

An  
Bord  
Pleanála

**Board Direction**  
**BD-010395-22**  
**ABP-311546-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/03/2022.

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 Z1 Zoning Objective for the area under which hotel is a permitted use and the provisions of the Dublin City Development Plan 2016- 2022 together with the pattern, character and appearance of development in the area and the proximity to significant public transport facilities it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development in this location and would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of urban design and surrounding residential amenity. 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 on the 11th day of August 2021, 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. The aparthotel units shall only be occupied for short-term letting periods of no more than two months and shall operate within the definition of an aparthotel as set out in Appendix 16 of the Dublin City Development Plan 2016-2022. In addition, the aparthotel shall be managed by a reception facility on the ground floor with twenty-four-hour reception and security facilities. The aparthotel units shall not be used as independent and separate self-contained permanent residential units.

**Reason:** In the interest of orderly development and to protect residential amenities

3. The developer shall comply with the following requirements of Iarnród Éireann;
  - a) The Railway Safety Act 2005 places an obligation on all persons carrying out any works on or near the railway to ensure that there is no increase in risk to the railway as a consequence of these works. Because of the proximity of the site to the Railway, the Developer must take into account this obligation in Design, Construction and Operation of the scheme.
  - b) No building or part of building, i.e. balconies, shall be constructed within 4m of the Boundary Treatment on the developer's side. This is to allow for the developer to maintain the building, without the need to enter Board Property.
  - c) No overhang of any part of the development over the railway property is to be allowed.
  - d) Drainage downpipes from the railway arches/retaining walls and their subsurface drainage should be protected during construction works.

e) It should be noted by the developer that a height restricted bridges under the railway exists at Spring Garden Street at 4.53m & Annesley Close at 4.47m. During the construction phase of the project, a proper traffic management plan should be drawn up to prevent construction traffic from having to traverse under this bridge and other height restricted bridges in the area. The developer must ensure that no overheight vehicles attempt to pass under these bridges and that the routes for all high vehicle movements are planned.

f) Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnrod Eireann / C.I.E. regarding this issue.

**Reason:** In the interests of orderly development.

4. The outdoor communal open spaces, located at third floor level shall not be used between the hours of 10pm and 8 am; Access to the first floor landscaped roof shall be for maintenance only and shall not be used as an external amenity at any time.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings, including landscaping of the courtyard/amenity areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. PA Condition No. 7



7. (a) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access should be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.

(b) Details of the vehicular access/exit point to the development and the public footpath shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

**Reason:** To ensure a satisfactory standard of development.

8. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

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. Water supply and drainage arrangements including the 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.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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

12. PA Condition number 19
13. Construction and demolition waste shall be managed in accordance with a construction and demolition waste 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 interests of sustainable waste management and to mitigate potential construction nuisance.

14. 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, noise management measures and off-site disposal of construction/demolition waste.

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

15. 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 and maintenance until taken in charge by the local authority or management company of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

16. 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



Michelle Fagan

Date: 30/03/2022