



An  
Bord  
Pleanála

**Board Direction**  
**BD-003406-19**  
**ABP-303942-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/06/2019.

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 previously approved hotel development on site (An Bord Pleanála Ref: PL29S.246463), to the nature and scale of the proposed amendments sought to the approved hotel development, and subject to compliance with the conditions set out below, it is considered that the proposed development, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of the site's zoning objectives and in terms of conservation and amenity, would not interfere unduly with the character of Protected Structures in the vicinity of the site, would be acceptable in terms of pedestrian and traffic safety, and convenience, and 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 amendments, specifically the extended basement area and the relocated and increased bar/restaurant area, would not materially change the hotel use as previously approved on the subject site, would be consistent with this approved hotel use, would not seriously injure the amenities of residential property in the vicinity and would not materially contravene the Z8 zoning

objective or conflict with the relevant conservation objectives of the development plan.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28<sup>th</sup> day of January 2019, 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. All conditions of planning permission Reg. Ref: 2245/16 (An Bord Pleanála Ref: PL29S.246463) shall be complied with in full, save as may be amended by this permission.

**Reason:** In the interest of clarity.

3. The proposed bar and restaurant at lower ground floor level shall be used as a bar/restaurant only and shall not be used as a late-night venue/nightclub.

**Reason:** In the interest of orderly development and residential amenity.

4. The development shall be revised as follows: -
  - (a) The rear courtyard at lower ground floor level shall not be used as a smoking area or external terrace for patrons of the hotel and/or bar/restaurant.
  - (b) The outdoor terrace at ground floor level shall have no live musical performances, or speakers erected externally or directly into this external area.

**Reason:** In the interest of orderly development and residential amenity.

5. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

6. An updated Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This updated plan shall provide details of intended construction practice for the amended development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

7. 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.

8. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme, 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. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

**Board Member**

**Date:** 26/06/2019

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Chris McGarry