



An
Bord
Pleanála

Inspector's Report ABP 309400-21.

Development

Demolition of Moira House, Trinity St Carpark, retail units and offices suites and construction of a nine storey over basement building with restaurant at ground level.

Location

Nos. 14 -15 Trinity Street and Nos 1 - 4 Dame Lane fronting onto St Andrew's Lane, Dublin 2.

Planning Authority

Dublin City Council.

P.A. Reg. Ref.

2421/20

Applicant

Bushview Ltd.

Type of Application

Permission

Decision

Grant Permission.

Third Party Appellants

1. Frank McDonald.
2. An Taisce (Prescribed Body)

Observers

1. Pawnbeach Ltd.
2. Philip O'Reilly

Date of Site Inspection

21st May, 2021

Inspector

Jane Dennehy

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1.0 Site Location and Description

1.1. The site has a stated area of 948 square metres and is that of the Trinity Street multi-storey (177 spaces) carpark, vehicular access to which is off St Andrew's Lane and Moira House a commercial building in office and retail use. It is on the northern side of Andrew's Lane, westside of Trinity Street and south side of Dame Lane within a block defined by Exchequer Street to the south, Dame Lane to the north, Trinity Street to the east and Dame Court to the west. Andrew's Lane, a narrow service lane through this block linking Trinity Street to the north with Exchequer Street to the south with a blind corner midway along it. Andrew's Lane is two way between Trinity Street and the bend at the corner at the entrance to the Trinity Carpark to the south of which towards and Exchequer Street the lane is one way only, is circa four metres in width, double yellow lines are on each side and there are no footpaths.

The Wren Hotel, constructed on the site of the former Andrew's Lane Theatre on the east side of the lane, facing the southern frontage of the application site has recently been constructed and fitted out but was not operational at the time of inspection.

The 'Eircom' site which is a yard for service vehicles and car parking, mast, and associated structures and buildings is to the south western side. A rear service area for buildings on Exchequer, Street, St Andrew Street, Trinity Street is located to the east side of the Wren Hotel. The site has narrow frontage onto Trinity Street, between Dame Lane and Andrew's Lane and at the northern corner with Dame Street/College Green there are two corner site historic buildings. St Andrew's Church is opposite the junction with Suffolk Street/Exchequer Street.

2.0 Proposed Development

2.1. The application and supplementary additional information and clarification of information submissions include the following:

- Outline Construction Management Plan

- Construction and Demolition Waste Management Plan,

- Engineering Services Report

- Landscape Architect's report and drawings including visual impact assessment

- Architectural Conservation Report

Photomontages/verified images.
Operational Waste Management Plan
Archaeological Assessment Report
Basement Impact Assessment Report.
Sustainability report
Appropriate Assessment Screening report.

The stated gross floor area is 7,341 square metres with site coverage at 83% and a plot ratio stated to be 8.1. All upper floors are proposed for office use with ancillary uses and the proposed ground floor is for restaurant use along with a hotel lobby and entrance along with a double height outdoor space in an undercroft to the front of the restaurant space.

No on-site car parking spaces are included in the application

Seventy-six cycle spaces and lockers and shower cubicles in the basement with access via a lift from the service entrance. For servicing of the building, the larger vehicles are to use the loading bay on Exchequer Street with the remainder using St Andrew's Lane.

3.0 **Planning Authority Decision**

3.1. Additional information was requested on 25th June, 2020 to which a response was lodged on 2nd November, 2020 and a request for clarification of additional information was issued on 18th December, 2020 to which a response was lodged on 18th December, 2021. By order dated, 13th June, 2017 the planning authority decided to grant permission subject to sixteen conditions most of which are of a standard nature.

3.2. **Planning Authority Reports**

3.2.1. The report of the **Transportation Planning Division** dated 6th March, 2021 indicates a recommendation for an additional information request in respect of the ground floor layout and the plaza area; potential conflict with vehicular traffic and pedestrian circulation due to limited capacity of the existing footpath; Outline Waste Management providing for details of servicing and storage arrangements, to include

swept path analysis and a construction management plan to include fully detailed construction traffic routing and management details

- 3.2.2. A supplementary report of the **Transportation Planning Division** dated, 27th November, 2020 indicates a requirement for a further submission having regard to high footfall in the area and the footpath provision in the application. And a setback is recommended at the corner of Trinity Street and St. Andrew's Lane to alleviate pinch point issues. And, in relation to the loading and drop off space on St Andrews Lane with it being recommended that the Drop off area or loading bay be omitted to facilitate swept path for traffic movements on the lane and pedestrian and cyclist movement.
- 3.2.3. The report of the **Transportation Planning Division** dated, 14th January, 2021 indicates satisfaction with the further information response submitted to the clarification in which two metres' wide footpath provision on St. Andrew's Lane is proposed and omission of the drop off area and revisions to the arrangements at the service doors on St Andrew's Lane are proposed.

3.3. **Third Party Observations**

- 3.3.1. The submissions lodged which include those of the appellant parties and observer parties indicate concerns as to overdevelopment, inappropriate design, excessive height and adverse visual impact, adverse impact on safety and convenience of traffic flow and pedestrian and vehicular movements on St. Andrew's Lane. inadequacy of servicing arrangements and undesirable precedent.

4.0 **Planning History**

- 4.1.1. There is a record of two minor applications for the application site: P. A. Reg. Ref. 3637/16 is a grant of permission for change of use at Units 1A and 1B Moira House and from retail to restaurant and Unit 1C Moira House to be amalgamated with the restaurant (Le Pichet) at Nos 14.15 Trinity Street. P. A. Reg. Ref. 2819/13 is a grant of permission for retention of an enclosure providing for additional restaurant seating at the restaurant (Le Pichet) at Nos 14.15 Trinity Street.

- 4.1.2. The permitted development “The Wren Hotel” at St. Andrew’s Lane is relevant to consideration of the current proposal for the Moira House and Trinity Street carpark site having regard to the submissions made in connection with the application and appeal.
- 4.1.3. Under P. A. Reg. Ref. 4342/16/PL 248844: The planning authority decided to grant of permission for demolition of the existing buildings and for construction of a hotel, (The Wren Hotel) nine storeys plus plant level, over lower ground floor, 155-bedroom hotel building to a height of 27.9 metres. Following appeal against Condition No 3 attached to the decision in which there was a requirement for omission of one floor, the decision of the planning authority was upheld. According to Condition No 2 attached to the Board’s order for the permitted development, now under construction, there are requirements for:
- (a) omission of a mansard element,
 - (b) top floor and roof design to accord with the proposals shown in the original application submission of 15th December, 2016 with plant room revisions to accord with the proposals shown in a supplementary submission of 18th May 2017.
 - (c) omission of a middle level storey within the block and,
 - (d) a setback along the building’s eastern elevation by a depth of not less than one metre, for a distance of not less than 11.4 metres from the southern building line and it is to be for the full height of the building.

The reasoning provided relates to orderly development visual amenity, light and ventilation to internal rooms given proximity to adjoining structures to the east.

- 4.1.4. Under P. A. Reg. Ref 2537/19 /PL 304656 a split decision was issued following appeal: Permission was refused following appeal for the additional floor to the previously permitted hotel development, (The Wren Hotel) based on the following reasons:

“The proposed development by reason of height above the definitive parapet line of buildings in the historic streetscape on Exchequer Street and Wicklow Street included on the record of protected structures, within the Grafton Street and Environs Architectural Conservation Area and by the vertical extension in the

design providing for additional height, the materials and finishes, would be visually conspicuous and incongruous, would detract from the historic character of the established streetscape and would therefore have a significant and adverse visual impact on the context and setting of the historic buildings and streetscape in important views along Wicklow Street and Exchequer Street on approach from Grafton Street and the terminating vista on Exchequer Street on approach along Drury Street. The proposed development would, therefore seriously injure the urban character and visual amenities of the historic city core and would be contrary to the proper planning and sustainable development of the area.”

“The proposed reconfiguration of the internal layout of the upper ground floor would result in hotel bedrooms fronting directly onto the main thoroughfare of St. Andrews Lane as result of which the street frontage would lack animation and the amenity potential level of the hotel rooms would be substandard and, as a result, the proposed development would constitute substandard development and would be contrary to the proper planning and sustainable development of the area.”

Permission was granted for reconfiguration of the internal layout on the upper ground floor.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is subject to the zoning objective: Z5: *“To consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity.”*

For development subject to the ‘Z5’ zoning objective, the indicative plot ratio is 2.5 – 3. and the indicative site coverage is 90 percent.

Development management guidance and standards are set out in Chapter 16 and guidance for taller building development is set out in Chapter 15.

Section 16.7.1 and Policy SC17 provide for protection and enhancement of the skyline with a co-ordinated approach to positioning of mid-rise and taller buildings so that they make a positive contribute to the skyline and urban character of the city and are sensitive to the historic city centre and environs.

Policy Objectives for the City Economy and Enterprise as a priority are set out in section 2.3.4 in which Objectives CEE1 CE3, CEE4 and CEE11 refer.

The site location is outside of the *Grafton Street and Environs Architectural Conservation Area's* boundary which is to the south and includes the buildings on the north side of Exchequer Street and the area of the the South City Retail Quarter Architectural Conservation Area (SCRACA) south of the site location.

Section 11.1.5.3 and Policy CHC4 provide for the protection of the special interest and character of all Dublin's Conservation Areas and encourages opportunities for development to enhance and protect character and settings in these areas where possible. (Note: The development plan provides for specific objectives for designated "Conservation Areas" in addition to and distinct from statutory Architectural Conservation Areas as provided for in Part IV Chapter 2 of the Planning and Development Acts, 2000 as amended.)

The location is within the zone of Archaeological Constraint for Recorded Monument DU018-020 (Dublin City) and the Zone of Archaeological Interest.

The site location is within area 1 for carparking and cycle as identified on Map J for which there is a minimum of one cycle space per 100 square metres office space or 150 square metres' restaurant space.

The Grafton Street Quarter Public Realm Plan 2014 includes provision for proposals for paving works along the entire lane Flows less than 600 pedestrian movements per hour are anticipated

5.2. **Strategic Guidance**

Policies and standards for building heights are in "*Urban Development and Building Heights: Guidelines for Planning Authorities*", 2018, (The Guidelines) particularly the criteria set out in section 3.2 issued under Section 28 of the Planning and Development Act, 2000 as amended.

6.0 The Appeals

6.1. Two appeals against the decision to grant permission were lodged with the Board in which several of the issues of concern raised are similar. Their contents are outlined below.

6.2. Appeal by Frank McDonald.

6.2.1. An appeal was received from Frank McDonald on his own behalf on 8th February, 2021 according to which permission should be refused based on reasoning similar to the reasons for the refusal of permission for the additional floor at the Wren Hotel on St Andrew's Lane under P. A. Reg. Ref 2357/19 (PL 304654). (See section 4.1.4 under 'Planning History' above.

6.2.2. The appeal grounds supporting the claim that permission should be refused can be outlined as follows.

- The NTA is supported in its views for removal of a multi-storey carpark and a replacement 'zero parking' development so that space can be freed up for all other modes of travel and transport in the city centre.
- The proposed development is overdevelopment of a small site which is overwhelming for the location and its insertion onto the tight site on Trinity Street would dwarf existing modest and low scale development flanking and opposite resulting in with primary detrimental visual intrusiveness in impact having regard to the scale and architectural character of the street.
- References to and extracts from the reports of the planning officer who also referred to the Wren Hotel development permitted following appeal under P. A. Reg. Ref 4342/16 (PL248844) for which there was an application for additional height to 26.1 metres under P. A. Reg. Ref 2357/19 (PL 304654) He had concerns regarding visual impact the historic city core and the scale heights and design which led to the request for further information are included in the submission. It is remarked that of the request for consideration of reduced height, the planning authority in the end, still decided to grant permission for a nine-storey development. The statement in the planning officer's final report that that there are several key differences

between the current proposal and the permitted Wren Hotel development is rejected it being stated that the Wren Hotel is in a back lane and barely glimpsed from Trinity Street and it is two storeys lower.

- The planning officer's interpretation of the CDP provisions in section 16.5 providing for an indicative plot ratio implies that the indicative plot ratio of 2.5-3.00 for 'Z5' zoned lands can be interpreted to include a ratio as high as 8.0 as proposed. It and the nine-storey height cannot be defended. Examples cited on behalf the applicant in favour of the proposal are lower than the proposed development's indicative ratio provisions on plot ratio.
- The favourable remarks of the planning officer are rejected in that the height and angular windows over recessed lower floors would compromise the view north from Andrew Street towards the former Central Bank Building on Dame Street. This view at present shows the low-rise buildings framing part of the Same Stephenson Central Bank Building. There are four critical views:
 - It is not agreed that the view does not dominate St Andrew's Church in that there would a slender and elegant façade that disappears from the view along the skyline of Trinity Street (Figure 2.13)
 - The important view south from Dame Street (Figure 2.15) would be dominated.
 - The north elevation on Dame Lane does result in loss of scale in spite of the eight and ninth floor setbacks and it is negative in impact on the two-storey pub at No 4 Dame Lane. (Figure 2.16)
 - The two top floors are visible above the roof line of South Dame Street from the Central Bank Plaza.
- In deciding to grant permission the planning authority breached the CDP's to height limit at 28 metres in a low-rise area for commercial buildings. The statutory process for granting permission in material contravention of a development plan should have been followed but there was reliance on the Building Height Guidelines. For Trinity Street it is reasonable to assume the twenty-eight metres' limit would not be breached, section 4.5.4.1 (1)

specifically acknowledging the intrinsic quality of the city as a low-rise city which should be retained as such.

- With regard to the Building Height Guidelines (and the objectives of the NPF) whereby flexibility for provision for increased densities and heights is to be facilitated, the current CDP is compliant as it has designated locations for mid- and high-rise developments. Policies SC16, recognising the city as low rise Section 16.7, Figure 39 and Map K refer. SPPR1 of the Building Height Guidelines specifically require planning authorities to identify suitable locations within the CDPs. Section 2 and 3 of Building Height Guidelines provide guidance of site and location selection and it is indicated that proposals for architectural sensitive areas require high standards of placemaking and design. The Building Height Guidelines cannot be used “*carte blanche*” to support grossly insensitive and inappropriate development proposals such as the current application.
- The development amounts to a reversion to the modernism with buildings being considered on their own right without regard for scale and context; The Trinity Street location has valued buildings on a narrow street which should have been recognised.
- The new public space beneath the angular undercroft (for outdoor dining) fronted by reinforced concrete column is negative and Dame Lane is an escape to calmness and should be preserved from noise and spill over from bars and venues in the vicinity in that Andrew’s Lane. The favourable remarks in the planning officer’s report are rejected.
- The planning authority refused permission for a seven storey, ‘co living’ development in the midst of historic buildings on North Frederick Street, with reference to section 16.10.10 of the CDP on grounds of overdevelopment, excessive scale and form which is overbearing with adverse visual impact from adjoining streets on which there are three and four storey buildings on the record of protected structures. (P. A. Reg. Ref. 3725/20 refers.) The current proposal should have been similarly considered.
- It is vital to have regard to the Board Order for refusal of permission for the additional floor to the eight floor Wren Hotel which was signed on 19

September 2019, after the bring into effect of the Urban Development and Building Height regulations in 2018 Reference is made to the comments and the recommendation in the inspector's report to refuse permission on the original proposal for the Wren Hotel The building height guidelines which are much more liberal than the CDP do require development with increased height in architecturally sensitive areas to be integrated into and enhance the character of the public realm having regard to topography cultural context setting of key landmarks and protection of key views.

- The proposed development can be assessed critically in the low-rise context of Trinity Street, and (at appeal stage) independently of the extensive discussions which took place with the planning authority before the application was lodged.
- The neo brutalist design for the facades does not relate to the street and this impact would not be mitigated by omission two storeys, each 3.6 m in height. A three-storey reduction would bring the height below CDP in low rise areas of twenty-eight metres to 25.2 metres. This would leave the building looking like a stump so the solution is an alternative scheme. Therefore, permission should be refused on similar grounds similar to the reason for refusal of permission for the additional floor at the Wren Hotel. (P. A. Reg. Ref 2537/19/PL 304656) refers.)
- The proposed development sets undesirable precedent.

6.3. Appeal by An Taisce.

6.3.1. An appeal was received from An Taisce on 17th February, 2021 in which a detailed description and commentary on the site location and environs and planning policy and statutory designations is provided.

6.3.2. According to the appeal grounds:

- The removal of the carpark and replacement with use appropriate to the city centre is supported in principle.
- There is no precedent for the proposed development which amounts to a random insensitive nine storey proposal which would undermine

reinforcement of the existing scale grain and pattern and coherent form and character of development in the street-network.

- The proposed development is an intervention which is highly insensitive to the receiving environment of the historic streetscape in the centre of the city in scale, (nine-storeys at 36 metres height) and inappropriate design. It destroys the hierarchical relationship between buildings in the area. It is right on the street frontage at Trinity Street and is a sudden abrupt and inappropriate transition in scale having regard to the four and five storey historic buildings in the area. The larger landmark buildings, the former Central Bank, modernist, is setback from the street frontage behind a plaza and the Wren Hotel, 'shielded' and tucked behind the streets are 'off landmark' developments.
- The building with its height and scale would negatively interfere with the existing view towards the Central Bank and would destroy the hierarchy between Dame Street's grand commercial nineteenth century institutional buildings in relation surrounding streets. This is especially evident at the corner of Trinity Street from which there is a drop down to the smaller buildings. Reference is made the views indicated, twice to the applicant at application stage, that a reduction to the height was necessary. However, the height was accepted when it was decided to grant permission.
- The plot ratio is grossly excessive at 8.0 being three times the upper limit of the indicative range for 2.5-3.0 for 'Z5' zoned lands. The proposal fails to satisfy three of the four criteria for flexibility in relaxation of the application of the range, the exception being the location close to significant transport corridors.
- The proposed development fails to meet the provisions of the Building Height Guidelines providing for increased heights but in which, in section 3.2 it is stated that it is made clear that proposals "*within architecturally sensitive areas should be successfully integrated into and enhance the character and public realm of the area having regard to topography, its cultural context and setting of key landmarks....*"
- The architectural expression fails to demonstrate any consistency with the expression of existing buildings and there is no continuation or reflection in

any way in the design. As a result, the architectural treatment does not assimilate into the historic context notwithstanding the 100 % height increase. The street network of Dublin is capable of absorbing contrasting and unusual architectural expression but this is not the case with the current proposal and its exaggerated height which would be conspicuous and visually jarring.

- The site abuts the South City Retail Quarter Architectural Conservation Area. The conservation area which covers most of Trinity Street so the proposed development should be considered with regard to Policy CHC 4 in the CDP and with the incongruous design and height differential the proposed development would be contrary to protection of the special interest and character of the Conservation Area and would conflict with it due to negative impact.
- The setting and context of the protected structures at the junction of Trinity Street and Dame Street/College Green would be adversely affected resulting in serious conflict with Policy objective CHC2 of the CDP.

6.4. Applicant Response

6.4.1. There are two submissions one response for each appeal the contents of which are outlined below:

6.4.2. A submission was received from the applicant's agent on 10th March, 2021 in response to the appeal by **Frank McDonald**. It includes a description of the proposed development. According to the submission:

- The development proposal is a direct response to increasing demand for high quality commercial space in the city and it is a sustainable building suitable for a multi-national headquarters office space providing for consolidation of the city in line with national and local policies. It provides an addition and improvement to the public realm in an area experiencing significant redevelopment.

With regard to the height mass and scale, it is contended that the appeal is subjective: -

- The height is circa three metres taller than the highest point of the existing building, (the lift shaft)
- There are only two historic buildings on Trinity Street which face Dame Street. There is a variation in style and heights of the buildings which date from different periods.
- It is acknowledged that some close views will be impacted but this is acceptable in an evolving city within continuing change in morphology and with shift to consolidation and compact urban growth and regeneration in accordance with national policy and they present a more positive contribution to the street than the existing Moira House and it screens the carpark. The longer views demonstrate that the proposed development is visible from a small range of views. The appellant's claims are inaccurate.
- There reservations of the planning authority regarding height was prompted by the refusal of permission for an additional floor at the Wren Hotel, which was prompted by the impact on the South City Retail Quarter and sensitive views from Grafton Street and it is not agreed with the appellant that the Wren Hotel and proposed developments are similar because the latter is not visible from the locations that the Wren Hotel is visible: The site is 37 metres north of the SCRACA and is obscured by the five and six storey buildings on which it has much less visual impact than the Wren Hotel which abuts the ACA boundary. This is demonstrated by comparing View 7 in the application and View 11 for the Wren Hotel extension. (P. A. Reg Ref 2537/19 /PL 304656 refers): The Exchequer Street buildings at the bottom of Drury Street obscure the application site which is 1.6 metres below street level at ground level and which is also setback. The development would not be visible from the Grafton Street and Environs ACA. There is good opportunity for development of a well-designed and energy efficient mixed-use building on a key centre but the largely hidden site and it is not tall when compared with the Apollo House twenty-one storey development. The contention as to overdevelopment of a small site and precedent is rejected.

- The proposal satisfies the criteria in the CDP for higher plot ratios than the indicative range for Z5 zoned lands based on public transport facilities and redevelopment of an area in need of urban renewal. Traffic movements will be reduced on St Andrew's Lane due to the removal of the carpark, activation of the street and pedestrian improvements with a two metres wide zone and public plazas.
- The corner site allows a marker in that the development addresses transition to both sides: the entrance to Dame Lane and St Andrew's Lane with connectivity for pedestrian routes and clear legibility of the urban grain. The Wren Hotel has similar linkages. The proposed development does not compete the Central Bank in views in that the proposal is a modest sliver, on the compact and discreet site in the views along the street. The only views altered are from Andrews Street south to Dame Street, Dame Lane to the east and Dame Street to the south towards Trinity Street.
- It is not accepted the façade design is neo-Brutalist in that it is contemporary and bespoke and a distinctive response using carefully selected durable materials including stone or GRC and simple metal framed glazing.
- The design solution for the relationship to No 4 Dame Lane is to wraparound and continue geometric relief to the facade breaking down volume and adding visual interest.
- The new plaza links to a smaller area at the rear through double high colonnade on St Andrews Lane providing safe pedestrian access which is a significant contribution to the public realm and to pedestrian linkage as proposed in the supplementary submissions. At present, the footfall along Dame Lane and Trinity Street is hazardous for pedestrians which the recessed building line for the proposal will address and provide for pedestrian permeability and vitality and vibrancy with minor alterations being provided for in the supplementary submissions.
- The extension of the public realm will deliver on the objectives of The City Centre Public Realm Masterplan (2016) and a calm environment with passive surveillance from the hotel contrary to assertions in the appeal as to and

extension of the noise and nuisance from gatherings at Dame Lane /Dame Court and these benefits are confirmed in the planning officer report.

- With regard to the *Urban Design and Building Height Guidelines 2018* (Building Height Guidelines) and the CDP it is acknowledged that the CDP remains in place although the Guidelines are clear as regards the presumption on favour of increased height in city cores. The site is in a “low-rise” area with the height limit of twenty-eight metres whereas the proposed development’s height is 33,675 metres excluding the staircase overrun. The proposal is fully compliant with the Development Management Principles and criteria in the Building Height Guidelines for buildings taller than the prevailing height providing for the achievement of compact urban growth and rejuvenation by expanding upwards. The planning authority, taking into account the photomontages, applied the SPPR 3 criteria appropriately. A comprehensive architectural heritage assessment was included in the application to address concerns as to architectural sensitive locations and its conclusions were accepted by the planning authority.
- The reference in the appeal to the development in North Frederick Street permitted under P. A. 3725/20 which is disproportionate in bulk and incompatible with the established characteristics of the surrounding area. It is not comparable to the proposed development which is not similar in bulkiness to Trinity Street or Dame Lane and Andrew’s Lane. The proposed development has a slender profile in the views from Dame Street and Andrew’s Street and it is at the unique location which restricts visibility in contrast to the open and exposed North Frederick site which also has no place making characteristics.

6.4.3. A submission was received from the applicant’s agent on 18th March, 2021 in response to the appeal by **An Taisce**. It includes a description of the proposed development and many of the issues discussed in the response to the Appeal of Frank McDonald are repeated and or reiterated. (See para 6.4.2 above.) Attached is a statement by Beatrice Gallilee and Architectural Critic and Curator. According to the submission:

- The development proposal is a direct response to increasing demand for high quality commercial space in the city and it is a sustainable building suitable for a multi-national headquarters office space providing for consolidation of the city in line with national and local policies. It provides an addition and improvement to the public realm in an area experiencing significant redevelopment.
- There is a clear disparity in the range and age of buildings in the immediate area rather than the contended coherent urban form in which the proposed development would be a comfortable fit. There is no evidence in the appeal of An Taisce as to a variety of good quality and interesting architecture of various periods.
- With regard to transition in scale the design approach is sensitive and bespoke to the site-specific considerations into a street where it has been possible to insert the Wren Hotel. It is tucked behind the street whereas the current proposal is presenting a slender elevation to Trinity Street but is also tucked behind the street. It is possible to insert buildings of greater height into the city's street network. The Central Bank scheme, Apollo House and Hawkins House are examples. It is an innovative contemporary design sitting comfortably into the site and surrounds with a design motif adding visual interests and breaking the scale of the presentation to Trinity Street and allowing for extension of the public realm.
- In visual impact there is a relatively minor change compared to the status quo as demonstrated in the Visual Impact Assessment within the Landscape Architect's report and the planning officer acknowledged positive and distinctive and innovative solution. The verified views at initial and supplementary submission are comprehensive in demonstration of the limited number of views in which the building would be visible. The decision of the applicant to resubmit the nine-storey proposal, with changes at ground floor level in the supplementary submissions resulted in acceptance by the planning authority which is satisfied that the proposal would not be out of place but is visible from limited viewpoints.

- Relative to the Wren Hotel development for which the proposal for the additional floor was not accepted, the current proposal has considerably less impact on the SCRACA due to increased, (thirty-seven metres) distance from the boundary whereas the hotel abuts its boundary. This is demonstrated in View 7 for the current proposal and View 11 included in the previous application for the Wren Hotel Development (P. A. Reg. Ref 2537/19 /PL 304656 refers.
- There is no consistency in the buildings on Trinity Street and no unified design to interpret and the context is only part historic. The proposal is a coherent distinctive response intended as a simple and timeless sustainable high quality complementary response to the context. The contentions to the contrary as regards assimilation to the context are refuted.
- The proposal contributes a public place, extended public realm and pedestrian permeability with linkage adding to vibrancy and vitality and connectivity. The proposal is a positive sustainable contribution on the site to the city and an exemplar design solution. Beatrice Galilee an architectural critic, engaged by the applicant to respond to the concerns of An Taisce has positively reviewed the proposal as being suited to the area and the street and city's evolution over time along with a dynamic relationship with the Wren Hotel.
- The high plot ratio can be justified in some, not all of the circumstances provide for in the CDP, in this instance, adjoining public transport facilities and facilitation of comprehensive redevelopment where urban renewal is needed. It is not agreed with the appellant the comprehensive redevelopment is unwarranted. The site is in need of replacement as an underperforming and underutilised site and office and restaurant use are appropriate. Traffic volume on the lane will be reduced and pedestrian facilities and permeability improved.
- With regard to the CDP provision on protected structures, Architectural Conservation Areas and Conservation Areas it is questionable as to the degree an ACA can influence development in areas outside and beyond its boundaries. In that the same level of regard to sensitivity should not be

applied beyond boundaries but need to acknowledge a requirement for positive contribution to character and distinctiveness of adjacent ACAs is acknowledged. A balance should be struck, Reduced car traffic, high quality development generating employment on an opportunity site, in line with for compact growth and regeneration and public realm and urban design and placemaking are considerations.

- The architectural heritage impact statement addressed the concerns of An Taisce. The site is outside the boundaries of the South City Retail Quarter SCA and conservation to the north east and not adjoining protected structures. The proposal aligns with the criteria for Policy CHC4 of the CDP.
- The site is not an infill as contended in the Appeal. It forms the end of a block bounded by Andrews Land and Dame Lane. Three of the examples in the An Taisce Appeal are therefore irrelevant, development (under construction) at Chatham Street being the most relevant. The replacement build under construction is adjacent to the Grafton Street and Environs ACA and the former AIB building within the ACA which is two storeys in height.
- The two protected structures at Nos 40 and 41 Dame Street and 12-14 College Green will be unaffected and are separated by buildings from the site. The proposed building is set well back in the context and so these structures are not overwhelmed as contended. This was addressed in the verified images in the application and supplementary submissions. There is no conflict with Policy CHC2 of the CDP in that the curtilages of the protected structures do not extend to the application site so these provisions are irrelevant contrary to the assertions in the appeal of An Taisce. The proposal is consistent with the Z5 zoning objective in protecting civic design character and dignity.
- The proposed development at 33,675 metres height, (excluding the staircase overrun) while in excess of the CDP limit of 28 metres is compliant with the Building Height Guidelines including the criteria supporting SPPR 3 and the NPF due to the location in the urban core and good transport access. It is demonstrated in the submitted architectural heritage impact statement and agreed by the planning officer that the proposed development has no physical impact on the ACAs, conservation areas or protected structures.

6.5. Planning Authority Response

There is no submission from the planning authority on file.

6.6. Observations

6.6.1. Observers' submissions were received from two parties the contents of each of which are outlined below:

6.6.2. Pawnbeach Ltd.

A submission was received from O'Keefe Architects on behalf of Pawnbeach Ltd., owner of No 4 Dame Lane the adjoining property on 5th March, 2021 according to which:

- The proposal is not in accordance with the Z5 zoning as it is not demonstrated shown the proposal will contribute to reinforcing, strengthening and protecting the civic design character and dignity of the central city area. The replacement uses (offices and a restaurant) results in a reduction in the mix of uses affecting vitality, diversity and interest provided by the existing retail uses. It is contrary to the City Centre Retail Core's Category 1 and 2 Shopping Streets.
- There are serious concerns as to the mass and scale and its impact on the local environment, the height being twenty percent above the maximum provided for in the CDP. The Building Height Guidelines do require careful consideration regard to balance between strategic aims and high standards of design architectural quality and urban placemaking. The height should be reduced by at least one or two floors.
- The proposed outdoor undercroft space would not enhance the character of the area or the public realm as it fails to integrate which is in contrast to the large plaza at the Central Bank Building which create open recreational space. It is a gloomy alcove in the footpath to help alleviate pedestrian flow no wind studies have been provided
- The proposed development would fail to enhance the character of the area and the city core as envisaged in the CDP.

6.6.3. Philip O'Reilly

An observer submission was received from Philip O'Reilly on his own behalf on 1st March, 2021 according to which there is no regard within the proposal for the setting, character and scale of the historical area in which streets are dominated by narrow service lanes which would not have capacity to service large developments and accept through traffic. The proposal, due to unacceptable height, bulk and design with the building being visible above the historic rooflines. The historic buildings at College Green and Dame Street would all be overwhelmed and a towered over in views from the north and north west and north of the Liffey along the quays with the building dominating the skyline and destroying the unique character of the city. Existing traditional buildings heights should not be exceeded.

7.0 Assessment

7.1.1. The issues central to the determination of a decision are considered below under the following subheadings: -

Building Height and Mass – Visual Impact - Historic City Core.

Overdevelopment – plot ratio

Use mix

Amenity and Public Realm

Traffic Management, Parking and Circulation.

Environmental Impact Assessment Screening.

Appropriate Assessment Screening.

7.2. Building Height and Mass – Visual Impact - Historic City Core.

7.2.1. With regard to the application of the statutory guidance: "*Urban Development and Building Heights: Guidelines for Planning Authorities*", 2018, (The Guidelines) and the current CDP, the bringing into effect of which preceded that of the Guidelines in 2018 it is agreed with the appellant party that the CDP policies and objectives and standards are not to be disregarded. As such having regard to the Guidelines, as

mentioned in the appeals, careful consideration is required with regard to development proposals at sensitive site locations such as the historic core of the city.

- 7.2.2. Simultaneously, these requirements must be balanced with facilitation of achievement of optimal intensity and density in the interest of sustainable consolidation of central urban areas, including consideration of heights above the maximum limits provided for in the CDP is a priority. As such, it is considered that discretionary adjudication and careful consideration is required for proposals for which the height is in excess of maximum limit provided for in the CDP of twenty-eight metres for commercial buildings in low rise areas, outside the locations identified in the CDP which allow for consideration of taller buildings such as the Georges' Quay Local Area Plan area.
- 7.2.3. Clearly the application site and adjoining sites on St Andrew's Lane which have been underutilised were not selected as being suitable for designation as suitable locations for taller buildings in the review conducted prior to adoption of the current CDP. Correspondingly, Policy Objective SC17 of the CDP provides for protection and enhancement of the skyline with a co-ordinated approach to positioning of mid-rise and taller buildings so that they make a positive contribute to the skyline and urban character of the city and are sensitive to the historic city centre and environs.
- 7.2.4. Having considered the site location and context in which there are constraints, and having reviewed the application, it would be difficult to justify additional height in conflict with the CDP's maximum of twenty eight metres provided for low rise buildings in the CDP and the requirement in the Building Height Guidelines whereby (in section 3.2) that proposals (for higher buildings) "*within architecturally sensitive areas should be successfully integrated into and enhance the character and public realm of the area having regard to topography, its cultural context and setting of key landmarks.*" While the site location is not directly within Statutory Architectural Conservation Areas or Conservation areas designated in the CDP it is within close proximity and undoubtedly within a sensitive area of historic architectural interest.
- 7.2.5. The verified views included in the application submissions, have been reviewed and considered both through inspection of the images and from the vantage points, and

from other selected vantage points in the course of inspection.¹ With regard to some of the longer-range views, it appears that from some vantage points to the north of the River Liffey, the top of the proposed building may be visible adjacent to the Central Bank building, works on which appeared to be nearing completion. It is noted that the structure is and would read as being setback away from the strongly defined parapet lines of the buildings overlooking the south quays along the river corridor in these views as opposed to dominating them.

- 7.2.6. On approach along Nassau Street, it is considered that the proposed insertion of the building does give rise to concerns. The spire of St Andrew's Church, set against the backdrop of the sky, terminates the vista in the views on approach along Nassau street. This vista would be radically altered by the insertion of the proposed building, as shown in the verified images whereby the focal point of the spire is undermined and detracted from by the proposed structure and is such the impact is significant and negative. This concern can be mitigated by a reduction in height for the building. There is no objection to the screening for the plant and equipment to be mounted at roof level.
- 7.2.7. Given the foregoing, it is considered that the proposed development would be in conflict with Policy Objective SC17 of the CDP in that a taller building at the site location does not included in the co-ordinated approach to positioning of mid-rise and taller buildings so that they make a positive contribution to the skyline and urban character of the city and are sensitive to the historic city centre and environs.
- 7.2.8. With regard to the views along Trinity Street from the south which are terminated by the Central Bank building on the opposite side of Dame Street the streetscape is considered particularly sensitive irrespective of the wide range in quality and special interest of the buildings along either side and ending in views from the south with the two corner buildings at College Green and Dame Street. The frontage between Dame Lane and Andrew's Lane is narrow but it is considered that the scale and height in views from the south towards the exposed element of the building, (described as a "sliver" in the applicant's submissions) are disproportionate and dominant in the streetscape to an undue degree. Notwithstanding the significant height, it is considered that the exposed element is greater in proportion in the

¹ . Some images were not in the Clarification of additional information submission available on file.

streetscape than a “sliver”. Furthermore, the structure does interfere with the existing stepping up towards the corner site buildings at the Dame Street and College Street corners the impact of which requires some amelioration.

- 7.2.9. There is no objection to the contemporary façade design and selection of materials and finishes having regard to the location within the enclosed context of St Andrew’s Lane within the historic core of the city and it generates interest and is compatible with the recently constructed Wren Hotel. However, it is considered that the façade while generating a contrasting interest, would contribute to the overdominance having regard to the scale, proportion and height, as proposed in the views along Trinity Street. This effect can be ameliorated by reduced building height.
- 7.2.10. With regard the immediate vicinity, it is agreed that the building height is not evident in proximate views but the height, increase is significant relative to the Wren Hotel building (for which permission for a proposal for an additional floor was refused under P. A. Reg. Ref. 2537/19 following appeal) is notable and would be somewhat imposing at the lane frontage, adversely affecting environmental amenity for pedestrians due to tunnel effect but amelioration of this effect can be achieved with reduced height. As such the additional height would be at an opportunity cost to the amenity potential of the laneway as a public and predominantly pedestrianised space linked in with the surrounding lane and street network. It is reasonable for the built form along the lane to develop its own distinct, scale, height and intensity and character, the Wren Hotel development having set a precedent.
- 7.2.11. It is not evident to what extent the daylight and sunlight penetration into the laneway would be altered. Furthermore, as indicated in one of the third-party submissions a wind study has not been included in the application but is questionable as to whether a study is fully warranted.
- 7.2.12. In view of the foregoing, with height reduction, of two floors and a minimum of one floor it is considered the proposed development would be acceptable in terms of visual amenity architectural heritage and compatibility with the relatively sensitive receiving historic built environment.

7.3. Overdevelopment – Plot Ratio.

- 7.3.1. In principle, a development of the nature proposed is a response to current national policy as provided for in the National Planning Framework 2040 (NPF) and

specifically Objective 11 which encourages appropriate opportunities for intensification and consolidation of development, employment creation and sustainable use of underutilised serviced sites in the city. As such there is a strong case for consideration of high plot ratios by reason of the desirability of high intensity of development in the central city location the consolidation of which, in the interests of sustainable development is to be encouraged, having regard to national and local strategic policy, as provided for in the Building Height Guidelines and criteria such as proximity transport termini and routes. There is clear precedent by way of the predisposition towards considerably higher plot ratios for several other central city commercial developments on underutilised sites permitted during the lifetime of the current CDP.

- 7.3.2. However, the plot ratio for the proposed development is undoubtedly very considerable and as indicated in the appeals amounts to a multiple exceedance of the indicative range for 'Z5' Zoned lands for which there are several criteria within section 16. of the CDP which support flexibility with regard to plot ratios. The high plot ratio is indicative that the proposed development is an overdevelopment having regard to the concerns as to excessiveness in building height as discussed under section 9.2 above. Irrespective of site coverage it would be reduce to a lower ratio in a reduced height development addressing concerns as to visual impacts, scale and tunnelling effects so that the amenity potential of the public realm, namely in this instance, the quality of the environment along St Andrew's Lane for pedestrians within the street network in the area would not be compromised.

7.4. Use Mix.

- 7.4.1. The removal of the existing multi storey carpark amounts to substitution on an underutilised site, the use of which is not functional to the transportation policy objectives for discouragement of private car trips to the centre of the city, with an appropriate and intensive commercial use that is functional to the consolidation of the city core area as provided for in current national and local policy. The proposed development would provide a significant quantum of commercial/office space (the internal layouts of which are flexible and adaptable to ranging needs) relative the existing space in Moira House. As stated in the report of the planning officer, the development as proposed, responds to the strategic policies the strengthening the

city centre in providing for enterprise, employment and regeneration as provided for in the CDP policies CEE 1 CE 3 CE 4 and CEE11 and section 2.3.4.

- 7.4.2. However, the proposed development also involves loss in quantum and range of retail space in that the existing three retail units will not be replaced other than by the proposed ground floor café/restaurant which includes the outdoor element under the double height canopy at the entrance.

7.5. Amenity and Public Realm

- 7.5.1. While the outcome is not a multiplicity or an enhancement of the retail offer at street level, it potentially contributes to enlivenment and vibrancy on St Andrew's Lane. In contrast to the concerns indicated on one of the appeals as to the lane becoming an "over spill" location from the entertainment and bar facilities in the immediate vicinity, it should be borne in mind that the permitted Wren hotel referred to in this regard, is solely a self-service check in budget hotel offering no services and facilities other than bedroom accommodation at all levels including the street level. Therefore, it is unlikely to contribute to or become a source of such nuisance associated with restaurant, bar and entertainment facilities. As such it is considered that the ground floor café/restaurant facilities at the proposed development will introduce a modest and desirable element of vibrancy and pedestrian movement and enhancement within a calm and amenable pedestrian environment on Andrew's Lane offering connectivity with the adjoining street network.
- 7.5.2. The remarks in the third-party submissions appear to indicate contrasting concerns, in that on the one hand it is argued that the external space enclosed by the canopy and columns would fail to function as an amenity and sit out café/restaurant space and that there would be spill over of anti-social behaviour and nuisance from surrounding entertainment venues, and bars. Firstly, as stated above, it is not accepted that the latter would arise, given that there would be no multiplicity of ground level cafes bars and venues at ground level within permitted development along on St Andrew's Lane. Secondly, it is not clearly apparent that the external space for café use associated with the hotel, would fail for reasons to do with the design, layout and connectivity. It would appear to be more likely that feasibility of the space for such uses is very much dependent attracting customers through the quality and presentation of the offer, the fit out and management and maintenance.

7.5.3. As previously mentioned in para 7.2.10 above, it is considered that the development at the height proposed would contribute to a tunnel effect along the lane, adversely affecting its environmental amenity potential for pedestrians.

7.6. Traffic Management, Parking and Circulation.

7.6.1. It is noted that the zero-parking policy for the proposed development has been deemed acceptable to the Roads and Transportation Division and this is considered reasonable having regard to the overriding policy of discouragement of private car trips in the central city area. Similarly, it is noted that the Transportation Planning Division supports the cessation of the multistorey carparking use at the existing carpark to facilitate the development. Generally, it can be concluded that the proposed development in this regard, facilitates regeneration of underutilised city core space in effective appropriate uses delivering on the strategic policy objectives for the centre of the city. Overall, the volume of vehicular movements (which potentially conflict with pedestrian safety, (pedestrian circulation being increased), would be reduced.

7.6.2. Other than finalisation of construction management plan including construction traffic management, it is considered that arrangements for the modifications to and upgrading of the lane to facilitate and serve as a pedestrian dominated space and to allow for suitable arrangements for services and deliveries traffic, the majority of which is to take place from existing loading bays outside of St Andrew's Lane and circulation space for drop offs and pick-ups, the proposed development as provided for in the clarification of additional information submission is acceptable and appropriate for a central city location in that concerns as to conflicting or obstruction of movements or endangerment of public safety by reason of traffic hazard would not arise.

7.7. On *de novo* consideration, the proposed development is acceptable in so far as there are not issues of concern with regard to other issues such as archaeological considerations drainage and water supply, energy efficiency and sustainability.

7.8. Environmental Impact Assessment Screening.

7.8.1. Having regard to the nature of the existing and proposed development and its location in a serviced urban area, removed from any sensitive locations or features,

there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.9. Appropriate Assessment Screening.

- 7.9.1. The application includes an appropriate assessment screening report which has been consulted. The nearest European sites are the South Dublin Bay SAC (000210) the qualifying interest for which is *Tidal Mudflats and sandflats* and the South Dublin Bay and River Tolka SPA (0004024) the conservation interests for which are a range of bird species.
- 7.9.2. The site, which is serviced is that of a multi storey carpark and a commercial building which are connected to existing services within the city centre. The main threat to these European sites is that of potential for pollution arising from a range of activities. There are no direct source-pathway receptor links between the site and the European sites.
- 7.9.3. Having regard to the location, which is on serviced brownfield land, to the existing development on it and in the vicinity and, to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Given the foregoing, it is recommended that permission be granted with a requirement as discussed, for omission of two floors which it is considered, can be addressed by condition.

9.0 Reasons and Considerations

Having regard to the location on an underutilised, serviced site in the city centre, to the Dublin City Development Plan, 2016 – 2022 according to which the site is within an area subject to the zoning objective Z5: *“To consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect*

is civic design character and dignity”, to the nature of the proposed uses and the form, height, design, materials and finishes, it is considered that subject to compliance with the conditions set below, the proposed development would not seriously injure the visual amenities of or views towards the established historic and sensitive architectural character of the built environment, would integrate into the surrounding streetscape, would be acceptable in terms of vehicular and pedestrian safety and convenience and amenity and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 2nd November, 2020, and on 18th December, 2020 on except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The development shall be reduced by two full storeys (middle floors) so that the height, excluding screened plant and equipment at roof level, does not exceed twenty-eight metres above ground level. Prior to the commencement of the development, revised, plan, section and elevation drawings shall be submitted to, and agreed in writing with the planning authority.

Reason: In the interest of the protection of the skyline, the visual amenities and the urban character of the historic city core and the amenities of the area.

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

Reason: In the interest of the visual amenities of the area.

4. 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.

5. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

6. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction waste storage.
- (b) Location of areas for construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.

- (d) Details of on-site car parking facilities for site workers during the course of construction.
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works. Where a road closure is in operation, suitable diversionary signage to existing uses on Saint Andrew's Lane shall be provided on the public road. Such signage will indicate the duration of the road closure.
- (i) Provision of parking for existing properties during the construction period.
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health, and safety.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

9. Site clearance and development works shall be carried only out during the construction phase between the hours of 07.00 to 18.00 Mondays to Fridays excluding bank holidays and 08.00 to 14.00 hrs Saturdays unless otherwise agreed in writing with the planning authority.

Reason: In the interest of clarity and to ensure the full implementation of the Mobility Management Plan.

10. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement

signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site or attached to the glazing unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

11. Prior to the occupation of the development, a Mobility Management Plan which shall be prepared, coordinated and implemented under the direction of a Mobility Manager, shall be submitted to and agreed in writing with the planning authority. Details which shall include provision for centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy shall be agreed with the planning authority in writing prior to the commencement of the development.

Reason. In the interest of clarity and orderly development.

12. Proposals for a name and associated signage for the proposed block shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and orderly development.

13. The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

Reason: In the interest of environmental amenity.

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

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

15. Prior to commencement of development, the developer shall lodge with the planning authority, a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

16. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and

the developer or, in default of such agreement, the matter shall be referred to 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.

17. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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.

Jane Dennehy,
Senior Planning Inspector
31st May, 2021.