



An
Bord
Pleanála

Inspector's Report

ABP-312882-22

Development

Development consisting of the removal of plant equipment at roof level and provision of an office extension comprising 1 storey vertical extension and provision of lateral extension at third floor level (infilling of balconies), and all associated site works.

Location

1 and 2 Haddington Road (also known as Victoria Buildings), Ballsbridge, Dublin 4.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3979/21

Applicant(s)

Tullington Limited.

Type of Application

Tullington Limited.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Tullington Limited.

Observer(s)

1. Siobhan Cuffe (The Pembroke Road Association).
2. Philip O'Reilly.

Date of Site Inspection

16 February 2023.

Inspector

Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The subject site is located on the corner of Haddington Road and Baggot Street Upper and backs onto the Grand Canal. The site comprises 1-2 Haddington Road and consists of two buildings of different architectural styles connected at the lower levels. Number 1 Haddington Road known as the 'Victoria Building' is a red-brick three-storey building at the crossroads between Haddington Road, Baggot Street Upper and the Mespil Road and provides frontage turning the corner onto 'Macartney Bridge'. No works are proposed to 1 Haddington Road. The works are limited to the more recent building at 2 Haddington Road, a four-storey structure clad at ground, first and second floor with stone panels with the recessed fourth floor finished in zinc.
- 1.2. The south facade onto Haddington Road includes a steel structure with wood brise soleil and large glazed panels. Directly to the east of the site is the Hertz Car Rental site, which has a two-storey building facing onto Haddington Road and also directly onto the Canal. Primary access to the site is from Haddington Road. The subject site also makes use of visual access over the bank of the Grand Canal directly to the north of the site where there is outdoor seating and mature planting. A restaurant occupies the ground floor of both buildings. To the south of the site, and on the opposite side of Haddington Road, there is a three-storey period building in use as a bank. This building is a Protected Structure and bookends a terrace of Protected Structures facing onto Baggot Street. To the north of the site and on the opposite side of the Grand Canal is Herbert Place, which is also flanked by a terrace of Protected Structures. The site is located within a designated Conservation Area and Baggot Street Bridge, (Macartney Bridge) is listed on the Record of Protected Structures.

2.0 Proposed Development

- 2.1. Permission is sought for:
- The removal of plant equipment at roof level of 2 Haddington Road and the provision of an office extension of 369 sq.m comprising:

- One storey vertical extension of 318 sq.m increasing the height of 2 Haddington Road from 4 storeys over basement to 5 storeys over basement.
- the provision of a lateral extension of 51 sq.m at third floor level comprising the infilling of balconies beneath the proposed floor above.
- Some elevational changes, a screened roof top plant enclosure and sedum roof.

There are no works proposed to 1 Haddington Road which forms part of the subject site.

The site is 0.0514 ha (514 sq m) in area.

The application is accompanied by: a Planning Report, Conservation Impact Assessment, Appropriate Assessment Screening Report, Construction and Demolition Waste Management plan, Construction Stage Temporary Traffic Management Plan, Engineering Planning report, Architectural Design Statement and Verified Views.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council recommend refusal or the following reason:

1. The proposed vertical and lateral extensions to No. 2 Haddington Road would, by reason of their overall height and massing relative to the surrounding historic buildings, appear visually dominant and obtrusive when viewed from Baggot Street Lower, and would not integrate coherently with the character and setting of the Grand Canal, a designated Conservation Area. As such, the proposed development would contravene the policy of the Dublin City Development Plan 2016-2022 to protect the special interest and character of Dublin's Conservation Areas and the Urban Development and Building Height Guidelines for Planning Authorities published by the Department of Housing Planning and Local Government (December 2020). The proposed development would, therefore, seriously injure the amenities of

the area and would be contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Authority decided to refuse permission for a single reason, the basis of their decision can be summarised as follows:

- The planning officer notes the zoning objectives for the site, the site location, the planning history and sets out the relevant national and development plan policies. The site is located on lands subject to zoning objective Z4, located in a conservation area and Macartney Bridge is listed in the RPS (Ref 872). Relevant policies on land use, townscape, urban design, ACAs, design principles are all listed as too are section 28 guidelines.
- The principle of additional office floorspace is supported, however the height, design and finish treatment are not. The height and scale of proposed extensions would not sit appropriately next to number 1 Haddington Road and other historic buildings generally in the area. The existing historic buildings in the vicinity act as bookend buildings, the proposed development would upset this arrangement. The proposed development would not successfully integrate with its surroundings, as advised by the Building Height Guidelines.
- The report concludes that planning permission should be refused for a single reason as set out in section 3.1 above.

3.2.2. Other Technical Reports

Transportation Planning – no objection subject to conditions.

Drainage Division - no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One observation received, the increase in height would be detrimental to the historic character of the area.

4.0 Planning History

4.1. Subject Site:

DCC Reg. Ref: **2254/20** and ABP-**307391**-20 – Permission refused for the removal of roof level plant equipment and the provision of a 2-storey vertical extension, increasing the height over basement to 6 storeys to provide additional office accommodation.

1. The proposed development, by reason of its scale, massing and design, would represent an inappropriate design response to the site and would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of this Conservation Area, which it is appropriate to preserve. The proposed development would be contrary to Section 3.10.1 of the 'Architectural Heritage Protection Guidelines' (2011) and Section 3.2 of the 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018) relating to increased building height in architecturally sensitive areas. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

DCC Reg. Ref. **4338/16** – Planning permission granted for external signage.

DCC Reg. Ref. **2614/16** - Planning permission granted for the change of use of part of the ground floor level from restaurant to office use (68.6 sq.m); the provision of 2 No. external internally illuminated identification signs. Two signs facing the canal were omitted by condition.

DCC Reg. Ref. **2369/15** - Planning permission granted for the change of use of the first floor level of No. 2 Haddington Road from financial institution to office use (300 sqm); the horizontal amalgamation of Nos 1 and 2 Haddington Road at first and second floor levels (reflecting the horizontal amalgamation that has already taken place at ground floor level); the provision of 2 No. external back-lit signs to No. 2

Haddington Road; internal alterations; and all other associated site development works.

DCC Reg Ref. **1144/08** - Planning permission granted for signage, alterations to exterior to provide for canopies on the rear elevation facing onto the grand canal. The proposed canopies and the internal lit projecting double sided table sign shall be omitted.

DCC Reg Ref **4814/06** - Planning permission refused in 2006 for alterations to previously approved planning application No. 3895/04 (An Bord Pleanála ref. no. PL29s.209242) a four-storey mixed use building over basement at 2 Haddington Road, Dublin 4. The application comprises of the construction of an additional setback storey of offices at fourth floor level to create a fifth storey with setbacks to Haddington road from the existing building with terrace to rear overlooking the Grand Canal.

DCC Reg. Ref. **3895/04** / ABP PL29s.**209242** – Planning permission granted in 2015 for a four-storey mixed-use development including restaurant, cultural, educational and administrative uses.

5.0 Policy Context

5.1. Development Plan

The site is governed by the policies and provisions contained in the **Dublin City Development Plan 2022-2028**. The plan came into effect on the 14 December 2022.

The subject site is governed by the zoning objective Z4 – Key Urban Villages/Urban Villages - To provide for and improve mixed-services facilities.

Key Urban Villages and Urban Villages (formerly District Centres) function to serve the needs of the surrounding catchment providing a range of retail, commercial, cultural, social and community functions that are easily accessible by foot, bicycle or public transport; in line with the concept of the 15-minute city.

General principles with regard to development in Key Urban Villages/Urban Villages are set out below. Proposals for development within these areas should be in accordance with these principles in addition to complying with the land-use zoning:

- **Mixed-Use:** Promote an increased density of mixed-use development including residential development with diversity in unit types and tenures capable of establishing long-term integrated communities.
- **Density:** Ensure the establishment of higher density development capable of sustaining quality public transport systems and supporting local services and activities. Encourage the development/redevelopment of under-utilised sites and intensification of underutilised areas such as surface parking. Opportunity should be taken to use the levels above ground level for additional commercial/retail/services or residential use.
- **Transport:** Ensure provision is made for quality public transport systems. Provide improved access to these systems and incorporate travel plans, which prioritise the primacy of pedestrian and cyclist movement and address the issue of parking facilities and parking overflow. Ensure that enhanced connectivity and permeability is promoted.
- **Commercial/Retail:** Promote the creation of a vibrant retail and commercial core with animated streetscapes. A diversity of uses should be promoted to maintain vitality throughout the day and evening.
- **Community and Social Services:** Encourage these centres to become the focal point for the integrated delivery of community and social services.
- **Employment:** Encourage the provision of employment uses incorporating office, work hub, live-work units, professional and financial services, and the creation of small start-up units.
- **Built Environment:** Ensure the creation of high-quality, mixed-use urban districts with a high quality public realm, distinctive spatial identity and coherent urban structure of interconnected streets and child-friendly, accessible public spaces and urban parks. Development should have regard to the existing urban form, scale and character and be consistent with the built heritage of the area.

Appendix 3

All proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3.

Performance Based Criteria

Successful urban living and the creation of a compact city is all about forming urban areas where people can live, work and play. The use of urban land must be optimised in terms of sustainable densities. This however, must be balanced with the provision of an appropriate mix and range of uses; scale and integration with surrounding areas; high quality public realm and green infrastructure; appropriate pedestrian, cycle and public transport connections as well as accessibility to community facilities and social infrastructure. A 'healthy placemaking' approach (see also Chapter 5) should be taken as the key focus of all higher density proposals.

The performance criteria to be used in assessing urban schemes of enhanced density and scale is set out in table 3. In proposing urban scale and building height, the highest standard of urban design, architectural quality and placemaking should be achieved.

Chapter 11 Built Heritage and Archaeology

Z2 and Z8 Zonings and Red-Hatched Conservation Areas

The site is located within a designated Conservation Area and Policy BHA9, enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting.
2. Re-instatement of missing architectural detail or important features.
3. Improvement of open spaces and the wider public realm and reinstatement of historic routes and characteristic plot patterns.
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
5. The repair and retention of shop and pub fronts of architectural interest.

6. Retention of buildings and features that contribute to the overall character and integrity of the Conservation Area.

7. The return of buildings to residential use.

5.2. National Policy and Guidelines

5.2.1. National Planning Framework (2018)

The National Planning Framework has a number of policy objectives that articulate delivering on a compact urban growth programme. These include:

- NPO 2(a) relating to growth in our cities;
- NPO 3(a)/(b)/(c) relating to brownfield redevelopment targets;
- NPO 5 relating to sufficient scale and quality of urban development; and
- NPO 6 relating to increased residential population and employment in urban areas;
- NPO13 relating to a move away from blanket standards for building height and car parking etc. and instead basing it on performance criteria.

5.2.2. Urban Development and Building Heights Guidelines for Planning Authorities (2018)

Development Management Principles

3.1 – It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

3.2 - In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies a set of criteria. The criteria relate to the development's impact at the scale of the city/town, the district neighbourhood / street and the site / building.

5.2.3. Architectural Heritage Protection Guidelines (2011)

Chapter 3 – Architectural Conservation Areas

3.10.1 - When it is proposed to erect a new building in an ACA, the design of the structure will be of paramount importance. Generally, it is preferable to minimise the visual impact of the proposed structure on its setting. The greater the degree of

uniformity in the setting, the greater the presumption in favour of a harmonious design.

Where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. The palette of materials and typical details for façades and other surfaces should generally reinforce the area's character.

5.3. Natural Heritage Designations

5.3.1. The site is not located within or directly adjacent to any Natura 2000 sites. There are two designed sites located 2.2 km east of the site.

- South Dublin Bay SAC (site code 00210) is located 2.1 km east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.2km east of the site.

5.4. EIA Screening

5.4.1. The scale of the proposed development is well under the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10) dealing with urban developments (500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that 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. A First-Party Appeal was submitted to An Bord Pleanála on the 28 February 2022 by the Applicant opposing the Local Authority's decision, the grounds of appeal can be summarised as follows:

- The proposed development is for one additional floor, single storey extension and not two storeys as understood by the planning authority.
- The Dublin City Council Conservation Officer did not report on the proposed development, Mr Rob Goodbody of Historic Building Consultants has prepared a response to the reason for refusal and together with supporting material concludes that the proposal is acceptable.
- The proposed extension is concealed from view, from Baggot Street Lower, figure 3.1 of the grounds of appeal refers. From other viewpoints the proposal will not be readily visible, however, once close to the site, due to the glazed character of the development the red brick of number 1 Haddington Road remains the dominant feature, figure 3.2 refers.
- Policy CHC4 of the development plan is met, insofar as the development is contemporary design and enhances 1 Haddington Road, the increase in height is modest and can be absorbed by the surrounding environment.
- The increase in height responds to the Building Height Guidelines, and meets the requirements for site appropriate design and locational advantages. Reference is made to the Draft Development Plan and its approach to height, e.g. 6 storeys within the canal ring, then five storeys on the ring should be acceptable. Other locations in Dublin are cited as examples where height was considered appropriate, PL29N.305177 refused in the first instance and subsequently granted by ABP-309470-22.
- Other examples of permitted development along the Grand Canal Conservation Area are listed. The sites are illustrated by Google Street View and the comments of the respective planning inspector and ultimate Board decision are outlined. In conclusion, there are a number of different design responses along the Grand Canal Corridor, with height being a feature and forming a gateway/threshold element to the city centre.
- National Policy and the Development Plan seek to locate economic activity at appropriate locations, this is such a location.

- The proposed development will enhance a previously constructed mediocre building with poor design features. The design strategy was considered appropriate by the planning authority, but the height was not.

The appeal is accompanied by a detailed Building Conservation themed response to the reason for refusal prepared by Rob Goodbody of Historic Building Consultants. This comprises a photographic survey to illustrate impacts and a commentary and those impacts, such as they are.

6.2. Planning Authority Response

None.

6.3. Observations

Two observations have been submitted and can be summarised as follows:

- Proposed development would dominate the existing historic building on site.
- Building heights in the area should be respected.
- Views of the site will badly impact the Grand Canal.
- No more offices are necessary in the area.

7.0 Assessment

7.1. Introduction

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development
- Design, Height and Visual Impact
- Appropriate Assessment Screening

7.2. Principle of Development

7.2.1. The appeal site is located on lands that are subject to zoning objective Z4 – Key Urban Villages/Urban Villages - To provide for and improve mixed-services facilities, under the provisions of the 2022-2028 Dublin City Development Plan.

7.2.2. On lands that are zoned Objective Z4, 'Office' is a permissible use without restriction. The proposed development will add 369 sqm of new office space across two floors at this location. I note that some observers have raised issues with the over provision of office space in the area and are concerned that the proposed development will compound matters. However, I note that the planning authority have not raised a similar concern about the provision of office space proposed, despite the previous Development Plan restrictions on office space at these parts of the city.

7.2.3. The current development plan has identified and accommodated for the scale of office development proposed and the proposal is consistent with the concept of urban sustainability and compact growth. The development provides for increased office accommodation in an urban area well served by public transport in line with the objectives of the National Planning Framework.

7.2.4. The provision of a modern office use will add to the overall vibrancy and vitality of this area and will consolidate the employment generating uses.

7.2.5. The site is also located within the red-Hatched Conservation Area associated with the Grand Canal. Development in Conservation Areas is subject to Policy BHA9 and a list of enhancement opportunities should be considered and relevant to this application include: number (4) contemporary architecture of exceptional design

quality, which is in harmony with the Conservation Area and number (6) the retention of buildings and features that contribute to the overall character and integrity of the Conservation Area. In this instance the applicant aims to upgrade an existing modern extension and no works are proposed to the historic building on site. I consider that in terms of the principle of development, there is policy support for the proposal to extend office accommodation at this city centre location.

7.3. Design, Height and Visual Impact

- 7.3.1. The main issue at stake in the current appeal is that of the design of the extensions proposed and how the perception of height and massing impacts upon the surrounding historic buildings in the area. The planning authority do not see how the design proposal would integrate with the existing pattern of development. In particular the Grand Canal Conservation Area is mentioned as being under threat from such a visually dominant and obtrusive design. The planning authority state that the design proposal would contravene the policy of the development plan to protect the special interest and character of Dublin's Conservation Areas and work against the Building Height Guidelines. Local observers echo the reason for refusal advanced by the planning authority and express in detail the historical background to the overall growth of the area, such as the Edwardian design aesthetic, and the modest overall height and scale of buildings in the area generally. In the grounds of appeal, the appellant notes that there was no input from the Council's Conservation Officer in relation to the proposal. From the appellant's perspective, the concept and design are well considered and the applicant's historic buildings consultant has produced a report to defend the proposal in terms of the merits of the scheme and how it will not impact existing amenities.
- 7.3.2. The proposed development will provide a new floor at the current roof level and extend the floorplate of the existing fourth floor. Hence, the proposed building height will amount to five storeys and an overall above ground level height of 19.5 metres. The appellant has queried the approach of the planning authority when they identified that the development would result in two additional floors. To clarify, a single new floor will be added, and an existing floor extended, however, due to the vertical continuity of the new elevations, this is perceived as a two storey extension. I am satisfied that the planning authority correctly assessed the application based upon the drawings received.

- 7.3.3. The application was accompanied by an Architectural Design Statement that describes the site context, design development, façade treatment and finishes and a 3D presentation. I note that planning authority assessment report accepts that the design strategy differs from the previous proposal, however, the previous reason for refusal has not been addressed, PA reference 2254/20 and ABP-307391-20 refer. In order to compare the current proposal with the previous one, not all planning history drawings are on the file and available to the Board. However, the drawings are available to view on the Council's planning website and I can see that the current proposal appears lesser in terms of scale and the design approach differs significantly. I simply highlight this comparison to illustrate the changes made in the approach used by the applicant in the current proposal now before the Board, most notably a reduction from six to five storeys. For the purposes of my assessment, I now consider the appropriateness of the current proposal in the context of the statutory plan for the area and any relevant national guidance.
- 7.3.4. The reason for refusal cites Dublin's Conservation Areas and the Urban Development and Building Height Guidelines and that the proposed development fails to accord with the surrounding area in terms of scale and design. Observers also refer to the lack of continuity of design and that the scale of development is out of step with the prevailing three and four storey norm. Firstly, the site is entirely located within a Conservation Area associated with the Grand Canal and identified on development plan maps. The site is not located in an Architectural Conservation Area (ACA) where the Architectural Heritage Protection Guidelines advise the design of any structure is of paramount importance and where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. Whilst not an ACA, I think these principles are important and worth bearing in mind at this location.
- 7.3.5. The design approach this time around, retains the existing façade of the modern building with minor amendments and presents a vertically aligned glazed protrusion for the upper two floors. As already explained, this protrusion encompasses an entirely new floor and an extended fourth floor, hence the perception of a two storey extension. In terms of built form, a ratio of 3:2 is presented, that is 3 representing the existing solid elevation from the ground up, to the 2 representing a lighter glazed structure for the upper two floors. According to the Architect's Design Statement, this

enables the extension to perform a disappearing act and some examples of other invisible architecture are illustrated. Plainly speaking, it is through the use of extensive glazing that the Architect intends to allow the proposed extensions to lightly sit on the existing building and effectively disappear from view. In practice, this can be a difficult deceit, however, I accept that it is common practice to use glazing in such a way. With reference to the advice provided by the Architectural Heritage Protection Guidelines, I am satisfied that a considered design approach has been employed in the proposal now before the Board.

7.3.6. In terms of the current development plan, I note that Appendix 3 sets out advice on how to site taller buildings and the principles closely follow those set out in the Urban Development and Building Height Guidelines. Table 3 of the development plan appendix sets out 10 objectives with over 40 detailed performance criteria to be used in the assessment of proposals for enhanced height, density and scale. Most of the performance criteria relate to how new development would fit into and add to the area in terms of scale, design and height. However, some of the criteria are relevant to the case in hand and they include street legibility and enclosure, mix of use, sustainable buildings and locations, and to protect historic environments from insensitive development.

7.3.7. In terms of criteria 1 and 2, that of street and legibility, I am satisfied that the experience of the street will change little as no significant changes are proposed to existing facades within immediate eye view. In terms of legibility, the existing building on the corner will stay the same and maintain the historic character of the immediate area. Changes to the upper floors and especially the addition of an additional floor will change things in the wider area. However, the selection of large expanses of glass at the upper levels go some way to minimise the impact of the additional floor, the appellant has provided images to illustrate this point. In my mind this is not a heavy addition, and the use of glazing goes some way to disguising overall height. I am satisfied that the overall urban context of the area will not be upset by such an addition, particularly in terms of its design and the moderate increase in height. The finished structure will not present an excessive scale or threaten the human scale of this historically well set out environment because it is just one example of many other modern and contemporary interventions in the area. The proposal to add office space will further reinforce the viability of the area in terms of employment use.

Concerns expressed by observers that there is too much office accommodation in the area already cannot be sustained against the imperative to better use serviced city centre sites. The remodelling of the interior and additional space will ensure the longevity of the building and secure energy efficiency and comfortable workspaces. All of this at a location well served by public transport and support the development plan's push towards the '15 Minute City'.

- 7.3.8. The last relevant factor to consider is in terms of the protection of historic environments from insensitive development. The application included an Architectural Design Statement and Conservation Impact Assessment, both documents conclude that the proposed development will not adversely impact the historic context of the area. I am satisfied that the proposed addition is clearly separate from the existing historic building on the site. The character of the Grand Canal and Macartney bridge will not be impact upon, because of the minor scale of the additional floor and an already modern office extension. Key views and vistas are not highlighted in the development plan for this area, but I am satisfied that any long range views or vistas to this particular site blend into the background rhythm and visual urban noise that characterises this busy office district. The concerns expressed by observers about the historical integrity of the area, in my mind are addressed and the development will form part of the ongoing and incremental growth of this busy junction and the wider area over different architectural eras.
- 7.3.9. Given the foregoing, I am satisfied that the proposed additional floor to an existing modern and contemporary extension of a noteworthy historic corner building would enhance the setting and character of this designated Conservation Area based around the canal. This is because, through careful design and choice of materials, the height difference between buildings to the east and west is carefully modulated and acceptable. In my assessment I have considered the current design proposals, but I have also compared the previously submitted drawings that were refused permission by the Board on appeal, ABP-307391-20 refers. Of significance is that the current proposal reaches five storeys in a completely different architectural style, when the previous application was for six storeys. I am satisfied that the current design approach is far more sensitive and in accordance with the performance criteria for enhanced height set out in Appendix 3 of the current development plan.

7.4. Appropriate Assessment

7.4.1. I note that an appropriate assessment screening report was submitted with the application. It notes the nearest Natura 2000 sites, table 1 of the report prepared by Enviroguide Consulting. The report reasonably in my opinion concludes that there is no likelihood of any significant effects on Natura 2000 sites arising from the proposed development. Having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European site.

8.0 Recommendation

8.1. Having regard to the above and the reasons and considerations set out below, I recommend that planning permission for the proposed development should be granted, subject to conditions.

9.0 Reasons and Considerations

Having regard to the city centre and Canal side location of the site in close proximity to a wide range of public transport options and other services, the provisions of the Dublin City Council Development Plan 2022-2028, the Urban Development and Building Heights - Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2018, the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts Heritage and the Gaeltacht in October 2011, and the National Planning Framework, which seeks to direct new development in cities into built-up serviced areas, the pattern and character of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would not seriously injure the amenities of surrounding properties or seriously detract from the character or built heritage of the area, would not be likely to result in any significant effects on Natura 2000 sites. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 7th day of March, 2022, 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. Details, including samples of the materials, colours and textures of all the 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.

3. Water supply and drainage arrangements, including the 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

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of surrounding properties and in the interest of clarity.

6. 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 refuse;
- (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;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) 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;

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) 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 public safety and residential amenity.

7. 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 interest of sustainable waste management.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. No additional development, such as air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

10. 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.

Stephen Rhys Thomas
Senior Planning Inspector

23 February 2023