



An
Bord
Pleanála

Board Direction
BD-000906-18
ABP-300821-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/08/2018.

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 Z5 zoning objective in the Dublin City Development Plan, 2016 – 2022, which seeks to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity, it is considered that the proposed development, subject to conditions set out below would not seriously impact on the visual amenities of the area or affect the context and setting of the adjoining Kingsbridge House which is listed on the Record of Protected Structures in the Dublin City Development Plan. Furthermore, it is considered that the proposed development would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development therefore 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

additional information submitted to the planning authority on the 1st day of December 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 the 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 development, details of the materials, colours and textures of all external finishes including samples shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development and the visual amenities of the area.

3. Details of all external shopfronts and signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

4. The works hereby approved shall be carried out under the professional supervision on site of an architect or expert with specialised conservation expertise in accordance with the Architectural Heritage Protection, Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and in accordance with Best Conservation Practice.

Reason: To ensure that the integrity of the protected structure is maintained during the works undertaken.

5. No advertisement or advertisement structure shall be erected or displayed on the building, or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. The café shall accommodate a sit-down café/delicatessen. Any subsequent change of use including use as a take-away for the sale of hot food for consumption off the premises shall require a separate grant of planning permission.

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

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. A scheme shall be submitted to and approved in writing by the planning authority for effective control of fumes and odours from the operation of the café. The scheme shall be implemented before the use commences on site and thereafter shall be permanently maintained.

Reason: In the interest of the amenities of both the immediate neighbours and general surroundings.

9. 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.

10. No additional development shall take place above roof level including the incorporation of additional plant and equipment such as lift motors, air handling equipment, storage tanks or any other external plant other than those shown on the drawings which are the subject of the current approval or unless authorised by a prior grant of planning permission.

Reason: In the interest of visual amenities 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 Regional in which the site is situated.]

Reason: In the interest of sustainable waste management.

12. 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.

13. The developer shall comply with the following requirements of Transport Infrastructure Ireland in relation to working in proximity to the Luas line.
 - (a) The proposed development is located in close proximity to the Luas line. The developer shall ensure that there is no adverse impact on Luas operation and safety. The development shall comply with the “Code of Engineering Practice for Works on, near or adjacent to the Luas Light Rail System”.
 - (b) If works are proposed to be carried out in close proximity to the Luas overhead conductor system (OCS) the developer or contractor shall apply for a works permit from the Luas operator required under the Light Railway (Regulation of Works) Bylaws 2004 (S.I. No. 101 of

2004) which regulates works occurring close to LRT infrastructure. The permit application will require prior consultation facilitated by the Luas operator, Transdev.

- (c) Should the proposed works require the erection of hoarding and scaffolding, attention is drawn to the Light Railway (Regulation of Works) Bylaws 2004 (S.I. No. 101 of 2004) which regulate the works occurring close to the LRT infrastructure, as well as the guidance document “Code of Engineering Practice for Works on, near or adjacent to the Luas Light Rail System”. In accordance with the Bylaws a permit is required to be issued for the works by the Luas operator which will require prior consultation facilitated by the Luas operator, Transdev.

Reason: In the interest of public safety and the operation of the Luas trams system.

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. 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. 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.

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: 10/08/2018

Maria FitzGerald