



An
Bord
Pleanála

Board Direction
BD-002297-19
ABP-302786-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/02/2019.

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 residential zoning objective for the area, to the existing use of the site and the scale and design of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development, would not seriously injure the amenities of the area or of property in the vicinity, would not adverse impact on the character or setting of the adjoining protected structure 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, 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. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the Planning Authority.

Reason: In the interests of public health.

3. Prior to the commencement of development, the developer shall ascertain and comply with the requirements of Transport Infrastructure Ireland regarding works in the vicinity of the LUAS line.

Reason: In the interests of public safety and the operation of the LUAS light rail system. .

4. Prior to the commencement of development, the developer shall submit details of the proposed signage and the proposed cladding material above the glazing for the written agreement of the Planning Authority.

Reason: In the interests of visual amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), no advertising signs (including any signs installed to be visible through the windows, advertising structures, canopies, flags or other projecting elements shall be displayed or erected on the building or within its curtilage, or attached to the glazing without a prior grant of permission.

Reason: In the interests of visual amenity.

6. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

7. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City 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 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 An Bord Pleanála to determine.

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.

8. 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: 06/02/2019

Michelle Fagan