



Board Direction

Ref: 29S.246130

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

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

REASONS AND CONSIDERATIONS

Having regard to the land use zoning objective for the area, the existing development on the site, the extant planning permission pertaining to the site (reg. ref. 2163/09), and also having regard to the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 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 hours of operation of the proposed uses shall be as follows:

Gym: 0600 to 22:00 weekdays and 08:00 to 22:00 weekend days.

Café: 07:00 to 20:30

Restaurant: 07:00 to 23:00

Reason: In the interests of protecting adjacent residential amenities.

3. The café unit fronting Donnybrook Road shall not be used for the sale of hot food for consumption off the premises.

Reason: In the interests of amenity and traffic and pedestrian safety.

4. Prior to the commencement of development the developer shall submit to, and agree in writing with, the planning authority detailed design proposals relating to car parking, the on-site traffic light system and vehicle circulation requirements. The detailed design proposals shall include the following:
 - (i) The provision of the single disabled space and the omission of the 2 other proposed on-street parking spaces located on the western side of the site boundary in front of the entrance to the proposed restaurant.
 - (ii) A plan for the proposed traffic light system to serve the upper basement and ground level car parking areas, associated vehicular ramps, vehicle waiting areas and entrance off Rampart Lane.
 - (iii) The redesign of the on-site car parking layout and associated circulation areas to the satisfaction of the planning authority.
 - (iv) Proposals to make available the on-site car parking for the users of the proposed gym and café/restaurant out of office hours.

Reason: In the interests of amenity and of traffic and pedestrian safety.

5. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff and customer parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. A Mobility Manager shall be appointed to oversee and co-ordinate the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

6. 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 noise management measures, construction traffic management and off-site disposal of construction/demolition waste.

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

7. a) Full details of advertising signage indicated on planning application drawings shall be submitted to, and agreed with the PA, in writing prior to the commencement of development; and

b) Retail ad 1 condition and reason

8. Roof plant standard condition and reason

9. The proposed sculptural lighting at the northern end of the restaurant terrace (as indicated on the drawing titled 'Restaurant Terrace & Cottage Garden Detail', drg. No. 15-422-PD-02, by Stephen Diamond Associates) shall be omitted. Prior to the commencement of development the developer shall submit to, and agree in writing with, the planning authority an amended lighting scheme for this terrace that shall obviate potential light spill impacts on the adjacent residential areas.

Reason: In the interests of residential amenity.

10. Site development and building works shall be carried only out between the hours of 08.00 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.

11. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. The recommendations contained within the

report titled 'Donnybrook house – Flood Risk Assessment' (as prepared by AECOM and received by the planning authority on the 12th day of November 2015) shall be implemented to the satisfaction of the planning authority. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority detailed design proposals indicating compliance with this condition.

Reason: To ensure adequate servicing of the development, to prevent pollution and to reduce flood risk.

12. 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, if necessary, archaeological excavation) 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.

13. Standard Noise condition A and reason

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 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 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: June 27th, 2016
Nicholas Mulcahy