



An
Bord
Pleanála

Board Direction
PL29S.248980

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12th January 2018.

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 existing land uses and to the nature and extent of the proposed retail use;
- the site location on St. Stephen's Green West at the St. Stephen's Green Shopping Centre within an area subject to the zoning objective for the area: Z5: *"To consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity"* in the Dublin City Development Plan, 2016-2022;
- the limited extent of the proposed works required to facilitate the proposed change of use and,
- the materials, finishes and design of the proposed shopfronts and signage and,
- the original construction of the shopping centre incorporating protective measures to prevent water ingress

It is considered that, subject to the conditions set out below, the proposed development, would be in accordance with the development objectives for the area,

would not detract from or be seriously injurious to the historic architectural integrity and character of the historic built environment in the vicinity which includes protected structures, the Grafton Street and Environs Architectural Conservation Area and, the designated Conservation Area in which St. Stephen's Green Park is located, would not be prejudicial to public health by reason of flooding risk 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 lodged with the application except as may otherwise be required 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.

Reason: In the interest of clarity

2. Details of colours and textures of all external materials, textures, colours and finishes, lettering inclusive of samples, and external illumination shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A window display shall be maintained at all times and the glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

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

3. Apart from the details agreed under condition 2 of this order and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other

projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area and to allow the planning authority to assess any such development through the statutory planning system.

4. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. 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 residential amenities of the area.

5. 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.

Reason: In the interests of public safety and residential amenity.

6. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in 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 in respect of the retail unit only and 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. 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 the Board to determine.

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 be applied to the permission.

Note: The Board were of the view that there were no Appropriate Assessment issues relating to this development.

Board Member

Date: 12th January 2018

Eugene Nixon