



An
Bord
Pleanála

**Board Direction
PL29S.247947**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 19th 2017 in conjunction with adjoining case file references **PL29S.248136** and **PL29S.247816**

The Board decided 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 provisions of the Dublin City Development Plan 2016 to 2021, 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 the Further Information received by the planning authority on the 25th day of 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 development shall be amended as follows:

(a) The glazed feature on the north facing elevation shall be omitted and replaced with a solid panel.

(b) The projecting rear windows shall be modified so that the northwest facing side panels are fitted permanently in opaque glazing.

(c) A 1.4m railing shall be erected separating the rear terrace to Le Pole Square.

Revised plans indicating compliance with these requirements shall be submitted to and agreed in writing with the planning authority before development commences.

Reason: In the interest of orderly development, to enhance the visual character of the streetscape, and to protect residential amenity.

3. Development details, including samples of the materials, colours and textures of all the external finishes to the proposed extensions 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. Prior to commencement of development, proposals for signage on the façade of the development (which shall not be above 1st floor level) and the exact location of the historical wall plaque shall be submitted to, and agreed in writing with the planning authority. No signage shall be erected on the northern (side) wall of the proposed development.

Reason: In the interest of orderly development.

5. 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/within the curtilage of the site) other than signage agreed under Condition 4 of this Order, or unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. The developer shall comply with the following archaeology requirements:

(a) Prior to commencement of development, the developer shall retain a licensed archaeologist to carry out the archaeological requirements of the City Archaeologist.

(b) No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.

(c) The plaque indicating the former entrance to the church and graveyard of St Michael le Pole should be removed and re-erected (in the same or suitable position) on the façade of the proposed development.

(d) An archaeological method statement for impact mitigation including temporary and enabling works shall be agreed in advance with the City Archaeologist.

(e) Where impact is unavoidable, all in situ features, including post medieval, must be fully recorded prior to removal by hand excavation (unless methodology otherwise agreed).

(f) Once archaeological layers have been exposed, the ground shall be reduced as an archaeological exercise using archaeological hand excavation techniques. In the event of in situ articulated human remains or other significant archaeological deposits being located during the course of this work, the archaeologist retained by the developer shall immediately notify the City Archaeologist and The National Monuments Service. Should such archaeological features be of great significance in

the opinion of the National Monuments Service their preservation in situ shall be required. This may negate, or curtail, aspects of the development, and any amendments to the development shall be submitted to, and agreed in writing with the planning authority where appropriate.

(g) The ground shall be reduced to the base of the archaeological deposits.

h) A finds-retrieval strategy shall be developed by the licensed archaeologist and shall be submitted to, and agreed in writing with the Planning Authority and with The National Monuments Service.

(i) The developer shall fund the post-excavation work and sufficient resources allocated to ensure that correct archaeological procedures are adhered to.

(j) The developer shall fund the public dissemination of the findings of archaeological investigations and excavations in accordance with details which shall be submitted to, and agreed in writing with the Planning Authority.

(k) A written and digital report (on compact disc) containing the results of the archaeological excavation and post-excavation shall be submitted on completion to the Planning Authority and to The National Monuments Service.

(l) Following submission of the Final Report to the City Archaeologist, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, Pearse Street, Dublin or with another appropriate repository to be otherwise agreed in writing with City Archaeologist within 2 years of excavation completion.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

7. a) CMP 1 without hours
- b) cycle parking shall be secure and well lit
- c) All costs incurred by DCC including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of traffic safety and orderly development

- 8 Standard Entertainment Noise Condition.

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

9. 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.

- 10 Standard Recycling Waste Condition.

11. An asbestos survey shall be carried out on the warehouse to be demolished. Any asbestos containing materials (ACM) identified shall be removed by a licenced waste contractor.

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

12. Standard Construction Hours Condition.

Reason: To safeguard the residential amenities of adjacent dwellings.

13. Standard de exemption of roof plant condition.

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, 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.

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Board Member

Date: 19.07.17

Paul Hyde