing of the building. The proposed revisions include the reduction in floor to ceiling heights on each of the floors. This results in only slight alterations to the overall height of the building. Under the extant permission granted under ABP301416, the height permitted to building parapet level was 23.4 metres plus a plant screen bringing the total height of the permitted hotel development to 25.15 metres. This was a reduction from the initial proposal which sought an eight-storey building 28 metres in height. The proposed building height under the current proposal is 25.81 metres. This is a very marginal increase in height at 0.66 metres and is 2 metres lower than the original proposal under ABP301416. Furthermore, the top floor proposed under the current application is stepped back from the building line which will assist in reducing the mass and overbearing nature of the additional floor.
- 11.1.4. Having regard to the fact that the building is not significantly higher than that permitted and the fact that the building is still in excess of 2 metres lower than the original height proposed (pre-further information request), I do not consider that the Planning Authority is being inconsistent in its decision-making as the overall height of the building proposed under the current application is not, in material terms, significantly different than the extant permission relating to the site.
- 11.1.5. Furthermore, and as pointed out by the appellant, since the original application was lodged within Dublin City Council (Reg. Ref. 4110/17) the National Planning Framework was published and launched. This document highlights the need to secure development at higher densities and to provide more compact growth within existing urban footprints and particularly within city centre locations. The proposed additional storey sought under the current application should be assessed in the more recently adopted strategic objectives set out in the National Planning Framework. In this regard would make specific reference to Section 4.5 of the Plan which targets a significant proportion of future urban development on infill and brownfield sites with the built footprint of existing urban areas. And also National Objective 11 which states that there will be a presumption in favour of development

that can encourage more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

11.2. The Alterations in Basement and Ground Floor Uses

11.2.1. With regard to the omission of the gym and the retail unit, I do not consider that the omission of these uses should be considered fatal to the planning application. The provision of a work zone will still provide animated frontage at ground floor level. The Board will also note that under the Z5 zoning objective, uses such as enterprise centre, live work units together with technology-based industry are all permitted uses. The provision of a work zone area at ground floor level is fully compatible with the land use zoning objective pertaining to the site. The retention of the restaurant at ground floor level will also assist in animating and enlivening street frontage in the vicinity of the building.

11.3. Traffic and Road Safety Issues

11.3.1. Finally, the grounds of appeal express concerns in relation to access, traffic and public safety. It is not proposed to provide any car parking as part of the proposed development. Therefore, the proposal will not accentuate vehicular traffic generation in the vicinity of the vicinity of the site. The increase in parking demand resulting from the provision of an additional 26 bedrooms would in my view be negligible. As the applicant points out in the response to the grounds of appeal, most city centre hotels do not accommodate on-site parking and many hotel patrons staying in the city centre are not car dependent. Therefore, the provision of an additional 26 bedrooms is not likely to generate a significant increase in parking demand.

11.3.2. The previous inspector's report noted that the location of the hotel in the city centre is well placed to take advantage of public transport infrastructure. No concerns were expressed by the Board in respect of transportation and road safety issues with regard to the previous application and it is my considered opinion that the provision of an additional 26 spaces will not give rise or accentuate transportation or road safety concerns. I note that access and delivery issues are addressed in the Delivery Service Management Plan submitted with the application.

11.4. **Appropriate Assessment**

11.4.1. I note from the inspector's report in respect of ABP301416 that a screening report for appropriate assessment was submitted and the Board agreed with the conclusion in the screening report that a Stage 2 Appropriate Assessment is not required. The Board will note that a screening report for Appropriate Assessment for the amendments to the permitted development was also submitted with the current application. It likewise concluded a finding of no significant effects are likely to arise either alone or in combination with other plans and projects on the Natura 2000 networks in the vicinity. The nearest Natura 2000 sites are:

- The South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is approximately 2.9 kilometres from the subject site.
- The South Dublin Bay SAC (Site Code: 000210) c.4 kilometres from the subject site.
- The North Bull Island SPA (Site Code: 004006) c.5.8 kilometres from the appeal site.
- The North Dublin Bay SAC (Site Code: 000206) which is also c.5.8 kilometres from the nearest site.

11.4.2. Based on the nature of the proposed development which seek to incorporate relatively minor amendments in terms of internal layout and use together with the provision of an additional floor, it is reasonable to conclude on the basis of the information on file, which I consider to be adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans and projects would not be likely to have a significant effect on any of the European sites in the vicinity and a Stage 2 Appropriate Assessment and the submission of an NIS is not required.

12.0 Conclusions and Recommendation

Arising from my assessment above, I consider the decision of Dublin City Council should be upheld in this instance and that planning permission should be granted for the proposed development based on the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to the location of the development on lands zoned Z5 in the Dublin City Development Plan and the central location of the subject site together with the strategic objectives set out in the National Planning Framework including National Policy Objective 11 which states that in meeting urban development requirements there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, it is considered that, subject to compliance with the conditions set out below, the proposed amendments would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall otherwise comply with the conditions of the permission granted under Reg. Ref. ABP301416-18, save as may be required by other conditions attached hereto.

Reason: In the interest of orderly development.

3. Details of rooftop plant screening shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. Prior to the commencement of development details of materials, colours and textures of the external finishes of the top floor shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

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 planning permission.

Reason: In the interest of visual amenity and in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area.

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

Reason: In the interest of public health.

7. The developer shall comply with the following roads and traffic requirements:

Prior to the commencement of development, the applicant shall submit the following information and revisions for written agreement prior to the commencement of development.

- (a) Demonstrate that the stairwell access to the basement level is of sufficient dimensions to facilitate the movement of bicycles.
- (b) Illustrate the incorporation of dedicated bicycle wheel tracks on each side of the stairs to facilitate the movement of bicycles within the stairwell.
- (c) Details of the number and type of bicycle stands proposed to be accommodated at basement level. Revised drawings should demonstrate adequate separate distance between stands is provided to facilitate ease of use.
- (d) No openings at ground floor level shall have an outward door other than the ESB substation room and any emergency access doors.
- (e) All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.
- (f) The developer shall be obliged to comply with the requirements set out in Dublin City Council's Code of Practice.

Reason: In the interest of encouraging sustainable transport, traffic safety and in the interest of orderly development.

8. The developer shall pay to the planning authority a financial contribution of €21,200 (twenty-one thousand two hundred euro) 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. 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 An Bord Pleanála to determine.

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.

9. The developer shall pay to the planning authority a financial contribution of €10,070 (ten thousand and seventy euro) 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. 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 An Bord Pleanála to determine.

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.

Paul Caprani,
Senior Planning Inspector.

19th July, 2020.