

## **Board Direction BD-000550-18 ABP-300431-17**

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 22<sup>nd</sup> 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 site's location close to city centre with a zoning objective Z10 'to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant use in inner city areas' in the Dublin City Development Plan 2016-2022; to the Liberties Local Area Plan 2009; to the nature, scale and design of the proposed development; to the pattern of existing and permitted development in the area and to the submissions and observations received, it is considered that, subject to compliance with the conditions set out below, the proposed development would respect the existing historical character of the area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in all other respects. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Condition

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 20th day of October 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 use of the entire area indicated as Artist's studios on revised plans, received on the 20th day of October 2017, shall be used for that purpose only. No change of use shall be permitted in the absence of a prior grant of planning permission for same.

**Reason:** In the interests of proper planning and sustainable development of the area.

3. Prior to the commencement of development, revised plans showing a fully accessible pedestrian route through the site from Newmarket to St. Luke's Avenue shall be submitted to, and agreed in writing with, the Planning Authority.

**Reason:** In the interest of providing access for all.

4. Prior to erection on site, all external finishes shall be agreed in writing with the Planning Authority and where appropriate sample panels shall be erected for inspection on site; finishes shall be strictly in accordance with documentation received with this application, as amended by documentation received on the 20th day of October 2017, unless otherwise agreed in writing with the Planning Authority. **Reason:** In the interests of proper planning and sustainable development of the area.

5. Notwithstanding the provisions of the Planning & Development Regulations 2001 (As Amended), no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element, shall be displayed or erected on the building or within the curtilage, or attached to the glazing, without the prior grant of planning permission.

**Reason:** In the interests of visual amenity.

- 6. a) The alterations to Apartment Block 4 on St Luke's Avenue shall be in accordance with revised layouts identified as "Option B", received on the 20th day of October 2017.
- b) Prior to commencement of development on site, the applicant shall submit a complete set of revised elevation drawings of the proposed development, to a scale of 1:200 which reflects external alterations to the development in response to Additional Information.

**Reason:** In the interests of proper planning and sustainable development of the area.

7. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division, Dublin City Council).

**Reason:** In the interests of amenity, ecology and sustainable development.

8. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** To safeguard the residential amenities of the surrounding area.

9. In relation to individual houses the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwellings.

**Reason:** In the interest of orderly street numbering.

- 10. a) At the vehicular access/exit point to the development, the public footpath shall be continued at a raised level across the site entrance and exit, but shall be ramped and dropped as necessary (e.g. 32mm kerb over carriageway) to facilitate car-entry/exit. Measures shall be implemented, including contrasting materials, signing, and road marking, etc. to ensure that vehicles entering/leaving the development are aware that pedestrians/cyclists have priority across the site entrance and that vehicles must yield right-of-way. Details shall be agreed in writing with the Environment and Transportation Department prior to commencement of the development
- b) Prior to the commencement of development, the applicant shall liaise with the Environment and Transportation Section of Dublin City Council regarding the sequencing of works of the Newmarket Part VIII public realm upgrades and the interface and potential contribution of the development site to the delivery of the Part VIII.
- c) Prior to occupation of the development, a servicing strategy shall be agreed in writing with Environment and Transportation Department. This shall take cognisance of changing traffic management arrangements as they may arise.
- d) Prior to the occupation of the proposed development a car parking Management Plan for the development shall be submitted for written agreement with the Environment and Transportation division. No more than 13 spaces shall be assigned to the office use within the development.
- e) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, noise management measures and off-site disposal of construction/demolition waste.
- f) The applicant shall undertake to implement the measures outlined in the Mobility Management Framework Plan and to ensure that future tenants of the proposed

- development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- g) Prior to the commencement of development, the applicant shall submit a revised Basement Plan which illustrates the allocation of 5 no. car parking spaces to car club use.
- h) The proposed footpaths and hard landscaping areas to be taken in charge including all materials shall be agreed in writing with the Roads Maintenance Division of Dublin City Council prior to commencement of development.
- i) Prior to commencement of development exact details of the proposed loading bay on St Luke's Avenue shall be agreed in writing with the DCC Traffic Management and Control section. The provision of the loading bay and any other proposed alterations to the road network shall be to DCC requirements and at the applicant's expense.
- j) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access should be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked. Sheffield type stands or similar are the preferred format of the Council. Shower and changing facilities shall also be provided as part of the development.
- k) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- I) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason**: In the interests of traffic safety and proper planning and sustainable development of the area.

11. 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. The plan shall include 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 in which the site is situated.

**Reason**: In the interest of sustainable waste management.

12 The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

14. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. 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.

16 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason**: In the interests of visual and residential amenity.

17. All mitigation measures as set out in the 'Appropriate Flood Risk Assessment prepared by Cronin and Sutton' dated 21st day of June, 2017 Revision, which was submitted to the planning authority on the 5th day of July, 2017, shall be implemented.

Reason: To minimise flood risk.

- 18. (a) No construction or site preparation work shall be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.
  - (b) The project site shall be subject to pre-development archaeological testing to determine: (a) the nature, extent and location of archaeological material, if any, on site and (b) the impact of the proposed development on any such archaeological material.
  - (c) The archaeologist shall forward their Method Statement in advance of commencement to the City Archaeologist.

- (d) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level of all foundation structures, ground beams, floor slabs, trenches for services and drains. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.
- (e) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the City Archaeologist in advance regarding the procedure to be adopted in the assessment.
- (f) A written and digital report (on compact disc) containing the results of the archaeological assessment shall be forwarded on completion to the City Archaeologist. The City Archaeologist (in consultation with The National Monuments Service, Department of Arts, Culture and the Gaeltacht), shall determine the further archaeological resolution of the site.
- (g) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary, archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

- (h) The developer shall make provision for archaeological excavation in the project budget and timetable.
- (i) Prior to commencement of development, the developer shall agree the foundation layout with the City Archaeologist.
- (j) Following submission of the final report to the City Archaeologist, where archaeological material is shown to be present, 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.

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

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

20. Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority.

**Reason:** In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

21. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank.

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains. or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces, street lighting, sewers and drains to the standard required by Dublin City Council. The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof. In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

**Reason:** To achieve a satisfactory completion of the development.

22. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City 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, as amended. The contribution shall be paid prior to commencement of development or in such phased

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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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

21. 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.

<b>Board Member</b>		Date:	22/06/2018
	Paul Hyde	_	

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