



An
Bord
Pleanála

Board Direction
PL29N.248342

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 11th 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 zoning of part of the site under the Dublin City Development Plan 2016-2022 under objective Z9 for open space and recreational amenity and part under objective Z14 as Strategic Development and Regeneration Area No. 14, and the associated principles for the area's development set out in section 15.1.1 17 of the plan, and to the established uses at Croke Park and the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience, and that it would therefore be in keeping 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 22nd day of February 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. The authorised museum, gift shop and office shall be used only for purposes ancillary to the use of the sports stadium at Croke Park and shall not be sold or leased separately to it.

Reason: To clarify the scope of this permission in accordance with the zoning of the relevant land.

3. The hours of operation of the handball centre, including its bar and restaurant, shall not extend past 2330.

Reason: In the interest of residential amenity

4. Full details of all external finishes, including materials, colours and textures shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity

5. Full details of any external signage visible from the public road shall be submitted and agreed in writing with the planning authority prior to the commencement of development

Reason: In the interest of visual amenity

6. The development and occupier of the site shall take all practicable measures necessary to maintain the area to the north of the curtilage of the property at No. 8 Ardilaun Square in a reasonable condition at all times and to restrict access to the side boundary of that property including the provision of a planted strip along the boundary. Full details demonstrating compliance with these requirements shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To protect the residential amenity of the adjoining property.

7. The developer shall comply with the following requirements in respect of noise from the premises:

Construction Phase

- a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 - Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.
- b) Noise levels from the proposed development should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

Operational Phase

- c) The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all plant is operating, shall not exceed the LA90, when no plant is operating, by 5dB(A) or more.
- d) The LAeq level measured over 5 minutes, when measured in a habitable room, garden or open space at a time when an outside area would be expected to be used, if entertainment is taking place at the development, shall show no increase when compared with the representative LAeq (5 minutes) level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

e) The Leq level measured over 5 minutes, in the 50Hz to 160Hz third octave bands inclusive measured in a habitable room, garden or open space at a time when an outside area would be expected to be used with entertainment taking place at the development, shall show no increase when compared with the representative Leq measured over 5 minutes in the 50Hz to 160Hz third octave bands inclusive, measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

8. The developer shall comply with the following requirements in relation to extraction and ventilation from the bar/restaurant space:

Kitchen Extraction

- a) A suitably qualified and experienced person should undertake the design and installation of the kitchen extraction system
- b) The ventilation system should be designed to incorporate a stack erected to a minimum height of 1 metre above the eaves of the premises or adjoining premises and be so sited to ensure the emissions will cause no nuisance.
- c) A suitable filtration system must be installed to neutralise cooking odours prior to their discharge.
- d) The developer shall be obliged to comply with the requirements set out in the Code of Practice herewith.

Reason: In order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings. The development and associated site works must be in compliance with Appendix One, Schedule D - Code of Practice for noise and air pollution control.

9. 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, noise management measures and off-site disposal of construction/demolition waste. It shall also include details of vehicular routes that would avoid high vehicles passing under low railway bridges. Hours of working shall be restricted to 0700 to 1800 Mondays to Fridays, 0800 to 1400 on Saturdays, unless the prior written agreement of the planning authority to works outside these hours has been given.

Reason: In the interests of public safety and residential amenity

10. Water supply and drainage arrangements, including the attenuation and 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

11. 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, 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.

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.

Board Member

Date: 11.10.17

Paul Hyde