

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Dublin City Council

Planning Register Reference Number: 3710/17

An Bord Pleanála Reference Number: ABP-300171-17

Appeal by Thomas Hayes of Apartment 7, Block 1, Clarion Quay, North Wall, Dublin against the decision made on the 18th day of October, 2017 by Dublin City Council to grant subject to conditions a permission to Spencer 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: Demolition of the existing ground floor meeting rooms (circa 159 square metres) and provision of an additional circa 942 square metres at ground to seventh floors to provide a new conference/meeting room area, and an additional 40 hotel bedrooms (bringing the overall total to 209). East facing terrace to serve one of the hotel rooms at seventh floor. All associated works to the existing hotel and all associated landscaping, drainage works and site services provision, all on site of circa 0.1735 hectare at The Spender Hotel, North Wall Quay, IFSC, 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 'Z5 – city centre' zoning, the nature and scale of the proposed development, involving works on the east side internal courtyard, the existing pattern of development in the vicinity, the city centre location and policies CEE12(i) and CEE13(iii) of the Dublin City Development Plan 2016-2022, which seek to continue to develop tourism infrastructure such as visitor accommodation in the city, it is considered that ,subject to compliance with the conditions below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be in accordance with the provisions of the Dublin City Development Plan 2016-2022, would not detract from the character or setting of the 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, 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or associated equipment, shall take place above roof level other than as indicated on the submitted drawings unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

3. 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 buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

4. 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.

5.
 - (a) The LAeq level measured over 15 minutes (day time) or 5 minutes (night time) at a noise sensitive premises when plant is operating shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.
 - (b) The level at any frequency measured at a noise sensitive premises as a third octave band when plant is operating shall not exceed the neighbouring third octave bands, by more than 5dB when measured as an LLeq (15 minutes day time, 5 minutes night time) measured from the same position, under the same conditions and during a comparable period with no plant in operation.

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

6. 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 interest of sustainable waste management.

7. 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 offices and materials compound, including area identified for the storage of construction refuse;
 - (b) details of scaffolding and hoardings;
 - (c) details of car parking facilities for site workers during the course of construction;
 - (d) 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;
 - (e) measures to obviate queuing of construction traffic on the adjoining road network;
 - (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; and
 - (g) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.

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.

8. 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.

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

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

Dated this day of 2018