



An  
Bord  
Pleanála

**Board Direction**  
**BD-006052-20**  
**ABP-306808-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 06/07/2020.

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 design, scale and configuration of the proposed development and the existing pattern of development in this city centre location, it is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area or the character and setting of the protected structure on site, the adjoining protected structures or the St. Stephens Green Architectural Conservation Area, and would be acceptable in the context of the amenities of adjoining properties. 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, and as amended by the further plans and particulars lodged with the application, and as amended by the further plans and particulars received on the 13<sup>th</sup> day of January 2020, 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 interests of clarity.

2. The proposed development shall be amended as follows:

(a) The developer shall omit the stainless steel and glass finish to the balustrade and shall submit revised drawings of a simple contemporary and well-crafted plain flat or semi-barrelled handrail and vertical bars at the slimmest diameter possible painted to match the historic railings. The overshoot on the handrail should be supported on a slim painted bar, terminating in a suitable manner.

(b) The posts/housing related to the platform lift shall be painted to match the historic railing.

(c) The proposed stainless steel lining to the openings to the passenger lift shall be omitted and the applicant shall submit details of a more suitable lining that would be more sympathetic and contemporary to the historic fabric.

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 architectural heritage.

3. The developer shall comply with the following conservation requirements:

(a) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the adjacent protected structures and their boundaries during the course of the works.

(b) All works hereby approved shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued by the Department of Arts, Heritage and the Gaeltacht.

Reason: To ensure that the integrity of the adjacent protected structures is maintained and that all works are carried out in accordance with best conservation practice.

4. Site development and building works shall be carried out only 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 amenities of property in the vicinity.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

6. 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 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.

7. The development shall comply with the following Transport Infrastructure Ireland requirements.

(a) Prior to the commencement of development, plans and details depicting OCS pole protection and safety distances shall be submitted for the written agreement of the planning authority with written approval by TII.

(b) The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (S.I number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.

(c) The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure.

(d) The Luas operator/TII will require 24hr access to Luas infrastructure. Prior to the commencement of development, the developer shall enter into an access and maintenance agree with TII.

(e) All deliveries made to the development site, including during the construction phase, shall be made to limit interference with Luas operations.

Reason: To ensure no adverse impact on the operation and safety of Luas infrastructure.

8. 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 traffic management, noise, vibration and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

9. 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.

**Board Member**

**Date:** 06/07/2020

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Terry Prendergast