



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4679/19

Appeal by Ben Dunne of Winterwood, Carpenterstown Road, Castleknock, Dublin against the decision made on the 13th day of February, 2020 by Dublin City Council to grant subject to conditions a permission to P I Hotels and Restaurants Ireland Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amend a previously permitted mixed-use hotel, gym/retail scheme (planning register reference number 4110/17, An Bord Pleanála appeal reference number ABP-301416-18). The proposed development, which provides for alterations to the permitted building, comprises: a reduction in the size of the permitted basement (from 1,090 square metres floor area permitted to 324 square metres floor area now proposed), including the omission of the permitted gym at this level (providing for a change of use from gym to hotel-related use and attenuation tank (273 square metres), the provision of a mezzanine level between ground and 1st floor levels to provide additional hotel bedrooms, ancillary areas and circulation (413 square metres floor area proposed), internal alterations to the

permitted ground, 1st , 2nd , 3rd , 4th , 5th and 6th floor levels, including the provision of additional floor area to provide hotel-related use in the permitted void at 1st floor level and a reduction in the size of the permitted lightwell (resulting in an additional 99 square metres floor area at this level) and a reduction in the size of the permitted lightwell from 2nd to 6th floor levels (resulting in an additional 45 square metres in total across these floors), alterations to the permitted plant areas at roof level and the introduction of hotel floor area comprising bedrooms, ancillary areas and circulation space (474 square metres floor area proposed), the change of use of the permitted gym/retail unit at ground floor level to hotel-related use (120 square metres) and alterations to the permitted finished floors levels of the building from basement to 6th floor levels. The proposed development will result in a hotel with related hotel facilities including restaurant, public bar, reception and seating areas, work space, storage, administration and staff facilities, other hotel-related back-of-house areas, plant (including substation with associated switch room), waste storage area and cycle parking. The total gross floor area of the building increases by 265 square metres (from 7,547 square metres permitted to 7,812 square metres) with the number of hotel bedrooms increasing by 26 number (from 180 number to 206 number proposed), resulting in an eight storey building (including set-backs at 7th floor level), excluding mezzanine level, over basement. The scheme also includes associated elevational changes and associated alterations to the permitted scheme's services (mechanical and electrical, water supply, sewage disposal and surface water disposal). All on a site of 0.127 hectares at Twilfit House at 137-140 Abbey Street Upper, 57-60 Jervis Street and 1-4 Wolfe Tone Street, 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 planning history, the pattern of development in the area, the location of the development on lands zoned Z5 in the current Dublin City Development Plan, and the central location of the subject site, together with the strategic objectives set out in the National Planning Framework, including National Policy Objective 11, which states that in meeting urban development requirements there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, it is considered that, subject to compliance with the conditions set out below, the proposed amendments would constitute an acceptable land use and built form, would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 the 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 proposed development shall otherwise comply with the conditions of the permission granted under An Bord Pleanála appeal reference number ABP301416-18 (planning register reference number 4110/17), save as may be required by other conditions attached hereto.

Reason: In the interest of orderly development.

3. Prior to commencement of development, details of the materials, colours and textures of the external finishes of the top floor shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

4. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area.

5. Water supply and drainage arrangements, including the attenuation and 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.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority detailed proposals in respect of bicycle parking, including satisfactory access arrangements.

Reason: In the interest of encouraging sustainable transport.

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 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.

8. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City 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 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2020.