



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2084/18

Appeal by Findlater House Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 12th day of March, 2018 by Dublin City Council to refuse a permission for the proposed development.

Proposed Development: Construction of an additional storey (658 square metres) to the southern elevation (fronting Cathal Brugha Street and Findlater Place) which is set back circa 8.6 metres from the western elevation (fronting O'Connell Street) onto the existing seven number storey building (Holiday Inn Express). The proposed additional storey increases the building height from seven number storeys (23.9 metres) to eight number storeys (25.87 metres) and will provide for an additional 21 number bedrooms at the new seventh floor level. The proposed development will also include amendments to the existing sixth floor which will result in the loss of one number bedroom and the provision of a new stair core and lift from sixth floor to facilitate access to the additional storey (seventh floor), amendments to elevations to facilitate the additional storey; provision of a green roof and all associated ancillary and site development works to facilitate the development. The proposed development will increase the total number of bedroom units from 197 number to 217

number (net addition of 20 number rooms) and will increase the overall gross floor area from 7,287 square metres to 7,945 square metres, all on a site of circa 0.21 hectares within the O'Connell Street Architectural Conservation Area at Holiday Inn Express (formerly known as Findlater House), 27-31 O'Connell Street Upper, Dublin, on the junction of O'Connell Street, Cathal Brugha Street and Findlater Place, 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 provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not impact significantly on the O'Connell Street Architectural Conservation Area. 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 received by An Bord Pleanála on the 9th day of April, 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. Details of the materials, colours and textures of all external finishes, including samples, 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. The development shall comply with the following requirements of the planning authority:
 - (a) A Construction/Demolition Management Plan and Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority, following consultation with Transport Infrastructure Ireland, prior to commencement of development.
 - (b) The developer shall ensure there is no adverse impact on the Luas line operation and safety.

- (c) All costs incurred by the planning authority, including any repairs to the public road and services, necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of the proper planning and sustainable development of the area.

4. Water supply and drainage arrangements, including the disposal and attenuation 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. Site development and building works shall be carried out only 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 amenities of property in the vicinity.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

7. 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.

8. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme (Saint Stephen's Green to Broombridge Line) 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.

Terry Ó Niadh

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

Dated this day of 2018.