



## Board Direction

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**Ref: PL29S.245942**

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 6<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 proposed change of use, that is permissible on 'Z5 – City Centre' zoned land in the current Dublin City Development Plan, 2011-2017, the limited scale and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, that the proposed development would be compatible with the provisions of the Dublin City Development Plan, 2011-2017. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

### 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 the 4<sup>th</sup> day of November 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. Prior to the commencement of development a scheme for the effective control of fumes and odours generated in the premises shall be submitted to the planning authority for written approval. Furthermore the developer shall submit details regarding ventilation systems, ducting and route of pipework to discharge point for written agreement with the planning authority.

**Reason:** In the interest of public health and in order to safeguard the residential amenities of property in the vicinity.

3. Prior to the commencement of development a revised ground floor site layout shall be submitted to the planning authority for written approval demarcating an area for the storage of waste.

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

4. No awnings, canopies, roller shutters or additional external lighting shall be erected or displayed on the premises or within the curtilage of the site without a prior grant of planning permission.

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

5. No music speakers or sound amplification of any kind will be placed on the external walls or roof.

**Reason:** In the interest of residential amenity.

6. 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.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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. (a) During the construction phase, 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'.

(b) 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 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.

(c) Before the use hereby permitted commences, a noise attenuation scheme shall be fully implemented as per Noise Report (dated 8<sup>th</sup> October 2015) submitted on the 4<sup>th</sup> day of November, 2015. Prior to first use of the development, the planning authority shall be notified and a noise trial test shall be carried out under appropriate supervision and results/details of same shall be agreed the planning authority.

**Reason:** In the interest of residential amenity.

9. 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.

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. 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.

11. 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. 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

Board Member: \_\_\_\_\_ Date: 06.04.16  
Paul Hyde