



An
Bord
Pleanála

Board Direction
BD-000273-18
ABP-300057-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 3rd 2018

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

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- the policies and objectives in the Dublin City Development Plan
- the nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure;
- the pattern of existing and permitted development in the area;
- the submissions and observations received, and
- the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience and represented a high quality architectural and urban design response to the sites context and its constraints. The Board further considered that the proposed development represented a positive re use of a derelict brownfield inner city site and represented an appropriate density and plot ratio and height give its location within the streetscape and proximity to excellent public transport links.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed development represented an appropriate design response to its site context including Cromwell's Quarters and would lead to an improved interface with the lane and surrounding building fabric, to improved public lighting, passive and active surveillance and an enhanced public realm. Furthermore, the Board was also satisfied the proposed use of the proposed development and established use of Tahony House is a proposed aparthotel and existing hostel respectively, presenting a different use and character, being use on a short term basis, and not constituting normal places of residence. The Board concurred with the view that in a city centre context it is unreasonable to expect that the daylight amenity standards applied to transient and permanent uses would be comparable or equivalent to residential use.

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.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

Reason: In the interest of clarity

2 The proposed railings bounding Cromwell's Quarters shall be coloured in a light grey finish to match the cut stone finish to the ground and first floor St James Street elevation. Revised drawings shall be submitted to and agreed in writing with the Planning Authority prior to commencement of works on site.

Reason: In the interest of visual amenity.

3 As per PA Condition 3 'Aparthotel Use'

4 Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5 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. In addition, prior to commencement of development mitigation measures against the risk of flooding shall be agreed with the Planning Authority including measures to address egress of occupants from the building in the case of flooding of surrounding land.

Reason: In the interest of public health.

6 (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

- 7 As per PA Condition 4 'Acoustic Attenuation'.
- 8 STD Signage De Exemption Condition
- 9 CMP 1
- 10 As per PA C12 Roof Plant Condition.
- 11 STD Urban water drain
- 12 STD Waste Management Plan Condition
- 13 As per PA C 17 Archaeology
- 14 Bond Condition

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: 03/05/2018

Paul Hyde