



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

Planning Register Reference Number: F17A/0693

Appeal by James Wharton of Ballylickey, Bantry, County Cork against the decision made on the 28th day of February, 2018 by Fingal County Council to grant subject to conditions a permission to Tifco Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Five-storey extension of circa 2,536 square metres to the rear of The Crowne Plaza Hotel, including the demolition and reinstatement of 247 square metres of existing hotel floor space at the rear, ground floor level. The development will include a service yard and stores at ground floor level, with hotel accommodation above at first to fourth floor levels. The development will include minor internal alterations to the existing hotel accommodation at first to fourth floor levels to accommodate the proposed extension, resulting in the loss of four number bedrooms, resulting in a combined overall total of 269 number bedrooms (209 number existing) and a combined gross floor area of 13,845 square metres. The overall height of the extension to the top of plant at fifth floor level is 18.65 metres. The development will also include the reconfiguration of the access arrangements at the entrance to the existing multi-storey car park, piped infrastructure and

ducting, roof plant, bicycle parking, changes in level and all associated site development and excavation works above and below ground on a site of circa 1.8 hectares all at The Crowne Plaza Hotel, Dublin Airport, Northwood Park, Santry Demesne, Santry, 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 extant permission for a hotel on the site and the location and established pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed revisions would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience, would not be prejudicial to public health and would not, therefore, be contrary to the proper planning and sustainable development of the area.

Appropriate Assessment

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development, would not be likely to have a significant effect on any European Site in view of the site's conservation objectives.

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 1st day of February, 2018, 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 car parking shown within the area outlined in red, shall be used for hotel-related uses only and shall not be used as “park and fly” parking (that is, parking which is not directly ancillary to the use of accommodation in the hotel by the driver/occupants of such cars).

Reason: In the interest of orderly development.

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

Reason: In the interest of visual amenity.

4. Details of any external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of the amenities of the area and of visual amenity.

5. 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.

6. Notwithstanding the exempted development 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, unless authorised by a further grant of planning permission.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: In the interests of environmental protection, orderly development and public health.

8. The use of cranes during construction shall be agreed in advance with the planning authority, following consultation with the Irish Aviation Authority (IAA) and the Dublin Airport Authority (DAA).

Reason: In the interest of aviation safety.

9. (1) Tree protection measures shall be implemented during the construction phase in accordance with the requirements of the planning authority.
- (2) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (3) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays inclusive, between 0800 and 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 approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. The following requirements of the Environmental Health Officer shall be complied with in full:

- (a) To minimise noise from construction operations the developer shall have regard to B.S.5228: Part 1:1997 'Noise and Vibration control on construction and open sites – Code of practice for basic information and procedures for noise and vibration control'.

- (b) No heavy construction equipment/machinery (to include pneumatic drills, construction vehicles and generators) shall be operated on, or adjacent to, the construction site before 0800 hours or after 1900 hours from Monday to Friday, and before 0800 hours and after 1300 hours on Saturdays. No activities shall take place in site on Sundays or Bank Holidays. No activity which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 1900 and 0800. No deliveries of materials, plant or machinery shall take place before 0800 hours or after 1900 hours.
- (c) If there is an occasion when construction work must be carried on outside daytime hours, the Air Pollution and Noise Control Unit of the planning authority, local residents and businesses in areas which are likely to be affected by noise from the proposed works shall be notified in advance, for example in letter or leaflet or advertisement form, of:
- (i) Name, address and telephone number of company carrying out works.
 - (ii) Nature of and reason for works.
 - (iii) Likely duration and times of work.
- (d) Consideration shall be taken to the siting of any extractor fans, refrigerated units and services in order to prevent nuisance from noise or odours to neighbouring properties in close proximity to the premises. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

- (e) During the demolition and construction phase, all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include (i) covering skips, (ii) covering slack heaps, (iii) netting of scaffolding, (iv) regular road and pavement damping and sweeping, (v) use of water spray to suppress dust, (vi) proper paved or hard stand access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site onto public roads.

- (f) Noise during to the normal operation of the proposed development shall not cause a noise nuisance to nearby noise sensitive locations and shall not exceed the background level by 10 dB(A) or more or exceed NG4 limits whichever is lesser.
Daytime (0700 to 1900 hours) – 55dB
Evening (1900 to 2300 hours) – 50dB
Night-time (2300 to 0700 hours) – 45dB
- measured from the nearest noise sensitive location(s).

- (g) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

Reason: In the interest of public health.

13. 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.

Terry Ó Niadh

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

Dated this day of 2018.