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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4494/17**

**Appeal** by Barra Hanrahan of 12 Donnybrook Manor, Donnybrook, Dublin and by Others against the decision made on the 15<sup>th</sup> day of August, 2018 by Dublin City Council to grant subject to conditions a permission to Kouchin Holding Unlimited Company care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** (1) Demolition of existing single storey commercial units comprising numbers 25-27 Donnybrook Road and numbers 1-3 'The Crescent'; and (2) Construction of a six-storey (16 metre high) over basement, 78-room contemporary hotel comprising the following main elements: (i) hot and cold water storage, floodwater tank and plant room at basement level; (ii) hotel entrance, lobby/reception and bar area (108 square metres), restaurant and bar (175 square metres) with terrace dining/seating, meeting room/private dining room (33 square metres), kitchen, toilets, service areas, ESB substation, plant room and staff facilities at ground floor level; (iii) provision of 78 number hotel bedrooms at first, second, third, fourth and fifth floor levels with 43 number bedrooms served by balconies screened with timber panels on the side (west facing) and rear (south facing) elevations; and (iv) additional

incidental space to be provided in the form of internet/study space at third and fourth floor level to the rear (south facing) elevation. (3) Other works proposed as part of the development include provision of a taxi set-down/drop-off area from Donnybrook Road; (v) service yard with bicycle parking spaces accessed via 'The Crescent'; (vi) roof plant; (vii) facade treatments to include brick and glazing detail with timber screen panels on side (west facing) and part-rear (south facing) elevations; (viii) screen planting; and landscaping; (ix) SuDs drainage; (x) signage and (xi) all associated site works necessary to facilitate the development at numbers 25/27, Donnybrook Road, and numbers 1-3 'The Crescent', Donnybrook, 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 Dublin City Development Plan, 2016-2021, according to which the site is within an area subject to the zoning objective, Z4: -“to provide for and improve mixed services and facilities”, to the location in the commercial core of Donnybrook village, and adjacent to a Quality Bus Corridor; to the established pattern and character of development in the vicinity and, to the height, scale, mass and design detail 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 visual amenities and character of Donnybrook Village, the residential amenities of adjoining properties or the integrity of historic properties within the Residential Conservation Area in the vicinity, would be acceptable in terms of traffic safety and convenience and would not conflict with the provisions of the development plan. The proposed development would, otherwise, 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 19<sup>th</sup> day of July, 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 construction of the development shall be managed in accordance with a and Construction Management Plan, incorporating a Construction Traffic Management Plan. which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include the following requirements:
- (a) Comprehensive details of demolition methodology.
  - (b) Comprehensive details of excavation methodology.
  - (c) Construction management for the development, noise and dust management measures and off-site disposal of construction/demolition waste.
  - (d) Location of site offices, staff facilities and materials and storage compounds.
  - (e) Timing and routing of construction traffic and associated directional signage, and measures to obviate queuing of construction traffic on the adjoining road network.
  - (f) Measures for management of surface water run-off and prevention of runoff of pollutants.

A record of daily checks that the works are being undertaken in accordance with the Demolition and Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interests of clarity, public safety, residential amenity and orderly development.

3. 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 interest of sustainable waste management.

4. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, excluding bank holidays and between 0800 and 1400 hours on Saturdays. 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.

5. The proposed delivery and servicing procedures shall be conducted, as set out in the Revised Hotel Operations and Servicing Report submitted to the planning authority on the 19<sup>th</sup> day of July, 2018 and shall include adherence with the following requirements:
  - (a) Vehicular access to the service yard shall not be permitted and all deliveries and collections services, including waste and recycling materials, shall be carried out from the existing dedicated loading bay space on the public road.
  - (b) A maximum of four servicing trips (deliveries and/or collections) per day may take place on weekdays and a maximum of two on Saturday and Sundays and Bank holidays.

**Reason:** In the interest of orderly development and residential and public amenity and convenience.

6. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. It shall be fully implemented prior to the occupation of the development. The landscaping scheme shall include the following requirements:
  - (a) Details of all proposed hard landscaping materials and finishes, including samples of proposed paving materials at ground level.
  - (b) Details of all screen planting and planting at upper levels on the proposed building to include the bamboo screening shown in the further information submission lodged with the planning authority on the 19<sup>th</sup> day of July, 2018.

- (c) Proposed locations of trees and other landscape planting in the development, including details of proposed species.
- (d) Details of proposed street furniture, including bollards, lighting fixtures and seating.

**Reason:** In the interest of clarity and visual and residential amenity.

- 7. 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, or attached to the glazing unless authorised by a further grant of planning permission.

**Reason:** In the interest of clarity and visual and orderly development.

- 8. Details of the materials, colours and textures of all external finishes including signage shall be submitted to, and agreed to in writing with, the planning authority prior to commencement of development. Samples of proposed materials, which should be self finish and in suitable colours and textures shall be displayed on the site.

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

- 9. 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.

10. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority the final details of cycle parking provision for the development.

**Reason:** To ensure a satisfactory standard of development.

11. Prior to commencement of development, a scheme for the effective control of fumes and odours from the premises shall be submitted to, and agreed in writing with, the planning authority. This scheme shall be implemented prior to the use commencing and thereafter, shall be permanently maintained.

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

12. No additional development shall take place above roof level, including, signage, lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

**Reason:** In the interest of the amenities of property in the vicinity and the visual amenities of the area.



13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

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 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.

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**Paul Hyde**

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

**Dated this            day of            2019.**