

An
Bord
Pleanála

Board Direction
BD-019364-25
ABP-319472-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 01/04/2025.

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 provisions of the Dublin City Development Plan 2022 – 2028, the Z5 – City Centre zoning of the site, the planning history of the site, and the relatively small scale and nature of the proposed amendments to the permitted hotel, it is considered that, subject to compliance with the conditions set out below, the proposed development would not negatively impact on the visual amenities of the area or lead to visual clutter, would not negatively impact on the residential amenities of the area through noise generation, odour emissions, and overshadowing impacts, and would not adversely impact the permitted hotel bedrooms. 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 proposed development shall comply with the conditions of An Bord Pleanála Reference Number ABP- 309466-21, except as otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:
 - (a) The render to the northern elevation of the southern block, as illustrated on Elevations 2-2 and 7-7, shall be limited to the first and second floor levels inclusive, with brick finish to be provided to the third to eighth floor levels inclusive.
 - (b) The render to the rear (east) elevation, as illustrated on Elevation 5-5, shall be limited to the ground, first and second floor levels inclusive, with brick finish to be provided to the third to eighth floor levels inclusive.

Reason: In the interest of visual amenity.



The following requirements shall be complied with:

(a) Air Pollution Control Measures:

- (i) Prior to commencement of the permitted use, a scheme shall be submitted to, and approved in writing by the Planning Authority for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.
- (ii) No emissions, including odours, from the activities carried on at the site shall result in an impairment of, or an interference with amenities or the environment beyond the site boundary or any other legitimate uses of the environment beyond the site boundary.

(b) Noise Pollution Control Measures:

- (i) Before the use thereby permitted commences, a scheme shall be submitted to, and approved in writing by the Planning Authority of details relating to the likely sound power levels of all externally located plant and equipment associated with this development shall be submitted to the Planning Department prior to installation for the written agreement of the planning authority.
- (ii) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

- (c) All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets

and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

5. 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.

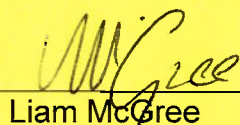
The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City Scheme (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and 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.

Note: As the applicant had not specifically applied for any amendment to the hours during which site development and building works might be carried out, the board determined that such operational issues were addressed by conditions of the previous decision of An Bord Pleanála Reference Number ABP- 309466-21.

Please issue copy of direction to all parties.

Board Member


Liam McGree

Date: 01/04/2025