



An  
Bord  
Pleanála

## Board Order PL 29N.248961

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2560/17**

**Appeal** by An Taisce of Tailors Hall, Back Lane, Dublin and by Pat Coyne of 7 Arran Street East, Mary's Abbey, Dublin against the decision made on the 6<sup>th</sup> day of July, 2017 by Dublin City Council to grant subject to conditions a permission to Melonmount Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of the existing vacant six storey building and construction of a new eight storey (including a mezzanine level between the double height ground floor and first floor and a setback seventh floor) 249 bedroom hotel development over single level basement. The north east elevation is set back from mezzanine level to the seventh floor. The proposal will accommodate an independent café/restaurant unit at ground floor and mezzanine level with a gross floor area of circa 169 square metres. The remainder of ground floor will accommodate hotel lobby, reception, breakfast area and ancillary service accommodation. Guest accommodation will be provided on remainder of floors. The basement will accommodate plant, fitness room, meeting and function rooms and ancillary accommodation. The total gross floor area of the building is circa 8,857 square metres (including basement). The proposed development includes ESB substation and associated switch room to be provided on north and eastern elevation

at ground floor level; non-accessible landscape terrace provided at second floor level on eastern elevation, screened external plant areas at mezzanine level and seventh floor level; and proposed signage to south and west elevations. The proposed development includes landscaping and all associated and ancillary works. The proposal also includes public realm enhancement works to Chancery Street and Greek Street, all on a site of 0.132 hectares at River House, 21-25 Chancery Street, Dublin. This site is bounded by the Saint Michan's House housing development to the north, Chancery Street to the south, Greek Street to the west and Saint Michan's Place to the east.

## **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 area and the provisions of the Dublin City Development Plan 2016-2022, the central Dublin location and the pattern, character and appearance of existing and permitted development in the area, and the proximity to significant public transport facilities it is considered that the proposed development, subject to compliance with the conditions set out below, would constitute an appropriate development at this location which would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of its urban design and impact on protected structures and designated conservation areas that are proximate to the appeal site and would be acceptable in terms of pedestrian and traffic safety. 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 9<sup>th</sup> day of June 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 brick clad free-standing screen wall on the eastern side elevation of the new hotel building, where it spans across the recessed area at first to sixth floor levels above the landscaped courtyard/terrace, shall be omitted, and the recessed area shall be open to the eastern elevation throughout.
- (b) The proposed spandrel panel, as indicated on drawings submitted on the 9<sup>th</sup> day of June 2017, shall not be highly reflective, but shall be painted or coloured, in a colour to be agreed in writing with the planning authority prior to commencement of development.

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 the interest of visual amenity.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority and Transport Infrastructure Ireland a detailed construction method statement that shall be sufficient to ensure that the carrying out of development does not interfere with the operation of the Luas, or with pedestrian or traffic movements in the area.

**Reason:** In the interests of orderly development and of pedestrian and traffic safety.

4. The public realm works, as outlined on drawings submitted on the 9<sup>th</sup> day of June 2017, shall be carried out and completed prior to the opening of the hotel.

**Reason:** In the interests of pedestrian and traffic safety, and to ensure timely provision of these necessary works.

5. Details of all external finishes to the proposed development together with external lighting, landscaping and public realm finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any render finish shall be self-finish and shall not need painting.

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

6. Full details of all external signage for the hotel and for the bar/restaurant shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The external signage for the hotel, which shall be for information purposes only, shall consist of individual lettering of an appropriate scale, mounted on the façade of the building on the signage zones indicated on the submitted drawings. The lettering shall be of a high quality material, such as stainless steel, and shall generally not exceed 0.4 metres in height. A window display shall be maintained at all times in the ground floor hotel lobby, and in the proposed bar/restaurant unit, and the glazing to those units shall be kept free of all stickers, posters and advertisements.

**Reason:** In the interest of visual amenity, and to restrict the extent of advertising signage to that appropriate to the environs of protected structures.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements, other than those agreed in writing with the planning authority prior to commencement of development, under condition number 6 of this order, shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess any such further signage or advertisements through the statutory planning process.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which may exist within the site and comply with the following requirements:
  - (a) The developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.
  - (b) A programme of archaeological testing shall be carried out across the site by a suitably qualified archaeologist following the demolition of the existing structure and prior to the commencement of any foundation works or construction of the hotel building.
  - (c) In the event that any archaeological remains are discovered as a result of the testing, the developer shall make arrangements for the resolution of any such remains, both during the construction programme and the post excavation process, as may be required by the planning authority. This may include execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works, at the developer's expense, to details which shall be agreed in writing with the planning authority.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

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

9. Prior to commencement of development, details of all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the development (including any such items used in conjunction with the commercial uses hereby permitted) shall be submitted to, and agreed in writing with, the planning authority. These shall include details of any proposed sound attenuation measures to be incorporated within such plant, machinery, chimneys, ducting, filters or extraction vents.

**Reason:** To safeguard the amenities of property in the vicinity.

10. 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, other than those agreed in writing with the planning authority under condition number 9 of this order, 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 and to allow the planning authority to assess the impact of any such development on the area, through the statutory planning process.

11. The proposed bar/restaurant shall not be used for the sale of hot food for consumption off the premises (that is, as a take-away).

**Reason:** To delimit the use hereby permitted, in the interests of residential amenity and of pedestrian and traffic safety.

12. No external security shutters shall be erected for the hotel or the bar/restaurant (other than at services access points) unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. Public access from the street shall be maintained to the ground floor bar/restaurant at all times during which it is open for business.

**Reason:** To promote active uses at street level.

14. Water supply and drainage arrangements, including the 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 to ensure a proper standard of development.

15. 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) delivery of materials, 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 particularly installation of hoardings on the site adjoining the Luas line;
- (d) details of any 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 and measures to ensure that no vehicles are allowed to queue to enter or exit 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) 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; and
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

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 order to safeguard the amenities of adjoining premises, residential amenity, and the general surroundings and in the interest of public health and safety.

16. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of wastes 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 provisions of the Waste Management Plan covering the Dublin Region.

**Reason:** In the interest of orderly development and sustainable waste management.

17. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, a plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on this site at any time except within such buildings or storage areas as may have been approved beforehand in writing by the planning authority.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and in the interest of the amenities of the area.

