



An  
Bord  
Pleanála

**Board Direction**  
**BD-001169-18**  
**ABP-300976-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/09/2018.

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 Z4 District Centre and the Z1 Sustainable Residential zoning in the Dublin City Development Plan, 2016-2022 and the policies and objectives, in particular Appendix 16 Aparthotels, the national guidelines , Sustainable Urban Housing: Design Standards for New Apartments and the accompanying Urban Design Manual, the location of the existing dwellings and the scale and pattern of development in the vicinity it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenity of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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 to the PA on the 19<sup>th</sup> 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 commencement of development and the development shall be carried out and completed out in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. a) The proposed communal entertainment on the ground floors shall be used for purposes and functions connected with the apartment development only, and shall not be used, sold, let or leased for events and functions independent of the apartment use.
- b) The residential apartments shall not be used for any short-term letting such as internet based tourist accommodation.
- c) The management and maintenance of the apartment development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The apart-hotel units shall only be occupied for short-term letting periods of no more than two months and shall operate within the definition of aparthotel as set out in Appendix 16 of the Dublin City Development Plan, 2016-2022 and within the terms and conditions of Reg Ref 3391/15. The aparthotel shall be managed by a reception facility on the ground floor with 24hr reception and security facilities. The aparthotel units shall not be used as independent self-contained permanent residential units or student accommodation.

**Reason:** To ensure that the development would accord with the provisions of the Dublin City Development Plan, 2016-2022 and the proper planning and sustainable development of the area.

4. The development shall be amended as follows:
  - There shall be 5% of the units provided for family accommodation.Revised plans shall be submitted for the written agreement of the planning authority before development commences.

**Reason:** To ensure that the development would accord with the provisions of the Dublin City Development Plan, 2016-2022 and the proper planning and sustainable development of the area.
5. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park, allocation and location of car parking and cycle spaces, shall be in accordance with the detailed standards of the planning authority for such works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety
6. The landscaping scheme as submitted on the plans and details to the planning authority and shall be carried out within the first planting season following substantial completion of external construction works and before occupation of the units.

The areas of public open space shown on the lodged plans shall be reserved for such use and shall be [levelled] [contoured], soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity and to ensure the satisfactory development of the public open space areas, and their continued use for this purpose

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 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

10. CMP Condition

11. CDW Condition

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. 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

14. 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.

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:** 24/09/2018

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Michelle Fagan