



Board Direction

Ref: PL29.246102

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 23rd 2016.

The Board decided to grant permission by a vote of 2:1 in accordance with the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to the zoning objective (“Z4- To provide for and improve mixed service facilities”) of the Dublin City Development Plan 2011-2017, the planning history of the site, the high standard of the design solution proposed and the site context within close proximity to the centre of Ranelagh and access to high quality public transport links, the Board considered that, subject to compliance with the conditions set out below, the proposed development would contribute to vitality and viability of the area, would not set an undesirable precedent, would not constitute a traffic hazard and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development by reason of its design and layout would not adversely impact on the residential amenities of the adjoining properties and would not constitute overdevelopment given the Z4 zoning objective of the site.

Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 29th day of February, 2016, 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 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

3. As per P/A condition 3, subsections 2, 3, 4 and 5,

Reason: In the interest of the proper planning and sustainable development of the site.

4. 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.

- 5 The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest residential dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. The 4th floor of the building hereby permitted shall only be used as a restaurant and shall not be used as a nightclub.

Reason: In the interest of the residential amenities of the area.

7. The hours of operation of the proposed rooftop restaurant shall be restricted to 0700 – 2330 hrs

Reason: In the interest of the residential amenities of the area.

8. Details of all external signage shall be the subject of a separate planning application

Reason: In the interest of the amenities of the area.

9. 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.

Board Member: _____ Date: 23rd May 2016
Paul Hyde