

(8)

**ARCHITECT'S OPINION
ON COMPLIANCE WITH PLANNING PERMISSION**

1. I am a Registered Member of the Royal Institute of the Architects of Ireland, this being a qualification listed in Directive 384/85/EEC of the European Community, retained by **Costello Construction Ltd. Rere Clontarf Bay, Clontarf Bay, Dublin 3.** (hereinafter called the "Employer") to furnish an Opinion on the compliance of **Retail/Office/Showroom, Ground Floor, Aldborough Court, 1-4 North Strand, Dublin 1,** forming part of the development of **23 no. apartments and retail/offices/showrooms at 1-4 North Strand, and 1 Aldborough Place, Dublin 1.** [hereinafter called "**The Relevant Development**"] with Planning Permission and/or exemption from Planning Control within the meaning of the Planning Acts.

This Opinion is based on the visual inspection only of the **Relevant Development** carried out for the purpose of comparison of such with the **Relevant Documents**. It is issued solely for the purpose of providing evidence for title purposes of the compliance of the **Relevant Development** with Planning Permission within the meaning of the Planning Acts. Except insofar as it relates to such compliance, it is not a report on the condition or structure of the **Relevant Development**.

2. We have provided the following architectural services in connection with the **Relevant Development**.

- Visual inspection of the Retail/Office/Showroom.
- Visual inspection of the common areas from the exterior and leading to the Retail/Office/Showroom.
- Visual inspection of external areas.

This opinion is issued on the basis that no other elements other than those listed above have been inspected.

3. On 17th August 2005, I inspected the **Relevant Documents** at the offices of **Dublin City Council, Civic Offices, Wood Quay, Dublin 8.** ["the relevant Planning Authority"] for the purposes of comparison of the **Relevant Development** with the **Relevant Documents**. We confirm that the Planning Orders in the Schedule hereto (hereinafter called "**the Planning Orders**") are those registered in respect of and relating to the **Relevant Development**.
4. On 23rd September 2005, ("**the Inspection Date**"), I carried out a Visual Inspection of the **Relevant Development** for the purposes of comparison of the Relevant Development with the **Relevant Documents**.

5. We are of the opinion, based on the service provided as described at 2 above, and on a visual comparison of the Relevant Development with the Relevant Documents, the Relevant Development is in Substantial Compliance with the Planning Orders.
6. We are also of the opinion that the conditions of the Planning Orders relating to the overall Development of which the Relevant Development forms part, have been substantially, complied with insofar as is reasonably possible at this stage of the Development.

DEFINITIONS

"Planning Acts" means the Local Government [Planning and Development] Acts 1963 to 2000 and any statutory modification or re-enactment thereof current at the Date of Issue of this Opinion, and all Regulations, Statutory Instruments and Orders made under or pursuant to the said Acts and for the time being in force.

"Substantial Compliance with the Planning Orders" means that

- [a] the **Relevant Development** is constructed in accordance with the said Planning Orders saving and excepting such minor deviations which in my opinion do not constitute a contravention of the proper planning and development of the area as expressed through such Planning Orders and the Development Plan, and
- [b] such minor deviations do not warrant the issue of enforcement proceedings by the relevant Planning Authority as provided for in the Planning Acts.

"Relevant Documents" means inter alia those drawings and documents, available on the date at 3. above, for public inspection on the planning file, which were submitted to, and on foot of which, the relevant Planning Authority issued the Planning Orders.

"Visual Inspection" means an inspection of the Relevant Development as existed on the Inspection Date. No opening up was carried out. The inspection was superficial only and therefore took no account of works covered up or inaccessible.

This opinion does not in any way warrant, represent or take into account any of the following matters:

1. The accuracy of dimensions in general save where incorporated by virtue of the conditions of the Planning Orders.
2. Matters in respect of private rights or obligations.
3. Matters of financial contribution and bonds
4. Development of the property which may occur after the Inspection Date.

5. Any other part of the development attached to, associated with or otherwise connected to the Relevant Development, save insofar as such other development may effect the substantial compliance with the Planning Orders or exemption from Planning Control within the meaning of the Planning Acts of the Relevant Development.

Date of Issue 29th September 2005

Signed James Walsh

James Walsh MRIAI
On behalf of OMS ARCHITECTS.
Registered Member of the Royal Institute of the Architects or Ireland

SCHEDULE attached to the Opinion on Compliance with Planning Permission
for

Development: Costello Construction Ltd. intend to apply for permission for demolition of existing single and 2 storey buildings comprising of motor showrooms, former video store and garage on the entire site, construction of foundations lift shaft and basement, with ramp access from Aldborough Place and ground floor slab to facilitate a proposed mixed use development at 1-4 North Strand Road and 1 Aldborough Place, Dublin 3

Register Reference No.: 3618/03

Decision Order No.: P4660

Date of Notification of Decision to Grant: 19th September 2003

An Bord Pleanála Ref: n/a

Date of Final Grant of Permission: 29th October 2003

Development:

Costello Construction Ltd. intend to apply for permission for demolition mixed use development at 1-4 North Strand and, 1 Aldborough Place, Dublin 3. The development consists of; construction of a new three to six storey building over basement comprising, 15 car spaces, service rooms, bin storage and bicycle storage at basement level, ground floor of 421 sq. m retails/showrooms/office space. ESB sub-station, storage and ramp access from Aldborough Place to basement. There are 24 apartments overhead from first to fifth floor comprising of 9 one bedroom apartments and 15 two bedroom apartments. Balconies are provided to first, second, third , fourth, fifth floor apartments along North Strand Road and Portland Row, Screened roof terraces are provided at fourth floor at Aldborough Place and fifth floor along the north-east boundary. The apartments are accessed via an entrance hall off North Strand Road boundary with stair access to first floor landscaped courtyard and lift access to all upper levels. Access decks are provided at second, third, fourth, and fifth floor. The gross floor area of the development is 2279 sq. m. The application follows a recent application for demolition and enabling works, reg. Ref. 3618/03

Register Reference No.: 4242/03

Decision Order No.: P4596

**Date of Notification of
Decision to Grant
Permission:** 25th November 2003

An Bord Pleanála Ref: PL 29N.205079

**Date of Final Grant of
Permission by
An Bord Pleanála:** 31st March 2004