



An
Bord
Pleanála

Board Direction
PL29S.247912

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 31st 2017. The case was considered by the Board concurrently with Case PL29S.247907 proposed on the adjoining site.

The Board decided to grant permission by a majority of 3:1 generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Appropriate Assessment

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, and in the light of the mitigation measures set out in the applicant's Screening Report, which would constitute normal construction practice, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the South Dublin Bay Special Area of Conservation (site code 000210), the North Dublin Bay Special Area of Conservation (site code 000206), and the River Tolka Estuary Special Protection Area Special Protection Area (site code 004036), or on any other European sites, in view of their conservation objectives.

Environmental Impact Assessment

Having regard to the nature, characteristics, scale and location of the proposed development, and to the characteristics and scale of its potential impacts, the documentation and submissions on file generally, the categories of development set out in Schedule 5 to the Planning and Development Regulations, 2001, as amended, and the criteria set out in Schedule 7 to these Regulations, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment, either by itself or in combination with other development in the vicinity, and concurred with the analysis set out in the Inspector's report in this regard. The Board, therefore, concluded that the submission of an environmental impact statement was not required.

Proper Planning and Sustainable Development

Having regard to:

- the Dublin City Development Plan, 2016-2022 (zoning objective Z5-: "*to consolidate and facilitate the development of the central area and to identity and reinforce and strengthen and protect its civic design, character and dignity*");
- the site's location within the "Hawkins House 'key' site, which is one of three 'key' sites within the area of the Georges Quay Local Area Plan, 2012:
- the joint masterplan and plans and details included with the application
- the layout, form, mass, height, materials, finishes, design detail, and the public realm provision and enhancements
- to the extent and nature of the proposed uses for the building.

It is considered that subject to compliance with the conditions set out below, the proposed development would integrate satisfactorily with the surrounding existing

development including any possible future development within the Hawkins House 'key' site, would integrate satisfactorily with the established character of the sensitive historic city centre, including views and prospects towards the site along the River Liffey and the grounds of Trinity College would not seriously injure the amenities of residential development in the area by reason of overbearing impact, overlooking or overshadowing, would be acceptable in terms of public and private transport and pedestrian safety and convenience and would 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 plans and particulars submitted to the planning authority on 22nd November, 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 developer shall provide and adhere to the following requirements:

(a) Full details of the layout, configuration, design, hard and soft landscaping, street furniture and lighting for the public realm shall be submitted to the planning authority and agreed in writing prior to the commencement of construction of public realm.

(b) Implementation of the landscaping scheme in entirety during the first planting season following completion of the development. Any failures occurring within the first three years following implementation of the scheme shall be replaced within the first planting scheme thereafter.

(c) A management strategy to include full details of arrangements for public access for the east-west link forming part of the diagonal pedestrian route shall be submitted to the planning authority and agreed in writing prior to the commencement of construction. Of the public realm.

Reason: To ensure delivery of the public realm objectives for the area provided for in the Georges Quay Local Area Plan, 2012 and the amenities and orderly development of the area.

3. Details of the proposed materials, textures and colours of all the proposed external finishes, inclusive of details of durability and weathering capacity shall be agreed in writing with the planning authority prior to commencement of construction. A panel displaying samples shall be displayed on site following demolition and site clearance.

Reason: In the interest of clarity and the visual amenities of the area.

4 As per Planning Authority Condition No 6.

Reason: In the interest of clarity, safety and convenience.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. Details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region shall be included.

Reason: In the interests of clarity, the amenities of the area and sustainable waste management.

6. The construction of the development shall be managed in accordance with a comprehensive Demolition and Construction Management and Demolition and Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall full include details of intended demolition and construction methodology, traffic management and control of noise and dust management measures for the development.

Reason: In the interest of orderly development public safety and convenience and the amenities of the area.

7. 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 demolition works and 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.

8 Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. The requirements for the management of storm water shall include the incorporation of SUDS and implementation of the proposed arrangements in the Site Flood Risk Assessment submitted to the planning authority on the 24th day of July, 2015.

Reason: To ensure adequate servicing of the development and to prevent pollution.

9 Public lighting shall be provided in accordance with the scheme submitted to the Planning Authority. All pedestrian routes to be lit and to be open to public access at all times. All ground floor uses within the overall development to be open to the public and open spaces shall not be gated.

Reason: In the interests of amenity and public safety.

10. 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, unless authorized by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

11 Site development and construction works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 Saturdays and not at all on Sundays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity and clarity.

12 No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

13. As per Planning Authority Condition No 12

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

14. Prior to the commencement of 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 by staff employed in the development and reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the development.

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

15. 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 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, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act is applied to the permission.

21 The developer shall pay to the planning authority a financial contribution in respect of the LUAS Docklands Line C1 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, as amended, 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.

Note : Add comment about the applicability of S.34.13
Please circulate Board Direction with the Board Order.

The Board noted that the submission received from the Planning Authority on the 23rd February 2017, was received outside the appropriate period and was therefore, not taken into consideration.

Board Member

Date: 31.05.17

Paul Hyde