



An
Bord
Pleanála

**Board Direction
PL29S 248181**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 6th 2017.

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 Dublin City Development Plan, 2016-2012 in which zoning objective for the area is Z5: providing for the consolidation and facilitation of the development of the central area, and in particular, Policy RE22 providing for the promotion of retail and office development with larger floor plates and quantum for indigenous and FDI headquarters to increase competitiveness in the city centre;
- -the sensitive established character of the mix of historic and contemporary buildings in the streetscape in the vicinity of and adjacent to several protected structures, within a Conservation Area and, to the position of the frontage of the site on Dawson Street within the statutory South Retail Quarter Architectural Conservation;
- to the identification of part of the site as a potential development site in the Retail Core Framework Plan and,

- to the form, mass, height, materials, finishes, design detail and efficiency and effectiveness of the proposed services for the building in the management of energy and water supply and discharge and,
- -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 be in accordance with the development objectives for the area, would integrate with the surrounding existing and would not detract from the visual amenities or established character and pattern of development in the area, would not endanger public safety and convenience by reason of obstruction and traffic hazard 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 25th January, 2017 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 the development the applicant shall comply with the following requirements of Transportation Infrastructure Ireland and agreed in writing with the planning authority. Any works involved shall be undertaken at the applicant's own expense:

(a) The development shall be in accordance with the requirements of “Code of Engineering Practice for Works on, near or adjacent to the LUAS Light Rail System” (Transportation Infrastructure Ireland)

(b) A works permit shall be obtained prior to commenced of any works in close proximity to the light rail Overhead Conductor System (OCS)

(c) With regard to all interfaces with the LRT infrastructure the applicant shall provide for and adhere to the following requirements

(i) Temporary supports shall be provided to support the OCS following demolition of building at Nos 60 – 63 Dawson Street which has fixings for the OCS at the applicant’s expense.

(ii) Construction traffic shall not directly access to and from Dawson Street.

(iii) Settlement and vibration monitoring shall be carried out in out in accordance with “Code of Engineering Practice for Works on, near or adjacent to the LUAS Light Rail System” (Transportation Infrastructure Ireland)

(iv) Hoarding and scaffolding shall be erected throughout demolition and construction following consultation with the LUAS operation.

(d) Submission of full details of interface points to LUAS cross City public realm and reinstatement works, utilities and services coordination with the LUAS Cross City works and system for agreement in writing with the planning authority in consultation with the TII.

Reason: In order to avoid conflict with works involved in the construction of the Luas Cross City light rail network.

3. The construction of the development shall be managed in accordance with a construction management plan, and a construction traffic management plan which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development and shall include provision for the following requirements:

(a) Inspection of the existing structures prior to demolition by an ecologist and/or bat ecologist to establish whether bats or breeding birds are present. Demolition shall not take place during the breeding season of February to August and it is necessary for bats to be removed, a derogation licence shall be obtained in advance from the National Parks and Wildlife Service.

(b) Incorporation of provision for the requirements of Transportation Infrastructure Ireland in connection with the LUAS Cross City Light Rail project provided for in Condition No 2.

(c) The construction traffic management plan shall exclude construction traffic access to the site via Dawson Street and contain comprehensive details for alternative routing.

(d) comprehensive survey and methodology for the removal and disposal of asbestos and other hazardous materials, if any in the existing structures, Full details of intended construction practice for the development and noise and dust control and management measures,

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

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, 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 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 in which the site is situated shall also be included.

Reason: In the interest of sustainable waste management.

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

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

6. Site development and building works shall be confined to the hours of 0700 hrs. and 1800 hrs. Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs Saturdays. 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 the amenities of property in the vicinity.

7. As per PA Condition no 3.

8. Apart from signage agreed with the Planning Authority under Condition 7 of this Order no further 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.

9. As per PA condition no 13

10. A single specified interior blind system shall be agreed with the Planning Authority in writing and shall be installed throughout the entire building complex.

Reason: In the interest of orderly development and the uniform presentation of the building in the streetscape, especially at night.

11 As per PA Condition 9 Archaeology.

12 a) Mobility Management Plan as per PA 5(a)
b) PA 5 (e)

13 No development other than that which is shown in the application 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, without a prior grant of planning permission.

Reason: In the interest of visual amenity.

14 The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the commercial units are made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of orderly development and the amenities of the area.

15 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 with the application.

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

16 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 is applied to the permission.

Note: The Board noted the inspector's concerns with regard to construction access and considered that this matter could be dealt with satisfactorily by condition. Furthermore the Board was satisfied that the proposed Dawson Street Elevational treatment was acceptable in terms of visual amenity and would not negatively impact on the character of the streetscape or the character of the ACA.

Board Member

Date: 06.07.17

Paul Hyde