



## Board Direction

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**Ref: PL29N.246249**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 1<sup>st</sup> 2016.

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

### **Reasons and Considerations**

Having regard to the land use zoning objective for the area, the site location in Dublin city centre, the existing development on the site, and also 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 amenities of the area or of property in the vicinity, would not adversely impact on the O'Connell Street Architectural Conservation Area or on the archaeological heritage of the area, 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 as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of January 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. Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority the following:

- (i) Detailed design proposals for the sliding sash windows including the balance weights proposed for the front façade of the existing structure on the site. These detailed design proposal shall also include proposals for the internal shutters and architraves to the window openings.
- (ii) A methodology statement for the cleaning of the brick surface of the existing front façade, the repointing of the joints of this façade with a lime-based mortar, and the cleaning and re-bedding of the granite capping to the parapet of the façade.
- (iii) A detailed survey of the shop front which shall identify any original surviving fabric and detailed design proposals for this shop frontage to include, *inter alia*, the retention where practicable of all original surviving fabric.

All of the above specified works, including at design stage, shall be supervised under the professional supervision on-site of an accredited Grade 1 Conservation Architect or expert with specialised conservation expertise, in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011, and in accordance with Best Conservation Practice. The works shall retain the maximum amount possible of surviving historic fabric in-situ.

**Reason:** In the interests of architectural heritage protection and to protect the 'O'Connell Street Architectural Conservation Area'.

3. Prior to the commencement of works, the developer shall make a record of the existing structure. This record shall include:

- (i) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and
- (ii) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to the commencement of development and one copy of this record and a full set of drawings of the proposed works to the structure shall be submitted to the Irish Architectural Archive.

**Reason:** In order to establish a record of this structure that is located with the 'O'Connell Street Architectural Conservation Area'.

4. The communal open space area as indicated on the 'Proposed Ground Floor Plan' submitted to the planning authority on the 11<sup>th</sup> day of January 2016 shall be reserved for such use and shall be levelled, soiled, seeded and hard and soft landscaped in accordance with the detailed requirements of the planning authority. This area shall not be used for any storage associated with the retail unit. This work shall be completed before any of the apartments are made available for occupation.

**Reason:** In order to ensure the satisfactory development of the communal open space, in the interest of residential amenity.

5. All existing signage on the exterior of the premises shall be removed as part of the development. Details of new signage for the shop unit, including any fascia signs, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the visual amenities of the area.

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, other than the signage agreed with the planning authority under condition 5 of this permission, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

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

7. 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 and off-site disposal of construction/demolition waste.

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

8. Site development and building works shall be carried out only between the hours of 09.00 to 19.00 Mondays to Fridays inclusive, between 09.00 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.

9. 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, other than those specifically shown on the drawings submitted with the planning application, unless authorised by a further grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess any further structures through the statutory planning process.

10. 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.

11. 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.

12. 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.

13. The developer shall pay to the planning authority a financial contribution in respect of the proposed Metro North Scheme 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: 4<sup>th</sup> July 2016  
Philip Jones