



An
Bord
Pleanála

Board Direction
BD-007882-21
ABP-308627-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/04/2021.

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 Dublin City Development Plan, 2016-2022 according to which the site is located within an area subject to the zoning objective Z5: "*consolidate and facilitate the development of the central area and to identify reinforce, strengthen, and protect its civic design character and dignity*" the primary purpose of which, according to section 14.8.5 is to sustain life within the centre of the city through intensive mixed use development and to Policy Objectives CEE 12 and CEE 13 which provide for the promotion and facilitation of tourism and support for additional tourism at accommodation at appropriate locations and to the planning history for the site, it is considered that subject to the conditions set out below, the proposed development would not seriously injure the visual amenities or historic architectural character of the Liffey Quays, would not seriously injure the amenities of residential properties in the vicinity, would not be prejudicial to public health or endangerment of public safety by reason of traffic hazard and would be in accordance with the proper planning and sustainable development of the area.

Conditions.

1. The development shall be and shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars lodged with the planning authority on 17th September, 2020 and with An Bord Pleanála on 10th December, 2020 except as may otherwise be required in order to comply with the following conditions Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which 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) The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the planning authority.
 - (c) The archaeologist shall provide a detailed impact statement based on the final development plans for consideration by the planning authority.
 - (d) The planning authority, in consultation with The National Monuments Service, shall determine the exact nature and extent of any archaeological excavation. That portion of the site shall be exposed in

plan and reduced in toto. The uppermost overburden may be removed from the site by a machine with toothless bucket only under archaeological supervision. All in situ features, including post medieval, must be fully recorded prior to removal.

- (e) Once archaeological layers have been exposed, the ground shall be reduced as an archaeological exercise using archaeological hand excavation techniques. In the event of in situ articulated human remains or other significant archaeological deposits being located during the course of this work, the archaeologist retained by the developer shall immediately notify the planning authority and The National Monuments Service. Should such archaeological features be of great significance their preservation in situ shall be required.
- (f) The ground shall be reduced to the base of the archaeological deposits.
- (g) A finds-retrieval strategy shall be developed by the licensed archaeologist and submitted for agreement with The National Monuments Service and the planning authority, and
- (h) a written report containing the results of the archaeological excavation and post-excavation shall be submitted on completion to the planning authority and to The National Monuments Service.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to the Board for determination.

Reason: To conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate and assist the planning authority in securing the preservation by record of any archaeological features or materials

which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

3. The construction of the development shall be managed in accordance with a Demolition and Construction Management Plan, incorporating a Demolition and Construction Waste 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 details of:

Location of the site and materials compound.

Location of areas for construction site offices and staff facilities.

Site security fencing and hoardings.

Timing and routing of construction traffic to and from the construction site and associated directional signage.

Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

Mitigation measures for noise, dust and vibration, and monitoring of such levels

Containment of all construction-related fuel and oil and,

Arrangements for storage and removal of construction and demolition waste and measures for management of surface water run-off.

Arrangements to ensure that during the construction and demolition phases, works are in accordance the standards in, British

Standard 5228 *'Noise Control on Construction and Open Sites, Part 1. Code of practice for basic information and procedures for noise control.'*

A monitoring system and 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 orderly development, public amenity and safety.

4. Site development and building works shall be carried between the hours of 07.00 hrs and 19.00hrs, Mondays to Fridays excluding bank holidays, and 08.00 hrs and 14.00 hrs on Saturdays. 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 residential amenities.

5. The hotel bedrooms and associated facilities and amenities shall be occupied solely in connection with the hotel use. They shall not be occupied for any other purposes within Part 2, or Schedule 2, Part 4 of the Planning and Development regulations, 2001 as amended without a prior grant of planning permission.

Reason: In the interest of clarity.

6. Prior to the commencement of the development, fully detailed Servicing and Operational Waste Management Plan shall be submitted to and agreed in writing with the planning authority. The plan shall include details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste including recyclable materials and for the ongoing operation of these facilities 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 and monitored and reviewed by the operator of the development.

Reason: In the interest of the environment.

7. Prior to the commencement of development, detailed layout, design and specifications including marking, signage and layout of the proposed site access, loading bay, arrangements for storage or waste and cycle parking for a minimum of ten cycle spaces and pedestrian facilities shall be submitted to, and agreed in writing with the planning authority. These works shall be fully implemented prior to occupation of the development.

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

8. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to and agreed in writing with the planning authority. Sample panels shall be displayed on site for inspection by the planning authority.

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

9. Water supply and drainage arrangements, including the disposal of surface water incorporating Sustainable Drainage Systems shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

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

Reason: In the interest of public health.

11. All service cables associated with the proposed development shall be run underground within the site.

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

12. 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. In addition, the precise 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.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 ensure the satisfactory completion of the development.

14. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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: 14/04/2021

Paul Hyde