



An
Bord
Pleanála

Inspector's Report ABP-308102-20.

Development	Permission to amend a previously permitted education and research building.
Location	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.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	2873/20.
Applicant(s)	Royal College of Surgeons Ireland.
Type of Application	Permission.
Planning Authority Decision	Grant with Conditions / Refuse.
Type of Appeal	First Party
Appellant(s)	Royal College of Surgeons Ireland.
Observer(s)	None.
Date of Site Inspection	02/12/2020.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located onto St. Stephens Green West and overlooks the park. The Luas stop lies across the road from the site and the site is within easy access of Grafton Street. The subject site includes 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 also, part of the courtyard of the Ardilaun Centre, Dublin 2. The existing building on the site, Block A Ardilaun Centre, rises to 5-8 storeys over basement and shares a courtyard with Blocks B and C.
- 1.2. The site has a stated area of 0.3945ha and the building the subject of this appeal is occupied by the Royal College of Surgeons campus. Other uses in the vicinity of the site include office buildings and residential buildings as well as parking which serves the campus. There are a number of protected structures in the vicinity and the site is located on the edge of the St. Stephens Green Conservation Area.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for development to amend a previously permitted education and research building (DCC Reg. Ref: 2016/19; ABP Ref: 305501-19) on this site of c.0.3945 hectares comprising Block A Ardilaun Centre. The proposed development will consist of:

- an additional storey of education and research floorspace (7th Floor Level) (838 sq m) and
- extensions to the permitted 5th Floor Level at the south-west and south-east corners (49 sq m).

The total gross floor area of the building increases by 887 sq m (from 12,381 sq m permitted to 13,268 sq m proposed), resulting in an eight-storey building over basement.

The development will also consist of:

- alterations to the permitted elevations and internal layouts and

- associated alterations to the permitted plant and services (mechanical and electrical, water supply, sewage disposal and surface water disposal),
- all at 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

2.2. The application included a number of supporting documents including as follows:

- Plans, particulars and completed planning application form.
- Planning Report
- Architectural Design Report
- Daylight & Sunlight Impact Report
- Planning Stage Sustainability Report
- Engineering Services Report
- Appropriate Assessment Screening Report
- Townscape & Visual Appraisal
- Verified Photomontages
- Conservation Assessment

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. Having regard to the prominent and sensitive context of the subject site, by reason of its important location along St. Stephens Green and having regard to Policy SC7 & SC17 of the Dublin City Development Plan 2016-2022, which seeks 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 inner city, the proposed development will, by

reason of visual intrusion, have a significant and detrimental impact on a number of important views and vistas in the city including from St. Stephen's Green and Harcourt Street. The proposal would constitute a visually obtrusive form of development, is considered over scaled and as a result would represent an overdevelopment of the subject site and would set a precedent for development which would be incompatible with the established character of the subject site and the local area. The proposal would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

2. The proposed 8 storey element is an additional 4.1 metres higher than the permitted scheme and would have an overbearing and negative impact on nearby residential units particularly those residents living in Ardilaun Court and properties along Proud's Lane. The proposal would therefore be contrary to Chapter 16.10.1 of the Dublin City Development Plan 2016-2022, would be seriously injurious to the amenity of existing neighbouring residents, would depreciate the value of property in the vicinity and be incompatible with the established character of the area. The proposal would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The planning report concludes that proposed development is not acceptable and the Planning Officer recommends that permission be refused for the proposed development, for reasons relating to visual impact, impact to residential amenity and non-compatibility with the established character of the area.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to compliance with conditions.

Transportation Division: The report advises no objection to the proposed development subject to compliance with conditions attached to previous permission.

City Archaeologist: No objections subject to compliance with condition 6 of previous planning permission.

3.2.3. Prescribed Bodies

Irish Water: Notes that there is an existing 450mm IW combined sewer located within the proposed development boundary objection subject to compliance with conditions. According to the drainage layout submitted, a section of this combined sewer is proposed to be diverted.

The report requests that any grant of planning permission include a specific condition in this regard.

TII: The report submitted recommends the inclusion of conditions to ensure that there is no adverse impact on Luas operation and safety.

An Taisce: Notes that the Stephen's Green area is a location of immense architectural and historic sensitivity in Dublin. The permitted redevelopment of this site is already very substantial in the context of buildings along and around St. Stephen's Green. An eight storey on the permitted building would loom up obtrusively and unacceptably in views from within the historic Green.

The submitted CGI views of the proposed amendments don't adequately convey its impact as they have been produced to minimise the apparent impact with the development being almost invisible against the sky, contrary to the requirements of the CDP.

The increase in height would further compromise residential amenity and the amendments would be in conflict with the CDP

provisions requiring the protection of the character and special interest of Protected Structures, existing views and landmarks, Conservation Areas, the Georgian City Squares and the civic design character and dignity of Z5-zoned lands.

3.2.4. Third Party Submissions

There is 1 no. third party objection/submission noted on the planning authority file from Ms. Breda Bennett. The issues raised are summarised as follows:

- Construction impacts on residents
- Visual impacts and impacts on residential amenity, including security.
- Impact on property values.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

ABP ref ABP-305501-19 (PA ref 2016/19): Permission granted on appeal for the construction of a third level education and research building consisting of the demolition of Block A Ardilaun Centre, 4 Prouds Lane, ESB substation, security hut to the rear of No. 26 York Street at Cuffe Lane and the podium and basement car park and associated ramp access, and the construction of a building of varying heights from 5 to 8 stories including setbacks with rooftop plant over basement.

Following a request for further information by the PA, the development was revised with the omission of a floor and reducing the overall height of the building. Other revisions included alterations to the western and eastern façades.

The Board granted permission for the amended proposal on the site.

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

ABP ref PL29S.242754 (PA ref 2916/13): Permission granted to amend previous permission PA Ref: 3813/07.

ABP ref PL29S.242754 (PA ref 2916/13): Permission granted to amend previous permission PA Ref: 3813/07.

PA ref 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.

PA ref 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 Prouds Lane. Permission for extension of duration of the permission was subsequently granted extending the permission until the 22nd 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 and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.2. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

- 5.2.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

5.3. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.3.1. Having regard to the location of the subject site in terms of being located in proximity to an ACA, immediately adjacent to a number of protected structures, the *'Architectural Heritage Protection, Guidelines for Planning Authorities'* are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

5.3.2. The guidelines provide guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. Chapter 3 of the guidelines deal with the development plan: Architectural Conservation Areas while section 3.7 deals with development control in ACAs and sections 3.7.1 – 3.7.5 are also considered relevant. In addition, Section 3.9 of the Guidelines relate to Design Briefs for Sites of Sub-Areas and Section 3.10 deals with Criteria for Assessing Proposals within an ACA.

Further to the above, Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area and the following sections are relevant:

- Section 13.8.1
- Section 13.8.2
- Section 13.8.3

5.4. Development Plan

- 5.4.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is zoned Z5 which has 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”.
- 5.4.2. 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.
- 5.4.3. The lands zoned Z5 are identified as a key employment location within the city centre and it is an overarching aim, as detailed in the core strategy, is ‘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’.
- 5.4.4. The following policies are considered relevant in relation to the subject proposed development:

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.

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.

- 5.4.5. Section 4.5.41 of the plan 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). The 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.
- 5.4.6. In terms of Built Heritage and Culture, the plan sets out the policies in relation to Protected Structures in Section 11.1.5.1, and 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:

- 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.

5.5. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 3.2km to the east of the site.

The Grand Canal pNHA, (Site Code 002104), is located approximately 850m to the south of the site and the North Dublin Bay pNHA (Site Code 000206) lies approximately 3km to the north east of the site.

5.6. EIA Screening

5.6.1. The Board will note that the 3rd party submission to the Planning Authority makes reference to project splitting. This issue arises as the proposed development site comprises part of a wider landholding, which includes Blocs B and C of the Ardilaun Centre. The issue was raised as part of the previous application also.

5.6.2. In the interests of completeness, I would advise as follows:

Part 2, Section 10(iv) of Schedule 5 of the Planning and Development Regulations, 2001 (infrastructure Projects) provides 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 area of the subject appeal site together with the wider landholding at this location falls substantially below the 2 hectares threshold. As such, there is no mandatory requirement for Environmental Impact Assessment.

5.6.3. Having regard to nature and scale of the development, together with the brownfield nature of the site and the previous grant of permission associated with the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a First party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- The proposed development seeks to gain back the floorspace lost at RFI stage associated with the permitted scheme whilst maintaining some of the design changes made to reduce the impact of the development upon the receiving environment.
- The current application, and this appeal, seeks to highlight the importance of the additional floorspace to the operation and vitality of the RCSI development whilst demonstrating compliance with the relevant policies and objectives.
- The appeal includes a number of photomontages and an assessment of the visual impacts of the proposed amended development and concludes that the development will not adversely impact on any key views or prospects as defined by the development plan. It is submitted that the visual impact associated with the additional storey is not materially different to the impact associated with the permitted scheme.
- The Daylight & Sunlight Impact Report notes that while the proposed development would result in a minor increase of skylight loss to the rear windows at No. 1 Prouds Lane when compared to the permitted scheme, the perceivable change to the daylight conditions within the affected rooms would not be materially different to that with the permitted scheme in place.
- The development will not result in an unacceptable impact on Ardilaun Court in terms of access to skylight.
- The proposed development will result in an additional 40 lab research spaces and 50 desk-based research spaces as well as enabling the College to operate to its full potential in a COVID-19 environment.
- In terms of the overbearing impact cited in the reason for refusal, it is argued that the locational circumstances, in the context of the proposed use of the

building, support the optimisation of the subject site and the approval of additional height.

- The delivery of compact growth at this location, accords with the sustainable development and proper planning of the area.

It is requested that permission be granted.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development & Compliance with policy and standards
2. Scale of the building and Visual Impacts
3. Residential Amenity Issues
4. Other Issues
5. Appropriate Assessment

7.1. Principle of the development & Compliance with policy and standards

- 7.1.1. The site is located on lands zoned Z5 under the Dublin City Development Plan. It is the stated objective of the Plan “to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”.

- 7.1.2. The Board will note the planning history associated with the site, including the recent grant of permission to demolish the existing building and construct a new block as an extension to the Royal College of Surgeons building. The subject proposal before the Board seeks to provide additional accommodation in this permitted building through the provision of an additional floor.
- 7.1.3. The recent grant of permission relates to a design which was amended during the PAs assessment of the application, and the revised design was accepted by the Board. The current appeal seeks to essentially revert to the original building, with the additional floor, as originally sought under the previous application, albeit with amendments to the elevations.
- 7.1.4. In terms of the principle of the development, and subject to the consideration of other planning matters as set out below, I am generally satisfied that the proposed development accords with both national and local policy which seeks to secure compact growth in urban areas and deliver higher densities in suitable locations.

7.2. Design of the building and Visual Impacts

- 7.2.1. The Board will note that the changes to the previous proposal, including the reduced height and scale and amendments to the eastern elevation onto St. Stephens Green West, were sought in the context of visual amenity. The previous Inspector provided a detailed consideration of both the originally proposed design as well as the ultimately permitted design and included the following comments:

“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.”

“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 nos. 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.”

I would note that the Board accepted this assessment and permitted the amended design.

- 7.2.2. The current application seeks to re-establish the previously omitted floor and is made ‘in recognition of evolving policies regarding development densities and building heights, outlined in the recently published and implemented growth policies, in the National Planning Framework and the Urban Development and Building Height Guidelines.’ The Architectural Design Report also submits that ‘in the context of the scheme already approved, the relatively modest addition of one additional storey, set back from St. Stephen’s Green will not add significant bulk and massing to the site.’ The Board will note that the permitted scheme was considered under the relevant national policies and guidance as referred to.
- 7.2.3. Having regard to the information submitted in support of the proposed development, and having considered the original and previously permitted development on the site, I have concerns that the proposed re-instatement of the floor would give rise to significant visual impacts in this area of Dublin City and notably within the ACA. The application includes an Architectural Design Report, a Townscape and Visual Appraisal and verified photomontages, which present a visual representation of the three proposals including the original design, amended (and permitted) design and the current proposed design.
- 7.2.4. Overall, I would consider that the as permitted development presents the most palatable intervention for the overall development of this city centre site. In particular, I consider that the permitted scheme, which includes the omission of the floor and the inclusion of the cutbacks / chamfered corners of the south west and south eastern corner of the 5th floor represent the most appropriate intervention in the ACA and best protects the wider visual amenities of the protected structures which lie immediately adjacent to the site and architectural heritage of the area.
- 7.2.5. I refer the Board to the verified photomontages, and in particular, to views 1 – 6, 10 and 18 which I consider represent the most significant visual impacts. In particular, I refer the Board to pages 12 and 13 of the Architectural Design Report, and View 10 of the verified photomontages, which presents a photomontage of the proposed

development viewed from St. Stephens Green. The acceptability of the permitted scheme was also considered in the context of the transition in height from the adjacent protected structures which bookend the site along St. Stephens Green West. While I would accept the submission of the appellant, page 13 of the Townscape and Visual Appraisal document, that the permitted development will transform the backdrop to the view at Viewpoint 10 from the south west corner of St. Stephens Green, I would not concur with the conclusion in terms of the significance of the visual effect of the currently proposed development.

- 7.2.6. The proposed development towers above the existing adjacent protected structures and adjoining residential buildings and streetscapes, including the ACAs to the south on St. Stephens Green and Harcourt Street. I would accept that the site has the ability to absorb a contemporary building without detracting from the character of the streetscape or the setting of the protected structures. This acceptance is supported by the previous An Bord Pleanála decision relating to the site. However, and notwithstanding the differences to the original proposed design for the site, the current proposal to reintroduce the floor which was deemed necessary to omit in the previous decision, would protrude substantially above the protected structures, would significantly detract from the character of the streetscape and would have a negative impact on the visual amenities of surrounding architectural conservation areas.
- 7.2.7. The development would, therefore, be contrary to Policy SC7 & SC17 of the Dublin City Development Plan 2016-2022, which seeks 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 inner city and would have a significant and detrimental impact on a number of important views and vistas in the city including from St. Stephen's Green and Harcourt Street.

7.3. Residential Amenity Issues

- 7.3.1. The Board will note the context of the site and the proximity of residential properties. Immediately to the west of the permitted building, there is a low rise, 3 storey, apartment building, Ardilaun Court, fronting onto Cuffe Lane, and the two storey houses to the west of Cuffe Lane. The apartment block forms part of the wider Ardilaun Centre and is accessed through the centre and the existing courtyard.

- 7.3.2. The permitted development associated with ABP ref ABP-305501-19 permits an 8-storey building, which includes a lower ground floor, within 7m of the apartment building, with chamfered corners at the fifth and sixth floor levels. The current proposal will provide for a 9-storey building with an overall increase in height of approximately 4 metres, and with the chamfered corners at sixth and seventh floor levels. The area of concern in terms of impacts on residential amenity relate to visual impact, overbearing impact, overshadowing and loss of light, overlooking and general disturbance associated with the proposed development.
- 7.3.3. I would acknowledge that the residential properties in the vicinity of the subject site are already located within an area where mid-rise buildings exist. The apartment block lies within the Ardilaun Centre where the existing Blocks rise to between 5 and 8 storeys. The existing building, facing the apartment block, rises to approximately 27.2m with the overall height rising to approximately 30m in height. The permitted building rises to a height of 34.5m while the current proposal, including the plant level, will rise to approximately 38.9m. In addition, the chamfered corners facing onto Ardilaun Court will be increased to floors 6 and 7.
- 7.3.4. While in the context of the scale of the permitted development, the proposed additional floor may not seem excessive, I have real concerns in terms of the visual impacts, together with the overbearing and potential overlooking impacts, on the existing residential amenities of residents in Ardilaun Court. While I would accept that the level of overshadowing and loss of light is also not excessive in the context of the permitted development, I would not accept that the current proposal would not result in a significant impact on the existing residential amenity of the area.
- 7.3.5. The Board will note that the third-party submission to the PA raised a number of concerns in terms of privacy, security, impacts to the courtyard, views and public access to St. Stephens Green via the existing pedestrian path. I am satisfied that these matters have been addressed under the previous permitted development application.

7.4. Other Issues

7.4.1. Roads & Traffic

The subject site is located in Dublin City Centre and within a 1-minute walk of the Luas St. Stephen's Green stop. The area is well served by public transport options. The Board will note that the permitted development provides for a total of 196 cycle parking spaces. I also note the comments of the Dublin City Council Transportation Division who raise no objections to the proposed development. Having regard to the location of the subject site, together with the permitted development associated with the site, I am satisfied that the development is acceptable from a roads and traffic viewpoint. I am satisfied that the development will not significantly alter the existing traffic patterns or would give rise to a traffic safety issue.

7.4.1. Water Services

I am satisfied that the water services issues have been addressed under the permitted development on the site and that the proposed development would not significantly amend same.

7.4.2. Other third-party issues

I note the concerns of the third party in terms of the general disturbance associated with construction works. Certainly, given the location of the subject site within the city centre, there is potential for disruption to existing residents and other business owners during the construction phase of any development. I would note that the construction phase is a temporary situation and will be effectively managed through the implementation of an appropriate construction management plan. I have no objection to the proposed development in this regard.

The Board will also note that the 3rd party submission to the PA suggested concerns in terms of project splitting (in the context of EIA). I have dealt with this matter above in section 5.6 of this report.

7.4.3. Development Contribution

Section 14 of the Dublin City Council Section 48 Development Contribution Scheme 2020-2023 clarifies that third level educational institutions will be required to pay

development contributions. As such, the subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

In terms of the S49 Luas Cross City Supplementary Development Contribution Scheme, section 11 of the scheme sets out the categories of development which will be exempted from the requirement to pay development contributions under the scheme. The Scheme clarifies that third level educational institutions are not exempt from the requirement to pay development contributions and therefore, a contribution is payable in this instance.

7.4.4. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(Site Code: 000210) and the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) which is located approximately 3.2km to the east of the site

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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

I recommend that planning permission be refused for the proposed development for the following stated reasons.

9.0 Reasons and Considerations

1. Having regard to the prominent and sensitive context of the subject site, by reason of its important location along St. Stephens Green and having regard to Policy SC7 & SC17 of the Dublin City Development Plan 2016-2022, which seeks 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 inner city, the proposed development would, by reason of visual intrusion, have a significant and detrimental impact on a number of important views and vistas in the city including from St. Stephen's Green and Harcourt Street.

The proposal would, therefore, constitute a visually obtrusive form of development, by reason of excessive height at this location and would set a precedent for development which would be incompatible with the established character of the subject site and the local area, including adjacent Architectural Conservation Areas. The proposal would be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.

2. The proposed amendment to the permitted development would, by reason of increased scale and height, would have an overbearing and negative impact on nearby residential units particularly those residents living in Ardilaun Court. The proposal would therefore be seriously injurious to the amenity of existing neighbouring residents, would depreciate the value of property in the vicinity and be incompatible with the established character of the area. The proposal would be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
04th December 2020