



## Board Direction

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**Ref: 29N.246456**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18<sup>th</sup>, August 2016.

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

### REASONS AND CONSIDERATIONS

Having regard to the Z5 land use zoning objective for the site in the Dublin City Development Plan 2011-2017, the policies and objectives of the Development Plan for the area, the contents of the O'Connell Street Architectural Conservation Area 2001 and the associated O'Connell Street & Environs Scheme of Special Planning Control 2016, the existing character and pattern of development in the area, the city centre location of the site together with its proximity to public transportation infrastructure, 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 adversely impact upon the architectural heritage of the city centre, would be acceptable in the context of the O'Connell Street Architectural Conservation Area 2001, 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 as amended by the further plans and particulars submitted on the 23<sup>rd</sup> 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. Details including samples of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

4. The glazing to the ground floor level of the hotel and the retail/restaurant/café unit hereby permitted shall be kept free of all stickers, posters and advertisements.

**Reason:** In the interests of visual amenities of the area.

5. No external security shutters shall be erected on any part of the premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. Details of the upgrade works to the public realm along Earl Place, Sackville Place and Marlborough Street, including new paving, kerbs, loading bay layout and tree planting, shall comply with the detailed standards of the planning authority for such works and shall be agreed in writing with the planning authority prior to the commencement of development.

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

7. The mobility management measures as identified in the 'Mobility Management Plan' received by the planning authority on the 30<sup>th</sup> day of October 2015 shall be implemented in full and maintained to the satisfaction of the planning authority.

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

8. 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 amenity.

9. 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.

10. Prior to the commencement of development the applicant shall submit to, agree in writing with, the planning authority detailed design proposals for both the construction and operational stage of the proposed development to facilitate the construction and operation of the Luas Cross City project located to the east of the site. The detailed design proposals shall include, *inter alia*, proposals for the supports for the Luas Overhead Contact System, proposals to facilitate the installation of, and continued access to, the Luas Cross City Technical Cubicle, and the appointment of a Liaison Officer to coordinate development on the site relative to the Luas Cross City works.

**Reason:** To facilitate the construction and operation of the Luas Cross City project located to the east of the application site.

11. 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

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, 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.

13. The developer shall pay to the planning authority a financial contribution in respect of the Metro North project 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: 22<sup>nd</sup>, August 2016  
Paddy Keogh