



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3972/18

Appeal by Bríd Smith and Tina MacVeigh People Before Profit of Unit 5, Iceland Building, Le Fanu Road, Ballyfermot, Dublin against the decision made on the 11th day of January, 2019 by Dublin City Council to grant subject to conditions a permission to Vicar Street Hotel Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of all existing buildings/structures on site (approximately 1,020 square metres gross floor area) and the relocation of an existing Electricity Supply Board substation to the ground floor of the proposed building fronting onto Molyneux Yard together with new switchroom. The proposed development comprises the erection of a part five, part eight-storey mixed use building over double basement (approximately 7,977 square metres gross floor area) to provide principally for a new hotel (185 bedrooms) and ancillary development at basement (-1) to sixth floor level with ancillary plant and storage at basement (-2) level. A total of 21 number bicycle parking spaces are provide at basement (-1) level. A Creative Art Studio (approximately 179 square metres gross floor area) is proposed at ground

floor level. The proposed building is set back at ground and first floor level from the southern, eastern and western site boundaries to provide lightwells serving basement -1 level. A bar/public house with lounge, measuring (approximately 340 square metres gross floor area) together with ancillary roof terrace along the southern and part eastern elevation is provided at 7th floor level. The proposed building is arranged around an enclosed internal courtyard space that provides a double height void to the ancillary dining/kitchen area at basement (-1) level serving the hotel. At the northern end of this space is a feature lift shaft with glazed walk/link bridge extending southwards at 7th floor level serving the proposed bar/public house with lounge. Attached to the eastern side of the lift shaft are extract flues serving the ancillary kitchen area at basement (-1) level. This lift and hotel entrance is accessed off an arched, internal, shared pedestrian and vehicular street running east-west across the northern part of the site connecting Vicar Street and Molyneux Yard. The upper levels of the building (from first floor and above) cantilever over the proposed internal street and upper levels (from second floor and above) cantilever over the proposed lightwells along the southern, eastern and western site boundaries, respectively. The development will include all site works that comprise of all boundary treatments and associated site works. All on a site that measures approximately 1,288 square metres in extent that is bound by Vicar Street to the east and Molyneux Yard to the west. The site adjoins public open space to the south that fronts onto Swift's Alley further to the south, 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 according to which the site location is subject to the zoning objective: Z5 “To consolidate and facilitate the development of the central area, and to identify and reinforce and strengthen and protect its civic design character and dignity” and to policies and objectives set out in the Liberties Local Area Plan 2008- 2020, the planning history of the site and to the established character and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the integrity and character of the protected structures, the built environment within the Architectural Conservation Area or the amenities of the area, would be acceptable in terms of design and traffic safety and convenience and 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 6th day of December, 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. Prior to commencement of development, a scheme for public art within the public realm shall be submitted to, and agreed in writing with, the planning authority. The scheme shall be implemented prior to the occupation of the development.

Reason: In the interests of visual amenity, cultural heritage and the proper planning and sustainable development of the area.

3. Details of the proposed upgrade and traffic calming works to Vicar Street and Molyneux Yard providing for shared pedestrian and vehicular circulation and parking facilities, road markings and public lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall be completed at the developer's expense and to the satisfaction the planning authority prior to occupation of the development.

Reason: In the interests of pedestrian and vehicular safety and convenience and public amenity.

4. Prior to commencement of development, detailed design and specifications including marking, signage and layout of the proposed site access and footpath arrangements shall be submitted to, and agreed in writing with, the planning authority. These works shall be fully implemented prior to occupation of the building.

Reason: In the interests of pedestrian and vehicular safety and convenience.

5. Prior to commencement of the development, a detailed Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. The strategy shall provide for incentives to encourage the use of public transport, cycling and walking by patrons and staff and shall be operated, monitored and reviewed by the operator of the development.

Reason: In the interests of sustainable transportation and travel and the amenities of the area.

6. Prior to commencement of development, a detailed Servicing Management Plan shall be submitted to, and agreed in writing with, the planning authority. The implementation of the measures provided for in the plan shall be managed, monitored and reviewed by the operator of the development.

Reason: In the interests of pedestrian and vehicular safety and convenience.

7. The developer shall facilitate the planning authority in the archaeological appraisal of the site and in preserving and recording or otherwise protecting archaeological materials or features which 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) the developer shall retain a licensed archaeologist to carry out the archaeological requirements of the planning authority,
 - (c) the archaeologist shall provide a detailed impact statement based on the final development plans for consideration by the planning authority,

- (d) the planning authority, in consultation with The National Monuments Service, shall determine the exact nature and extent of any archaeological excavation. That portion of the site shall be exposed in plan and reduced in toto. The uppermost overburden may be removed from the site by a machine with toothless bucket only under archaeological supervision. All in situ features, including post medieval, must be fully recorded prior to removal,

- (e) once archaeological layers have been exposed, the ground shall be reduced as an archaeological exercise using archaeological hand excavation techniques. In the event of in situ articulated human remains or other significant archaeological deposits being located during the course of this work, the archaeologist retained by the developer shall immediately notify the planning authority and The National Monuments Service. Should such archaeological features be of great significance their preservation in situ shall be required,

- (f) the ground shall be reduced to the base of the archaeological deposits,

- (g) a finds-retrieval strategy shall be developed by the licensed archaeologist and submitted for agreement with The National Monuments Service and the planning authority, and

- (h) a written report containing the results of the archaeological excavation and post-excavation shall be submitted on completion to the planning authority and to The National Monuments Service.

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: To conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate and assist the planning authority in securing the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

8. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority. Sample panels shall be displayed on site for inspection by the planning authority.

Reason: In the interests of orderly development and the visual amenities of the area.

9. Water supply and drainage arrangements, including the disposal of surface water incorporating Sustainable Drainage Systems 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.

10. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

11. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant or the erection of telecommunications equipment other than those already shown on the drawings submitted with the application, unless authorised by a prior grant of planning permission. In addition, the precise details of the proposed signage, size, materials, method of illumination if any proposed, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any additional signage shall be the subject of a separate planning application.

Reason: In the interests of visual amenity and residential amenity.

13. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. 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.

15. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

16. 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 the 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.

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

Dated this day of 2019.