



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3232/19

Appeal by Balark Trading GP Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 2nd day of August, 2019 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Permission for development on site circa of 0.35 hectares at numbers 31-34 Abbey Street Upper, numbers 42-51 Great Strand Street, and bounded by Byrnes Lane, Dublin to amend the development permitted under Dublin City Council register reference number 3172/18. The proposed development provides for the construction of two number additional floors to the permitted hotel building fronting Abbey Street Upper (resulting in a 11 storey storey building) and extension of the seventh and eighth floor level to the north resulting in an additional 64 number bedrooms and an overall hotel comprising 303 number bedrooms and revisions to the façade of the hotel onto Abbey Street Upper. The proposed development also provides for the construction of one number additional floor to the permitted aparthotel building fronting Great Strand Street (resulting in a 10 number storey building) and extension of the seventh and eighth floors to the east resulting in an additional 21 number bedrooms and an overall aparthotel comprising 277 number bedrooms. Associated relocation of PV panels, plant and lift overruns

to resulting roof levels. The overall works result in an increase to the floorspace of the permitted development of circa 2,860 square metres.

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 Z5 zoning provision of the Dublin City Development Plan 2016-2022, the site's planning history, the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018, the pattern of development and recent permissions in the area and to the nature and scale of the additional accommodation proposed, the Board considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the visual amenities of the area, would respect the character and pattern development of the area and would not seriously injure the character of the adjoining Georgian buildings and considered that the revised elevational treatment on Abbey Street Upper would make a positive contribution to the streetscape. The proposed development 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 additional hotel accommodation provided on the additional floors along with the revised elevational treatment would respect the character and prevailing pattern of development in the area. It further considered that the proposed development would not lead to an abrupt transition in building height and has been adequately treated in terms of the transition from Abbey Street Upper to Great Strand Street and would not have a negative impact on the adjoining streetscapes. The Board was also satisfied that the quality of the materials and finishes proposed were acceptable and respect the character of the adjoining Georgian buildings and the wider environs. 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, 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 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.

3. All relevant conditions shall be in compliance with the parent permission planning register reference number 3172/18 granted on the 4th day of December, 2018.

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

4. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. 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.

Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.