



## Board Direction

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**Ref: PL29S.245313**

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 8<sup>th</sup> 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown in the reasons, considerations and conditions set out below.

### REASONS AND CONSIDERATIONS

Having regard to the location of the site in the city centre along the Liffey Quays and to the Z5 zoning objective which applies to it under the Dublin City Development Plan 2011-2016, it is considered that, subject to the conditions set out below, the proposed development would make a positive contribution to the character of the area, would not seriously injure the amenities of property in the vicinity, would appropriately conserve the surviving elements of the historic built fabric of the protected structures upon the site, and would be acceptable in terms of traffic safety and convenience. Financial contributions should be paid in accordance with the contribution schemes that have been duly adopted and which are in force at the time at which the proposed development is authorised, the amounts of which should reflect the size of the development which is authorised. The proposed development would therefore be in keeping with the proper planning and sustainable development of the area.

### CONDITIONS

1. (a) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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.  
(b) This permission refers to the development as described in the revised public notices dated December 23<sup>rd</sup> 2015 as submitted to the Board.

**Reason:** In the interest of clarity.

2. A schedule and appropriate samples of all materials to be used in the external treatment of the development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** To ensure an appropriate standard of development

3. The location of the 2 disabled car parking spaces in the basement shall be relocated to ensure that the 5 'friendly' car parking spaces do not require access through the disabled spaces, or the 'friendly' spaces shall be omitted from the development.

All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** In the interests of orderly development and traffic safety

4. The following requirements of the Conservation Section of the planning authority shall be complied with in this development:
  - (a) The removal of the entire party wall of the front rooms from an early 18th century building is excessive and revised plans of the first, second and third floors with an opening limited to an interconnecting door between nos. 5 and 6 should be submitted for approval of the Conservation officer prior to commencement on site.
  - (b) A Conservation Architect shall be employed to manage, monitor and implement the works on site and to ensure adequate protection of any remaining historic fabric during the works. All permitted works relating to the protected structures shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines issued by the DAHG.
  - (c) Repair of any remaining original fabric and / or reinstatement of lost features shall be carried out by suitably experienced heritage contractors and / or skilled craftsmen. Materials and details shall be informed by appropriate extant examples in-situ or in similar / adjacent properties.
  - (d) A sample front door and also a window frame, sashes and glazing shall be agreed on site by Conservation staff prior to the commencement of the conservation of the protected structures. The glazing shall be crown glass.
  - (e) The windows of the rear walls of the protected structures shall be constructed so that the sashes are able to open into the atrium space.
  - (f) A sample of the proposed re-pointing method, joints and mortar to be agreed on site by Conservation staff prior to commencement of works on the protected structures.

- (g) A monitoring programme of supervision, to be carried out by structural engineers with conservation expertise, is required in order to ensure that no damage is caused to the adjacent protected structures during the excavation and building works.

**Reason:** To ensure that the historic interest of the protected structure is maintained and to safeguard the integrity of the protected structures

- 5. The following requirements of the Engineering Department Drainage Division of Dublin City Council shall be complied with in the development:
  - a) The developer to comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).
  - b) Dublin City Council's drainage records are indicative and must be verified on site.
  - c) The outfall manholes from this development must be constructed in accordance with the Code of Practice for Development Works – Drainage.
  - d) The development is to be drained on a completely separate system with separate connections to the public foul and surface water systems.
  - e) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.
  - f) All private drain fittings such as, downpipes, gullies, manholes, Armstrong Junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

**Reason:** To ensure a satisfactory standard of development

- 6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

7. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

8. Details of all external shopfronts and signage shall be submitted to and agreed in writing with the Planning Authority prior to occupation.

**Reason:** In the interest of visual amenity

9. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

The rated noise levels from the site (defined as LAeq 1 hour) shall not exceed the background noise level (as defined in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas) by 10 dB or more.

**Reason:** In order to ensure a satisfactory standard of development, in the interests of residential amenity.

10. Notwithstanding the provisions of the Planning & Development Regulations 2001(As Amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

**Reason:** In the interests of visual amenity

11. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

**Reason:** To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

12. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

13. Before the use of the proposed café commences, a scheme shall be submitted to, and approved in writing by the planning authority for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.

**Reason:** In the interests of the amenities of both the immediate neighbours and general surroundings.

14. Prior to the commencement of Development, a Project Construction and Demolition Waste Management Plan shall be submitted to and agreed to writing by the Planning Authority.

**Reason:** In the interests of the protection and conservation of the environment, having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DoEHLG, July 2006 and also Dublin City Council Waste Management Guidelines

15. Refuse storage facilities shall be provide prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the planning authority prior to the commencement of the development, such facilities to be permanently retained at the site.

**Reason:** To ensure the provision of refuse facilities to the satisfaction of the City Council.

16. The developer shall pay to the planning authority a financial contribution of €472,878 (four hundred and seventy-two thousand, eight hundred and seventy-eight euro) in respect of Luas Line C1 – Red Line Extension to Docklands 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. 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

17. 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. 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

Board Member: \_\_\_\_\_ Date: 08.02.16

Paul Hyde