

An  
Bord  
Pleanála

**Board Direction**  
**BD-009803-22**  
**ABP-309843-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2022.

The Board decided to grant permission for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the Dublin City Development Plan, 2016-2022 according to which the site is within Rathmines, a 'key district' and at a location which is subject to the zoning objective Z4: *To provide for and improve mixed services facilities*, and to the established pattern and character and uses of the surrounding development, it is considered that subject to compliance with the conditions below the proposed development would not seriously injure the visual amenities and character of the surrounding historic built environment particularly the two and three storey building to the south side of the site, fronting onto Rathgar Road and within the Rathmines townscape, would be acceptable in terms of traffic and public safety and convenience and 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 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. 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, "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.

**Reason:** In the interest of sustainable waste management.

3. Hours of construction shall be confined to the hours of 0700 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of the protection of the amenities of the area.

4. Details of materials, colours and textures of all external finishes which shall include the provision of samples for the proposed new roof shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity

5. The applicant shall obtain water and waste-water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health

6. 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.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

**Reason:** In the interest of orderly development and visual amenities of the area.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), no additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant or the erection of telecommunications equipment other than those already shown on the drawings submitted with the application, unless authorised by a prior grant of planning permission.

**Reason** In the interest of clarity and visual amenity

9. Details of the proposed signage, size, materials, method of illumination if any proposed, shall be submitted to the planning authority for their written agreement prior to commencement of development, any additional signage shall be the subject of a separate planning application.

**Reason:** In the interest of visual amenity and residential amenities.

10. Prior to the commencement of the development, fully detailed Servicing Management Plan shall be submitted to and agreed in writing with the planning authority. The implementation of the measures provided for in the plan shall be managed, monitored and reviewed by the operator of the development.

**Reason:** In the interest of pedestrian and vehicular safety and convenience

11. 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.

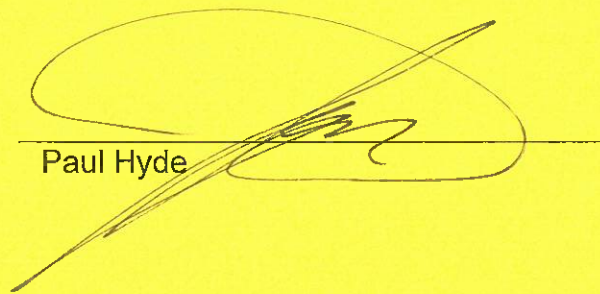
**Reason:** In the interest of orderly development, public amenity and safety, and the proper planning and sustainable development of the area.

12 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.

Note : in deciding not to accept the Inspectors recommendation to omit the setback third floor, the Board agreed with the analysis of the planning authority and was satisfied that the proposed development as applied for was an appropriate design response in terms of height, scale and mass and considered that it respected its context and the surrounding urban grain. Furthermore, the Board did not consider that the proposed development would have a negative impact on the setting and context of existing two and three storey buildings terminating the vista in views on approach from the south along Rathgar Road and Rathmines Road Upper. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Board Member**



Paul Hyde

**Date:** 07/02/2022

