



## Board Direction

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**Ref: PL29S.245433**

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

The Board decided, by a margin of two votes to one, to grant permission generally in accordance with the Inspector's recommendation, for the following reasons, considerations and conditions.

### **Reasons and Considerations**

Having regard to the location of the site within Dublin city centre in close proximity to services and amenities; to the extent and range of higher education facilities within the central city area and to the zoning provisions in the Dublin City Development Plan, 2011-2017 for the site Z5 "*to consolidate and facilitate the development of the central area*", and having regard to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be in accordance with the plans and particulars lodged with the application as amended by the plans and particulars submitted to the planning authority on 8<sup>th</sup> day of June, 2015 and the 10<sup>th</sup> day of July 2015 and as amended by the further plans and particulars received by An Bord Pleanála on the 30<sup>th</sup> day of September, 2015 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to

commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be used solely as student accommodation, including short stay student accommodation during the summer period, but shall not be used for letting as alternative short stay accommodation for non-students, nor used for holiday accommodation of any kind.

**Reason:** To limit the scope of the proposed development to that applied for, and to preclude its use for other purposes, in the interests of residential amenity.

3. Full details of the proposed shopfront signage and shopfront at No. 15 Wexford Street shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These details shall provide for the continuation of the shopfront glazing within which a window display shall be maintained. The signage shall consist solely of lettering which shall be individually mounted and back lit only. No advertisement or advertisement structure shall be erected above ground floor level on the structure.

**Reason:** To provide for an appropriate level of signage and street display for the proposed development, and as inadequate details of this matter were provided as part of the planning application.

4. Apart from the signage specifically provided for in condition 3 of this permission, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through 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, unless authorized by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to permit the planning authority to assess any further advertisement or signage through the statutory planning process.

5. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, 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 authorized by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

6. Prior to the commencement of the development the applicant shall submit agree full details with the planning authority of all materials, textures and colours for the external facades including fenestration. Samples to be displayed on site to facilitate the planning authority.

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

7. CMP 1.

8. Prior to the commencement of the development extract details of the proposed services/loading bay on Protestant Row shall be submitted to, and agreed in writing with, the planning authority. The bay shall be installed at the applicant's expense inclusive of any repairs to the road and services required. The doors to the covered storage area on Protestant Row shall be sliding or inward opening only.

**Reason:** In the interest of pedestrian and traffic safety.

9. A minimum of 24 cycle parking spaces shall be provided within the site. The layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate off-street cycle parking provision is available to serve the proposed development.

10. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally

constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority prior to occupation of the development.

**Reason:** To provide for future maintenance and orderly development in the interest of clarity.

11. 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 archaeological 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 any archaeological excavation works 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.

12. A plan containing details for the management of waste 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:** In the interests of residential amenity and proper waste management.

13. Prior to the commencement of the development the applicant shall submit for the written agreement of the planning authority a flood risk assessment report to include the identification of potential risks from all flooding sources, together with details of measures to mitigate and such risks for the thirty year and one hundred year storm event in accordance with the standards and recommendations set out in "*Guidelines for Planning Authorities: The Planning System and Flood Risk Management*" issued by DOEHLG/OPW in 2009. The developer shall confirm in writing that the risk of flooding to the proposed development and to adjacent properties has been reduced as far as is practicable in the design of the development. The report shall include confirmation that the flooding risk is minimised in the design without increased flooding risk relative to that of a greenfield site. 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 and to ensure a satisfactory standard of development.

14. 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.

15. The developer shall pay to the planning authority a financial contribution in respect of Metro North 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. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Board Member: \_\_\_\_\_ Date: 12<sup>th</sup> January 2016  
Philip Jones