



An
Bord
Pleanála

Inspector's Report ABP-308961-20.

Development	Permission to amend a previously permitted development to consist of an additional floor, minor extensions of floor plate at various levels and revisions to elevations and entrances.
Location	45-47 Cuffe Street (Greenside House), Dublin 2.
Planning Authority	Dublin City Council South.
Planning Authority Reg. Ref.	3507/20.
Applicant(s)	KC Capital Property Group Ltd.
Type of Application	Permission.
Planning Authority Decision	Split decision: Refuse permission for additional floor Grant permission for other amendments.
Type of Appeal	First Party
Appellant(s)	KC Capital Property Group Ltd.
Observer(s)	Philip O'Reilly.
Date of Site Inspection	18/02/2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located within 170m of the south western corner of St. Stephens Green and fronts onto Cuffe Street. The site also has frontage onto Montague Court and Protestant Row. The building that occupied the subject site, Greenside House, which comprised a part five part six storey commercial building with surface car parking located to the rear, has been demolished. The wider area includes a variety of uses including office and commercial, with four storey residential apartment blocks located to the east of the site, and two storey terraced housing located to the south.
- 1.2. The site has a stated area of 0.3776m² and is currently vacant with high fencing around the perimeter. There are a number of protected structures in the vicinity and the site is located approximately 75m to the west of the St. Stephens Green Conservation Area.

2.0 Proposed Development

- 2.1.1. The application site also fronts Montague Court and Protestant Row. The application seeks amendments to the development permitted under Reg. Ref. 2142/20. The amendments consist of the following:
 - i) Provision of additional floor to permitted development (providing for nine storey over lower ground floor/ basement with mezzanine between upper ground floor and first floor)
 - ii) Minor extensions of floor plate at various levels
 - iii) Revisions to elevations and entrances
 - iv) All associated site development works and consequential amendments (including bicycle parking provision) to permitted scheme.
 - v) The amendments provide for an increase in Gross Floor Area to the permitted scheme of 504 sq.m with an overall proposed GFA of 5221.40 sq.m.,

all at 45-47, Cuffe Street (Greenside House), Dublin 2.

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

- Plans, particulars and completed planning application form.

- Planning Statement
- Architects Report
- Report on Engineering Matters
- Townscape and Visual Impact Assessment
- Verified Photomontages
- Daylight & Sunlight Assessment
- Description of the Proposed Utilities & Energy & Sustainability Report
- Appropriate Assessment Screening Report

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to issue a split decision, refusing planning permission for the proposed additional floor and minor extensions of floor plate at various levels for the following stated reason:
1. The proposed additional height and extensions to the floor plate would constitute a visually obtrusive form of development, is considered over scaled and imbalanced, would integrate poorly with the immediate environment and would represent an overdevelopment of the subject site. The proposal 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 thereby be contrary to the provisions of the Dublin City Development Plan 2016-2022 and the proper planning and sustainable development of the area.
- 3.1.2. Permission was granted for the revisions to the elevations such as the alteration to the brise soleil and the alterations to the bicycle parking arrangements and subject to 11 conditions.

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 increase in height and floor plate is unacceptable and that the submitted photomontages demonstrate that the proposed additional floor would be perceptible, visually overbearing and would have a serious negative visual impact on the streetscape. The report concludes that the additional height and increases to the floor plate area are considered to be over-scaled and imbalanced and as a result would represent an overdevelopment of the site and would set an undesirable precedent for development in the area. The Planning Officer recommends that permission be refused for these elements of the proposed development. In terms of the other amendments proposed as part of the subject application, the Planning Officer recommends that permission be granted. Ultimately, the Planning Officer recommends that a split decision issue.

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.

Road Planning Division: The report notes the revised access arrangements on Protestant Row and the increased quantum of cycle parking to reflect the increased floor area. The report advises no objection to the proposed development subject to compliance with conditions attached to previous permission and others.

City Archaeologist: No objections subject to compliance with condition 13 of previous planning permission, Reg Ref. 2142/20.

3.2.3. Prescribed Bodies

TII: The report notes the location of the development in close proximity to the Luas Line. The applicant is requested to ensure that there is no adverse impact on Luas operation and safety.

The site is also located within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen’s Green to Broombridge Line). If the application is successful and not exempt, a condition for the S49 Levy is requested to be included.

3.2.4. Third Party Submissions

There are 2 no. third party objection/submissions noted on the planning authority file.

The issues raised are summarised as follows:

- A valid and legal decision on development at the site was handed down earlier this year.
- There has been no material change in circumstance which should allow any consideration to be given to any change in relation to such a decision.
- The previous decision should be upheld.
- Strongly objects to the increased height which will have further negative impacts on the nearby playground and residents due to noise, dirt, dust etc.
- Construction traffic will add to already congested roads and will undue strain on the local infrastructure.
- Prolonging the construction works would cause a severe escalation in the out-of-control rodent problem in the area, adding to the increase risk to public health.

4.0 Planning History

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

PA ref 2142/20: Permission granted by Dublin City Council, subject to 17 conditions for:

- (i) Demolition of existing structures on site.
- (ii) Construction of an 8-storey office development over a lower ground floor/basement level. A part mezzanine if provided between the upper ground floor and first floor.
- (iii) The proposal steps down in height at various levels with accessible terraces, to part 4 storey to Protestant Row.
- (iv) A total 48 bicycle parking spaces are proposed at upper ground/street access level with access off Protestant Row.
- (v) The proposal includes plant room at roof level.
- (vi) A shared office/town hall/cafe space is proposed at upper ground level.
- (vii) Public realm upgrades to Montague Court.
- (viii) The overall proposal comprises c. 4,717sq.m Gross Floor Area.
- (ix) All associated site development and services works, landscape works, plant, substation and associated development.

All at 45-47 Cuffe Street (Greenside House), Dublin 2. The application site also fronts Montague Court and Protestant Row.

ABP ref ABP-304399-19 (PA ref 2016/19): Permission granted on appeal for the retention of the change of use from office to a boxing club and the construction of a new emergency with external stairs to rear all at Greenside House, 45-47 Cuffe Street, Dublin 2.

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. Development Plan

- 5.3.1. 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”.
- 5.3.2. 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.
- 5.3.3. 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’.
- 5.3.4. Chapter 4 of the CDP deals with Shape and Structure of the City and the following policies are considered relevant in relation to the subject proposed development:

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.

5.3.5. 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.

5.3.6. Chapter 6 of the Plan deals with City Economy & Enterprise and the following policies are considered relevant:

CEE11: To promote and facilitate the supply of commercial space, where appropriate, e.g. retail and office including larger floorplates and quanta suitable for indigenous and FDI HQ-type uses, as a means of increasing choice and competitiveness, and encouraging indigenous and global HQs to locate in Dublin; to consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.

5.4. 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 3.4km to the east of the site.

The Grand Canal pNHA, (Site Code 002104), is located approximately 900m to the south of the site and the North Dublin Bay pNHA (Site Code 000206) lies approximately 3.2km to the north east of the site.

5.5. EIA Screening

- 5.5.1. 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

- 6.1.1. This is a First party appeal against the decision of the Planning Authority to issue a split decision for the proposed development and to refuse permission for the additional floor and other minor increases to the floor plates. The grounds of appeal are that the subject proposal satisfies the Development Management Criteria of the Urban Development and Building Heights Guidelines, is compliant with national objectives for compact urban growth and delivery of economic development.
- 6.1.2. The appeal document sets out the site context, the permitted and proposed development and the planning policy context. The grounds of appeal are summarised as follows:

- The proposed development complies with national policy with regard to building heights and these guidelines take precedence over any conflicting policies and objectives of development plans or local area plans.
- The site is located in a city centre location well served by public transport, considered suitable for the increased height and scale in accordance with the requirements of SPPR 3 of the Urban Development and Building Heights Guidelines 2018.
- A detailed Townscape and Visual Impact Assessment was undertaken and submits that the site is not overly sensitive to change in the context of 'architecturally sensitive areas'.
- The Architects appeal submission notes that the slenderness ratio of the building with the proposed additional floor is improved without any significant negative impact on the neighbourhood or streetscape.
- The permitted and proposed development concentrates the massing to Cuffe Street which is capable of absorbing the proposed height due to the wide street.
- The proposal enhances the urban design context for public spaces by improving the public realm along Montague Court, providing animation and activity to a frontage which was uninviting in the now demolished building on site.
- The proposal has been subject to a Site-Specific Flood Risk Assessment.
- A daylight/sunlight assessment was prepared for the proposal and the report addresses any potential impact on the surrounding residential properties, including a comparison with the permitted scheme.
- The additional floor will not result in any significant micro-climate impacts to pedestrian comfort and will have no material impact on bats or birds due to the limited scale compared with the permitted development.
- No impacts on telecommunications as a result of the development arise.
- No AA issues arise.

The appeal requests that permission be granted for the full proposed development, and includes a number of enclosures as follows:

- Notification of the decision.
- Letters of support from local residents
- Report from Independent Site Management (ISM) Specialist Property Telecom Consultant
- Report from BRE - desktop wind study.
- Architects Commentary for Planning Appeal
- Townscape & Visual Impact Appraisal Report in support of 1st Party Appeal

6.2. Planning Authority Response

None.

6.3. Observations

Philip O'Reilly submitted an observation noting that the decision of Dublin City Council is correct and justified and should be upheld with prevailing conditions in respect of the height and the floor plate. The reasons for refusal of the extra storey are fully justified and should be upheld.

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 Amenity 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 an 8-storey office development over a lower ground floor / basement level. This permission was not appealed to the Board. The subject proposal currently before the Board seeks to provide additional office accommodation in this permitted building through the provision of an additional floor, as well as other minor amendments to the floor plates and revisions to elevations and entrances. The current proposal seeks to increase the gross floor area of the permitted scheme by 504m² with an overall proposed GFA of 5,221.4m².
- 7.1.3. The appellant submits that the permitted 8-storey design came about after consultations with the Planning Authority but that the original concept for the site included 9 storeys, as now proposed, which the Architects submit refines the

treatment of the Brise-soleil achieves proportions of approximately 3:1, improving the architectural quality of the design and lightening the overall massing of the Cuffe Street corner. The current appeal seeks to essentially revert to the original concept for the site, with the additional floor, as originally designed, but not proposed as part of a formal planning application. I also note the comments in the Townscape and Visual Impact Appraisal submitted with the application which suggests that the subject site's development potential should be considered in the future context of the adjacent plots being redevelopment in the future.

- 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. Scale of the building and Amenity Impacts

- 7.2.1. The Board will note that a split decision issued from Dublin City Council with regard to the proposed development which seeks amendments to the development permitted under Reg. Ref. 2142/20. The decision

Refused permission for:

- i) Provision of additional floor to permitted development (providing for nine-storey over lower ground floor/ basement with mezzanine between upper ground floor and first floor)
- ii) Minor extensions of floor plate at various levels
- v) The amendments provide for an increase in Gross Floor Area to the permitted scheme of 504 sq.m with an overall proposed GFA of 5221.40 sq.m.

Granted permission:

- iii) Revisions to elevations and entrances
- iv) All associated site development works and consequential amendments (including bicycle parking provision) to permitted scheme.

7.2.2. The Board will note that the subject site, and Cuffe Street, lies between the Aungier, Wexford and Camden Streets Conservation Area to the west and St. Stephen's Green and Harcourt Street to the east. In this regard, the site is not as constrained by architectural heritage sensitivities and building heights as described in Section 2.8 of the Building Height Guidelines.

7.2.3. As discussed above, the Board will note the evolution of the previously permitted scheme at the site. The omission of a floor as part of the previous planning application was as a result of the advice given by the Planning Department at pre-planning stage. In this regard, I note the comments of the Planning Officer in relation to the current proposal that the 'photomontages of the proposed amendments demonstrate that the proposed additional height would be perceptible, visually overbearing and would have a negative impact on the streetscape'.

7.2.4. Other elements of the proposed development which were refused by Dublin City Council relate to minor extensions to floor plates as follows:

- 6th Floor: Extend floor plate at northern end to adjust massing and create better arrangement of stepping top Wythe Building – an increase of 95m².
- 7th Floor: Realignment of south and east façade (extended by 750mm) - An increase of 11.5m².

The Board will note that the proposed 8th Floor is also noted in the Architects report under 'Other Modifications' - Realignment of south and east façade (extended by 750mm). The total floor area associated with the 8th floor is indicated at 397.5m².

7.2.5. With regard to the elements granted permission by Dublin City Council, the following is relevant:

- Ground floor: Relocate bike store door onto Protestant Row.
- 7th Floor: New door off rear staircase to access terrace

7.2.6. Having considered all of the information submitted in support of the proposed development, in particular the Townscape and Visual Impact Assessment and photomontages, as well as all other submissions and comments, I am inclined to agree with the applicant. Given the nature of the proposed materials to be used

within the development, together with the city centre location in an evolving area, proximate to a wide variety of city centre amenities, I would not agree that the proposed additional floor would constitute a significant visual obstruction and would be of a scale which does not appropriately integrate with the surrounding environment. I am further satisfied that the materials proposed, ie. primarily glass, does not result in an increase in the bulk of the development above the fifth-floor level, which makes a significant difference in the overall visual impact of the building when viewed from all viewpoints in the vicinity of the site, or from the residential areas to the south and east of the site, at Montague Court.

- 7.2.7. In the context of the existing development in the vicinity of the site, I would consider that the change in height and scale, rising from the existing 2 to 5 storey residential developments to the east and south, to the 6-storey adjacent Wythe Office to the permitted 8-storey building on the appeal site is an acceptable transition, with the sixth and seventh floors setback from the main facade onto the street. The addition of the proposed floor does not significantly impact this transition. That said, I would note that the photomontages submitted show that the extended floor plate at the permitted sixth floor level adjacent to the Wythe Building, would negatively impact the visual amenity of this building and as such, should the Board be minded to grant permission in this instance, this element of the proposed development should be omitted.
- 7.2.8. The Board will note that the subject site lies within an area of Dublin City which the Dublin City Development Plan sets the maximum height of commercial buildings at 28m. The permitted scheme on the site rises to 33.8m, which already exceeds this limit. The current application seeks to increase the permitted height of the building by approximately 3.65m and is made in the context of the policies regarding development densities and building heights, outlined in the National Planning Framework and the Urban Development and Building Height Guidelines.
- 7.2.9. 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 am satisfied that the proposed inclusion of the floor would not give rise to any additional significant visual impacts in this area of Dublin City. The application includes an Architectural Design Report, a Townscape and Visual Appraisal and verified photomontages, which present a visual representation of the three situations

including the existing on-site building (now demolished) original design (and permitted) design and the current proposed design.

- 7.2.10. The submitted information also considers the impact of the proposed development in terms of adjacent ACA areas. While I would accept that the proposed development will result in an additional visual impact when viewed from Wexford Street, I do not consider that the impact is significant or detracts from the wider visual amenities of the area. Overall, I would consider that the proposed development is an acceptable intervention for the overall development of this city centre site.
- 7.2.11. The proposed development will rise above the existing adjacent residential buildings and streetscapes and I would accept that the site has the ability to absorb a contemporary building without detracting from the character of the streetscape or the adjacent ACAs. I am further satisfied that the development would accord with Policies SC7 & SC17 of the Dublin City Development Plan 2016-2022, which seek 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 not 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 south and east of the permitted building, there is a low rise, 2 storey terrace of houses on Montague Lane. The permitted development on the site provides for 8-storey building, which includes a lower ground floor, within 3.6m of the two storey terraced houses to the south and 5.5m of the 5-storey apartment building to the east. In terms of apartment buildings to the north, I note that the width of Cuffe Street is over 28m. The permitted building on the site rises to 33.8m in height while the current proposal will provide an additional floor and an overall increase in height of approximately 3.6m to an overall height of 37.43m. The area of concern in terms of impacts on residential amenity relate to visual impact, overbearing impact, overshadowing and loss of light and overlooking.

- 7.3.2. 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. Notably, the buildings to the north side of Cuffe Street, including the Ardilaun Centre, rise to between 5 and 8 storeys. The Mercer Street apartments generally rise to 4 floors, and the apartments to the east of the subject site rise to 5 floors. I also note the applicants' comments in relation to the existing developments in the vicinity of the site, which they consider to be sub-optimal in terms of intensity of use and contribution to townscape character and quality. It is further submitted that it can be expected that the plots will be redeveloped in the future and that the sites 'development potential should be considered in this future context'.
- 7.3.3. In noting the above comments, I would not agree that the development potential of adjacent properties, particularly where these properties are in the main, residential homes, should be a factor in assessing the appropriateness of the proposed development. In the context of the scale of the permitted development on the subject site however, I do not consider the proposed additional floor, the subject of this appeal, to be excessive. I do acknowledge that there will be an additional impact arising in terms of the houses to the south of the site, but having regard to the design and materials proposed, I do not consider that a grant of permission for the additional floor will give rise to any significant additional visual impacts, overbearing or potential overlooking impacts, on the existing residential amenities. I would also accept that the level of overshadowing and loss of light is not excessive in the context of the permitted development. As such, I am satisfied that the proposed development is acceptable in this regard.

7.4. Other Issues

7.4.1. Roads & Traffic

The subject site is located in Dublin City Centre and within a 3-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 proposed development provides for an increase of the permitted cycle parking spaces, with 58 spaces proposed in compliance with the City Development Plan requirements. 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. Development Contribution

The subject development is liable to pay development contribution under the Dublin City Council Section 48 Development Contribution Scheme 2020-2023. As such, 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, the subject development is liable to pay development. As such, a condition to this effect should be included in any grant of planning permission.

7.5. 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 3.4km 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 granted for the proposed development for the following stated reason and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to –

- (a) the provisions of the Dublin City Council Development Plan 2016-2022,
- (b) the existing pattern of development in this city centre location,
- (c) the planning history of the site and wider area,
- (d) the design, scale and layout of the proposed development, and
- (e) the report of the Inspector,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with development plan policy, would not detract from the visual amenities of the wider area including adjacent Architectural Conservation Areas, would enhance the visual amenities of the area, and would be acceptable in the context of the residential amenities of adjoining properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 6th day of October 2020, 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 proposed development shall be amended as follows:
 - (a) The proposed extension to the floor plate at the north western corner of the 6th Floor shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and to ensure an appropriate transition between the proposed development and the adjacent Wythe Building.

3. All relevant conditions attached to previous grant of planning permission on the site, Planning Authority Registration Reference 2142/20 refers, shall be strictly adhered to.

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

4. No additional development shall take place above the 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: In the interest of visual and residential amenity.

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

Reason: In the interest of visual amenity.

6. The developer shall comply with the following Road Planning Division requirements:

- (a) Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key / fob access shall be required to bicycle compounds

and cycle parking design shall allow both wheel and frame to be locked.

- (b) 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.

Reason: To ensure a satisfactory standard of development.

- 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.

A. Considine
Planning Inspector
31st March 2021