



An
Bord
Pleanála

**Board Direction
PL29S.246717**

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 29th 2016.

The Board decided to grant permission by a majority of 2:1 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 provisions of the Dublin City Development Plan 2011 to 2017, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. 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 additional information submitted on 20th April 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 development shall be amended by the omission of the recessed upper level in its entirety at floor 6 in Blocks 1 and 2. Revised roof plans shall be submitted for the written agreement of the planning authority before development commences. Such plans shall contain details of any proposed roof plant equipment and/or roof gardens in these areas.

Reason: To protect the amenities of neighbouring residential, commercial and heritage properties located within this transitional area.

3. Details [including samples] of the materials, colours and textures of all the external finishes to the proposed buildings 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.

4. The proposed gymnasium shall be limited solely for use of the future occupants of the development and of the adjoining sections of the former AIB Bank centre campus only and shall not be used as a public gymnasium.

Reason: In the interests of clarity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the roof plant and other structures (e.g. antennae) as indicated on the submitted drawings shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change to the display panels, including any increase in the number of signs to be displayed, shall be the subject of a separate application for permission to the planning authority.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

7. a) All existing trees to be retained on the site shall be protected by fences during demolition and construction works,

b) the landscaping scheme shall be fully implemented and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of amenity and sustainable development.

8. The developer shall submit a detailed proposal to the planning authority for the protection of the statue. The details shall be agreed in writing with the planning authority before development commences.

Reason: In the interest of cultural heritage.

9. 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

10. The developer shall comply with the following roads and traffic requirements:

- i) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to and agreed in writing to the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.
- II) The developer shall implement the measures outlined in the Mobility Management Plan. A Mobility Manager shall be appointed to oversee, co-ordinate and in implement the plan. Prior to occupation of development the Mobility Manager shall liaise with the planning authority in relation to the implementation of the Mobility Management Plan.
- III) Insert Standard Urban Roads condition as subsection to condition

Reason: In the interest of orderly development

11. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

12. The flood mitigation measures outlined in the report entitled “Flood Risk Assessment “by Cronin and Sutton Consulting, as revised shall be fully implemented.

Reason: In the interest of orderly development

13. 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. 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 An Bord Pleanála to determine.

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.

In deciding not to accept the inspector's recommendation to omit the two upper floors of the proposed development, the Board considered that the omission of the 6th floor represented an acceptable reduction in the quantum of development and the reduction in overall height adequately protected the residential amenities of adjoining properties.

Board Member

Date: 29.09.16

Paul Hyde