



An  
Bord  
Pleanála

**Board Direction**  
**BD-006544-20**  
**ABP-307306-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/09/2020.

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:

1. the location of the site in the established urban area of Dublin City;
2. the policies and objectives in the Dublin City Development Plan 2016-2022 including the location of the proposed development is on lands zoned Z15;
3. the Design Manual for Urban Roads and Streets (DMURS);
4. the Architectural Heritage Protection Guidelines for Planning Authorities;
5. the nature, scale and design of the proposed development
6. the pattern of existing and permitted development in the area;
7. the decision of the Planning Authority;
8. the submissions and observations received; and
9. the report of the inspector

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Conclusions on Proper Planning and Sustainable Development**

The Board considered that the proposed development is compliant with the criteria set out in the Z15 zoning of the Dublin City Council Development Plan 2016-2022 and with the Architectural Heritage Protection Guidelines for Planning Authorities and, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would not seriously injure the fabric, integrity or setting of the original buildings and their historic features, or the character of the grounds within the curtilage of the protected structures or adjoining protected structures, and on the contrary would ensure the viability and integrity of the protected structures into the future, would be acceptable in terms of urban design, height and scale of development and would be acceptable in terms of pedestrian and cyclist safety. 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 was satisfied that the proposed development including the proposed interventions to the original Gayfield House and the footprint and site coverage of the extensions to the south side of the original building into the remains of the historic orchard would constitute a sensitive and well calibrated design response to the site constraints.

Furthermore, the Board was satisfied that the quantum and distribution of open space as submitted by way of the revised design at appeal stage was of a very high quality and satisfied the requirement of the Z15 zoning to provide a minimum of 25% public open space, in addition to the provision of a high quality of private open space for future residents of the hotel.

The Board further concluded that the proposed development would not seriously injure the fabric, integrity or setting and context of the original buildings and their attending historic features, or the character of the grounds within their immediate curtilage and on the contrary would ensure and enhance their future suitability and protection in line with the Architectural Heritage Protection Guidelines for Planning Authorities. The Board noted the Inspectors' concerns regarding the construction of the basement, however it was satisfied that it was sufficiently removed from the protected structures as to not be an issue of concern, subject to compliance with the movement, vibration and noise monitoring measures outlined in the basement impact assessment.

Finally, the Board agreed with, accepted and adopted the opinion and conclusion of the Inspector that the proposed development as revised under the appeal submission, would not seriously injure the character or setting of the adjoining protected structures on Carlisle Avenue, and would not give rise to an overbearing impact or lead to overlooking or overshadowing. 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, as amended by the further plans and particulars submitted to the planning authority on the 18<sup>th</sup> day of February, 2020, and by the further plans and particulars received by An Bord Pleanála on the 12<sup>th</sup> day of June, 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 interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity.

3. All mitigation measures identified in the Construction Management Plan, Basement Impact Assessment, and Architectural Heritage Report shall be implemented in full by the developer except as may otherwise be required in order to comply with the conditions of this Order.

**Reason:** In the interest of clarity and to protect the environment during the construction and operational phases of the development.

4. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interests of clarity and public health.

5. Details of works to the public road to facilitate the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All works to the public roads/footpaths shall be completed to the satisfaction of the planning authority.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

6. During the construction and demolition phase of the proposed development, any disturbance to bats shall be in a manner to be agreed by the planning authority on the advice of a qualified ecologist.

**Reason:** In the interest of nature conservation.

7. 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.

- (a) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

- (b) The outfall manhole from the development must be constructed in accordance with the Code of Practice for Development Works – Drainage.

- (c) Permanent discharge of groundwater to the drainage network is not permitted.

- (d) All internal basement drainage must be lifted, via a pumping station, to a maximum depth of 1.5 metres below ground level before being discharged to gravity from the site to the public sewer.
- (e) All surface water discharges from the development shall be attenuated to two litres per second per hectare.

**Reason:** In the interest of public health and surface water management.

- 8. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

- 9. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

10. The site shall be landscaped (and earthworks carried out) in accordance with the submitted detailed scheme of landscaping.

**Reason:** In order to ensure the satisfactory completion of the development.

11. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to and agreed in writing with the planning authority prior to installation of lighting.

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

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

14. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

15. 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.

16. 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:
  - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;



- (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to the matters outlined in the submission received from Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

- 17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive 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 residential amenities of property in the vicinity.

- 18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on and adjoining the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to

apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To secure the protection of the trees on the site.

19. 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:** 24/09/2020

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Paul Hyde