

An
Bord
Pleanála

Board Direction
BD-014160-23
ABP-314298-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/10/2023.

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 Z5 zoning provision of the Dublin City Development Plan 2022-2028, the site's planning history, the pattern of development and recent permissions in the area and to the nature and scale of the development proposed, it is considered that subject to the compliance with the conditions as set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would respect the character and pattern development of the area and would make a positive contribution to the streetscape. 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, 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 permitted aparthotel units shall be used as short stay residential accommodation only, with the maximum length of stay to be two months.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

3. All ground floor restaurant/café areas shall generally be accessible to the public during normal opening hours.

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

4. The pedestrian route from Strand Street to Byrne's Lane shall be open to the public during daytime hours. Prior to occupation of the aparthotel and retail/restaurant units the developer shall submit details for the written agreement of the planning authority of any gates to the pedestrian route, to include opening and closing times of the gates. The gates shall be permitted for a period of three years from the date of the issuing of the written agreement and shall then be removed unless permission is granted for their retention.

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

5. The 2 no. proposed projecting supermarket signs shall be omitted. Details of the remaining proposed signage shall be submitted to the planning authority before the commencement of development for written agreement

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

6. Prior to occupation of the retail/restaurant/cafe units on the site full details of the uses of the ground floor units shall be submitted to the planning authority and written agreement obtained, and the agreed use shall thereafter be the permitted use. In the case of restaurant units, full details

of measures for the control of fumes and odours from the premises shall be submitted for agreement.

Reason: To clarify the scope of the permission, and in the interests of amenity.

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

In addition, prior to commencement of development full details, including samples where appropriate, of the treatment of the areas of public realm within the site boundary, including the laneways, Byrne's Lane, Upper Abbey Street and the areas in front of the permitted aparthotel, shall be submitted to the planning authority and written agreement obtained. This shall include full details of the paving materials, seating and street sculptures/lighting.

Reason: In the interest of visual amenity and to ensure a high standard of public realm.

8. Notwithstanding the provisions of the Planning & Development Regulations 2001 (as amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

9. The applicant shall ascertain and comply with all requirements of the planning authority in relation to traffic and access matters.

Reason: In the interests of safety and to ensure a satisfactory standard of development

10. Drainage arrangements including the attenuation and 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 and surface water management.

11. The applicant or developer shall enter into water and waste water connection agreement(s) with Uisce Eirreann, prior to commencement of development.

Reason: In the interest of public health.

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of 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, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity

14. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

15. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interests of public safety and residential amenity.

16. 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.

17. 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.

18. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, 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.

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.

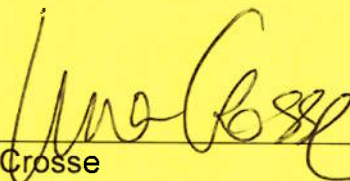
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

20. 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


Una Crosse

Date: 17/10/2023

