



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4264/18

Appeal by Patrick Donegan care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare and by Others against the decision made on the 22nd day of February, 2019 by Dublin City Council to grant subject to conditions a permission to Kingfisher Equity Management Limited care of Horan Rainsford Architects of 36 Main Street, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendments to previously approved development (planning register reference number 2245/16 and An Bord Pleanála reference number PL29S.246463). The amendments consist of: (a) the reconfiguration/relocation of the stairs and lifts, and floor levels within the retained building envelop, to improve general and accessible circulation, with consequent alterations to internal layouts on all floors and incorporating an additional four bedrooms to upper floors, one at first and second and two at third floor, due to the relocations of the stairs; (b) at ground and lower ground floor levels: the relocation of the bar and restaurant from upper to lower ground floor level, with provision of a lobby café/bar at ground level opening out to Pembroke

Street Lower; four bedrooms are relocated from lower ground to ground level, the ventilation void/lightwell at lower ground floor is omitted; (c) at basement level: an increase in area of 217 square metres to include provision of meeting rooms and offices to rear, with staff/service areas to the front, and re-configuration of the plant room; (d) at fifth floor level: the extension of the front access stairs enclosure to serve the existing plant and storage space of 14 square metres; reconstruction of existing 84 square metres storage room and provision of a 1.6 metre high roof-top plant enclosure to rear; (e) elevational amendments to rear/west façade fenestration to provide for the new internal layouts (basement meeting rooms; lower ground floor dining room; and relocated fire escape routes); and a new entrance at ground floor of existing front/east elevation allowing direct street access to the café/bar. The total gross floor area of the development is 5,520 square metres, an increase of 438 square metres over the permitted development, with a net increase of four bedrooms (increasing the provision from 98 to 102 bedrooms). The overall mass, form, height, area and character of building is not altered by these amendments at 16-18, Pembroke Street Lower and Windsor 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 previously approved hotel development on site (An Bord Pleanála reference number PL29S.246463), to the nature and scale of the proposed amendments sought to the approved hotel development, and subject to compliance with the conditions set out below, it is considered that the proposed development, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of the site's zoning objectives and in terms of conservation and amenity, would not interfere unduly with the character of Protected Structures in the vicinity of the site, would be acceptable in terms of pedestrian and traffic safety, and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed amendments, specifically the extended basement area and the relocated and increased bar/restaurant area, would not materially change the hotel use as previously approved on the subject site, would be consistent with this approved hotel use, would not seriously injure the amenities of residential property in the vicinity and would not materially contravene the Z8 zoning objective or conflict with the relevant conservation objectives of the Dublin City Development Plan (2016-2022).

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 28th day of January 2019, 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. All conditions of planning register reference number 2245/16 (An Bord Pleanála reference number PL29S.246463) shall be complied with in full, save as may be amended by this permission.

Reason: In the interest of clarity.

3. The proposed bar and restaurant at lower ground floor level shall be used as a bar/restaurant only and shall not be used as a late-night venue/nightclub.

Reason: In the interests of orderly development and residential amenity.

4. The development shall be revised as follows:
 - (a) The rear courtyard at lower ground floor level shall not be used as a smoking area or external terrace for patrons of the hotel and/or bar/restaurant.
 - (b) The outdoor terrace at ground floor level shall have no live musical performances, or speakers erected externally or directly into this external area.

Reason: In the interests of orderly development and residential amenity.

5. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

6. An updated Construction Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This updated plan shall provide details of intended construction practice for the amended development, including noise management measures and off-site disposal of construction/demolition waste.

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

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, 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.

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

Dated this day of 2019.