



An  
Bord  
Pleanála

**Board Direction**  
**BD-006301-20**  
**ABP-306728-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/08/2020.

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 provision of the Dublin City Development Plan 2016-2022, the planning history of the site and the nature and scale of the proposed amendments to the permitted development, the pattern of development in the area and the information submitted in relation to the proposed development, 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 not have an adverse effect on the character and setting of the conservation area or endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1.	<p>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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Apart from the amendments authorised by this permission, the proposed development shall strictly comply with the terms and conditions of the previous grant of planning permission on appeal for the development on site under Planning Authority Reference No. 2234/18 &amp; An Bord Pleanála Reference No. 301468-18.</p> <p><b>Reason:</b> In the interest of clarity and the proper planning and sustainable development of the area.</p>
3.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority, details of the proposed vent to the basement car park in the central courtyard.</p> <p><b>Reason:</b> In the interest of clarity and amenity.</p>
4.	<p>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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

5.	<p>(a) During the construction and demolition phases, the proposed development shall comply with British Standard BS 5228 – 1: 2009: Code of Practice for Noise and Vibration Control on Construction and Open Sites: Noise.</p> <p>(b) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling and nearest noise sensitive location shall not exceed:-</p> <p>(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.</p> <p>(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.</p> <p>At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.</p> <p>(c) All sound measurement shall be carried out in accordance with ISO Recommendation 1996-2:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p><b>Reason:</b> To protect the amenities of property in the vicinity of the site.</p>
6.	<p>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</p>

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:** 21/08/2020

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Paul Hyde