



An  
Bord  
Pleanála

**Board Direction**  
**BD-002556-19**  
**ABP-300873-18**

The submissions on file and the Inspector's report were considered at a Board meeting held on the 22/08/2018 at which a final decision was deferred and a notice was issued under Section 132 of the Planning and Development Act 2000.

At a further meeting, held on the 05/03/2019, the revised scheme (subject of new public notices) received on the 19/11/2018, and the submissions on the file, in particular those received in relation to the revised scheme were considered, and the Board decided to grant permission in accordance with the following reasons, considerations and conditions.

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- the nature and extent of the proposed development,
- the site's strategic location at the edge of the city centre adjacent to a high quality public transport corridor,
- the zoning of the site and the objectives and provisions of the City Development Plan 2016-2022.

It is considered that the proposed development subject to compliance with the conditions set out below, would be acceptable in terms of the character and setting of the Dartmouth Square Architectural Conservation Area, would not adversely affect the character and integrity of the Carroll's Building at No. 2 Grand Parade which is listed in the Record of Protected Structures (RPS Ref. 3280) in the current Dublin City Development Plan 2016 – 2022, would be acceptable in terms of pedestrian and traffic safety, would be acceptable in terms of the overall quantum of the

development and the aesthetic design of the development on site and would not seriously injure the visual or residential amenities of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that Inspector's concerns could be addressed by seeking revisions/redesign of the scheme, in accordance with its powers under Article 73 of the Planning and Development Regulations, 2001. The Board considered that revised scheme as submitted on the 12/11/2018, sufficiently addressed the issues raised and were in general satisfied that the proposed development subject to some further modifications as set out below, 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 further plans and particulars submitted on the 11th day of August 2017 and on the 12<sup>th</sup> day of December 2017, and by the further plans and particulars received by An Bord Pleanála on the 21<sup>st</sup> of March 2018 and on the 19th day of November 2018, 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 proposed development shall be amended as follows:

- (a) The development hereby permitted shall be in accordance with Option 2 of the plans and particulars submitted to An Bord Pleanála on the 19<sup>th</sup> November 2018. The maximum height of the proposed atrium is to align with the height of the brick return on the rear elevation of the Carroll's building as indicated on Architects drawing number PL 3001 Rev E, entitled Proposed Section A-A & B-B, and the removal of original fabric to open the atrium connection is to be as indicated on Architects drawing number D 2002 Rev D, entitled Elevations South & West Alterations and Interventions.
  
- (b) Replacement glazing system as indicated on Architects drawing number PL 5010 Rev A, entitled Façade Study Variation To Proposal Typical Glazing Module, is the permitted option.
  
- (c) Rendered panels on the south, the west and north façades of the seventh floor of the Carroll's building shall be retained, and shall not be replaced with a glazed façade system.
  
- (d) Roof enclosure as indicated on the CGI Aerial View of 2 Grand Parade, in the Architects document entitled, ABP Response Rev A, is not permitted. No plant or structure of any kind is permitted on or above the existing roof of the protected structure.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity and in order to protect the character of the protected structure.

3. PA Condition 3

4. PA Condition 4

5. PA Condition 5
6. PA Condition 6
7. PA Condition 7
8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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.

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, including:
  - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of areas for construction site offices and staff facilities;
  - (c) Details of site security fencing and hoardings;
  - (d) Details of on-site car parking facilities for site workers during the course of construction;
  - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (f) Measures to obviate queuing of construction traffic on the adjoining road network;

- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

10. 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.

11. 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.

12. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. 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.

15. 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:** 01/04/2019

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Michelle Fagan