



An
Bord
Pleanála

Board Order PL 29S.248844

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4342/16

Appeal by Eircom Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin and by others and by Appalachian Property Holdings Limited care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 13th day of June, 2017 by Dublin City Council to grant subject to conditions a permission to the said Appalachian Property Holdings Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing two-storey building (circa 603.35 square metres gross floor area) and replacement with a nine-storey plus plant level (circa 27.9 metres) over lower ground floor hotel development of circa 4,138 square metres (gross floor area) consisting of 155 bedrooms, reception, bike store and lobby area and associated back of house facilities including linen store, staff rooms, changing areas and associated uses. The development will include plant of circa 196 square metres at roof level consisting of attenuation measures and all associated site development and site excavation works above and below ground. The development will also include public realm upgrades to Saint Andrew's Lane including resurfacing works and street lighting. All at numbers 9-17 Saint Andrew's Lane, Dublin.

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 zoning objective for the site as set out in the Dublin City Development Plan 2016-2022, to the nature of the proposed use, to the height, scale and massing proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or views from the adjacent Architectural Conservation Areas and would be acceptable in terms of pedestrian and vehicular 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 on the 18th day of May, 2017, 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 be amended as follows:
 - (a) The proposed mansard roof shall be omitted from the development.
 - (b) The original top floor and roof design as indicated on the original drawings submitted to the planning authority on the 15th day of December, 2016 shall be retained. The plant room revisions as indicated on the drawings submitted to the planning authority on the 18th day of May, 2017 shall be included.
 - (c) The development shall be reduced by one full storey (middle floor).

- (d) The proposed development shall be set back along its eastern elevation by a depth of not less than one metre, for a distance of not less than 11.4 metres from the southern building line. The setback shall be for the full height of the building.

Reason: In the interests of orderly development, visual amenity and to allow light and ventilation to hotel bedrooms given the proximity of the proposed development to adjacent properties to the east.

3. Details including samples of the materials, colours and textures of all the external finishes to the proposed building 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.

4. 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.

5. (a) The detailed design of all works and materials to be used in the proposed upgrade to Saint Andrew's Lane shall be agreed in writing with the planning authority prior to commencement of development.
- (b) For one year post occupation of the development and at three monthly intervals, the vehicular activity generated by the hotel, in particular taxi drop off, shall be monitored by the hotel operator and reviewed in liaison with the planning authority. Any future traffic management measures which may be required to Saint Andrew's Lane as a result of the development shall be agreed in writing with the planning authority and provided at the developer's expense.

Reason: To ensure a satisfactory standard of development.

6. 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 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.

7. Servicing and deliveries to the proposed hotel shall take place from Exchequer Street only.

Reason: In the interest of orderly development.

8. Public realm works in front of the existing service lane located to the east of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, demonstrating adequate turning arrangement for service vehicles accessing and exiting the service lane.

Reason: In the interest of orderly development.

9. Construction hours of working shall be agreed in writing with the planning authority prior to commencement of development.

Reasons: To allow flexibility in construction hours in order to minimise disruption to existing users of Saint Andrew's Lane.

10. 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 on-site 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. Where a road closure is in operation, suitable diversionary signage to existing uses on Saint Andrew's Lane shall be provided on the public road. Such signage will indicate the duration of the road closure;
- (i) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) 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.

11. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, or attached to the glazing unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

12. The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure the sound is not audible in adjoining premises or at two metres from the frontage.

Reason: In the interest of environmental amenity.

13. 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.

14. 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. 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.

15. 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 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 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.

16. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City 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 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 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.

In deciding not to accept the Inspector's recommendation to refuse permission,

1. The Board did not agree that the proposed development would endanger public safety by reason of traffic hazard or that it would set a precedent for future additional traffic generation on the lane by possible future development on adjacent lands as a result of which traffic hazard would be exacerbated. Given the narrow width of the southern section of the lane, which reduces vehicle speed, the central city location of the site where traffic speeds are low, the volume of pedestrian and vehicular movement likely to be generated, the absence of any food and beverage offered and the proposal to service the development from Exchequer Street, it is considered that the proposed development would not give rise to a traffic hazard.

2. The Board did not concur that the proposed development by reason of its design and height, overhanging element and street frontage uses at ground floor level would be overbearing, would result in a tunnel effect to users of the lane or would fail to exploit the potential of the lane network or to contribute to enhancement of the quality and civic amenity of the built environment in the immediate vicinity. The Board considered that the design and height of the proposed development, which includes the overhanging element, to be acceptable in terms of visual amenity and in terms of the amenity of users of the lane. The Board concurred with the planning authority and considered that the proposal would be consistent with Development Plan policy for the area to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design, character and dignity. Whereas it is accepted that service and utility uses will be located along the lane, the Board considered that the proposed hotel use would animate the area and would provide an active use in itself.

3. Whereas the Board agreed that the proposed development would be visible immediately at the rear of historic buildings on Exchequer Street, and from other viewpoints within the Grafton Street and Environs and the South City Retail Quarter Architectural Conservation Areas, the Board considered that, with the omission of a storey, the original design proposed would be acceptable in terms of height, mass, design, materials and finishes. The proposed development would satisfactorily integrate into the historic architectural context and character and would also integrate with the surrounding streetscape and would not have an adverse impact on the Architectural Conservation Areas.

