

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2209/16

An Bord Pleanála Reference Number: PL 29S.246976

APPEAL by Harcourt Green Management Limited care of McCutcheon Halley Walsh of 22/23 Pembroke Street Upper, Dublin and by Alvin Price of 165 Harcourt Green, Block 6, Harcourt Green, Charlemont Street, Dublin against the decision made on the 28th day of June, 2016 by Dublin City Council to grant subject to conditions a permission to Charlemont Leisure Investments Limited care of McGill Planning Limited of 7 Fitzwilliam Street, Upper, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT:

- Construction of a new seven-storey hotel extension over existing basement to the rear (north) of the existing hotel providing 97 additional hotel bedrooms with function rooms and ancillary areas at ground floor. North/south facing balconies for six bedrooms at sixth floor,
- Reconfiguration of existing hotel areas at ground floor, removal of five existing hotel bedrooms at upper floors, links to new extension and new lifts,
- Provision of an additional seventh storey (with sixth floor south facing terrace) to the existing hotel building providing an additional 20 hotel bedrooms and executive lounge. Total new and retained hotel bedrooms will be 305,

- Reconfiguration of existing basement including omission of 19 car spaces and reconfiguration of remainder. Provision of 40 bicycle spaces,
- Removal/reconfiguration of existing plant/service areas and provision of new plant/service areas throughout,
- Total gross floor area of hotel (retained and new) circa 17,081 square metres, and
- All associated landscaping, drainage works and site services provision,

all at Hilton Dublin Hotel, Charlemont Place, Dublin. The site is bounded by the Luas Green Line to the north-east and east; "Harcourt Green" residential development to the north-west; "Charlemont Exchange" to the west; and Charlemont Place and the Grand Canal to the south.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the Objective Z4 zoning objective for the area, to the scale and pattern of development in the area including the scale and proximity of existing residential development it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not have an adverse impact on the character or setting of the Grand Canal Conservation Area and would be acceptable in terms of traffic safety and convenience. 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 to the planning authority on the 22nd day of April 2016 and the 10th day of June, 2016 and by the further plans and particulars received by An Bord Pleanála on the 23rd day of August, 2016, 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. No part of the development shall be built further west of the line, shown in green on the drawings lodged by the applicant with the Board on the 23rd day of August, 2016, indicating the extent of the previous permission, appeal reference number PL29S.231603, planning register reference number 4087/08.

Reason: In the interest of residential amenity.

3. Water supply and 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.

4. 78 number car parking spaces and 40 number bicycle spaces shall be provided within the development. Use of all parking spaces shall be associated with the permitted hotel use on site and no spaces shall be sold, sub-let or leased to other parties.

Reason: To ensure adequate off-street parking provision is available to serve the proposed development.

5. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority in consultation with Transport Infrastructure Ireland (TII) a revised construction methodology document which addresses the following:

- (a) Details on the extent of works and construction methodology for the works to the basement, basement roof slab and retaining wall adjoining the LUAS alignment.
- (b) Details of the extent and methodology of all excavations such as to enable assessment of whether these works are within the LUAS zone of influence.
- (c) Details of the method of construction of the eastern façade including the methodology for the craning of materials and the over sailing of the LUAS track during construction. Details for the proposed method of protection of the bespoke acoustic panelling bordering the LUAS alignment to the east of the site.
- (d) The submission of acceptable insurances and indemnities for the proposed works adjoining the LUAS alignment.

Reason: To ensure a satisfactory standard of development and in the interest of safety.

6. The developer shall liaise with Transport Infrastructure Ireland (TII) to ensure the structural stability and safety of the adjacent rail infrastructure and to agree construction and maintenance methodologies which avoid disruption to tram services.

Reason: To ensure a satisfactory standard of development and in the interest of safety.

7. Site development and building works shall be carried only out between the hours of 0700 to 1800 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.

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

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

9. The landscaped area to the rear of the hotel and between the proposed function rooms and the Harcourt Green apartments shall only be used for passive recreational purposes and shall not be used as an outdoor bar, restaurant, function area or smoking area. No access to this area shall be provided to patrons of the hotel between 1900 hours to 0800 hours.

Reason: To protect residential amenity.

10. The premises shall be provided with changing and shower facilities to cater for cyclists employed in the building. Prior to commencement of development, revised drawings indicating compliance with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of sustainable transport.

11. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. 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.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition 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.

Reason: In the interests of sustainable waste management.

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:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
 - (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A 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 amenities, public health and safety.

15. Details of noise monitoring locations for the purposes of the construction phase of the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.