



An  
Bord  
Pleanála

**Board Direction**  
**BD-016951-24**  
**ABP-317264-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/07/2024.

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 policies and objectives of the Dublin City Development Plan 2022-2028, in particular the Z5 zoning objective, the site's planning history, and to the nature and scale of the proposed modifications, it is considered that, subject to compliance with the conditions as set out below, the proposed development would be in accordance with Development Plan policies relating to hotel/aparthotel provision, would not seriously injure the visual amenities of the area, would respect the character and pattern development of the area and would not seriously injure the character of the adjoining Protected Structures or the Capel Street Architectural Conservation Area. 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 terms and conditions of the parent permission granted for the development under planning register reference number 3609/20 (ABP-309215-21) shall be complied with, unless they are modified by the terms and conditions of this permission.

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

3. This grant of permission shall expire with that of the permission granted under permission reference number ABP-309215-21.

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

4. The proposed development shall be amended as follows:
  - (a) The metal cladding at the corner of Capel Street and Strand Street Little on the first to fourth floors shall be omitted and replaced with a brick finish.
  - (b) Material finishes from the fifth to eight floors shall comprise brick and curtain wall glazing matching the finishes permitted in planning permission ABP-309215-21.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to clarify the permission and in the interest of visual and residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or

replacing them, the use of the proposed development shall be restricted to aparthotel (as specified in the lodged documentation) and shall not be used for or occupied by permanent households or for the purposes of student accommodation, unless otherwise authorised by a prior grant of planning permission.

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

6. 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 15 of the Dublin City Development Plan, 2022-2028. In addition, the aparthotel shall be managed by a reception facility on the ground floor with twenty-four hour reception and security facilities.

**Reason:** To ensure that the development would accord with the provisions of the Dublin City Development Plan, 2022-2028, and the proper planning and sustainable development of the area.

7. The restaurant/bar at ground floor shall be open to the public during normal working hours.

**Reason:** To ensure that the development would accord with the provisions of the Dublin City Development Plan 2022-2028, and the proper planning and sustainable development of the area.

8. The following requirements of the planning authority shall be complied with:
  - (a) Awnings/canopies shall be omitted from the proposed development where it overhangs the public road area. Thereafter, details of any awnings, canopies or projecting signs, including their hours of operation, shall be agreed in writing with the Planning Authority
  - (b) No part of the proposed development from basement to roof level (e.g. underpinning, secant pile walls, basement area, balconies, etc.) shall overhang either below or above the public road area along Capel Street to the east and Strand Street Little to the south (i.e. back of footpath to back of footpath).



- (c) Cycle parking shall be secure and well-lit with key/fob access.
- (d) Cycle parking shall be in-situ prior to the occupation of the development.

**Reason:** In the interests of traffic and pedestrians.

- 9. 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 the 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

- 10. 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. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

**Board Member**

*Eamonn James Kelly*

**Date:** 10/07/2024

Eamonn James Kelly

**Note**

The Board did not accept the Inspector's recommended condition 4(a) because it was satisfied that the proposed reduction to the setbacks on the eastern elevation at fifth and sixth floors would not be readily visible and would not therefore set an undesirable precedent in the context of the ACA.