



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4179/19

Appeal by Seamus Duignan of The Hacienda Bar, 15-16 Little Mary Street, 34 Arran Street East, Dublin against the decision made on the 15th day of June, 2020 by Dublin City Council to grant subject to conditions a permission to Creekvale Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A) Demolition of the existing two number to three number storey buildings circa 3,470.9 square metres, B) construction of a part five number part eight number storey 278 bedroom hotel building of approximately 9,614.30 square metres over a single basement, with frontages to Arran Street East and Little Mary Street, including ground floor licenced bar/lobby, a 64.5 square metre fourth-floor terrace fronting Little Mary Street and seven number seventh-floor terraces from hotel bedrooms fronting onto Arran Street East, C) two number licenced ground floor restaurant/retail units (119.8 square metres and 216.3 square metres) fronting Arran Street East, D) all ancillary areas (staff areas/internal service/kitchen/library/laundry/store for 30 number bicycles and electric substation and transformer located at ground floor level, E) basement to include plant room, communications room, staff-room and changing areas (plant at roof level and at first floor level and fifth, sixth and seventh floor levels on eastern side of building) and all ancillary site

development/boundary works including footpath widening on Arran Street East and set-down area, all 26-27 Arran Street East, 26-31 Arran Street East, 32 Arran Street East and 14-20 Little Mary 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 zoning objective for the area and the provisions of the Dublin City Development Plan 2016-2022, the central Dublin location and the pattern, character and appearance of existing and permitted development in the area and the proximity to significant public transport facilities, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development in this location that would not seriously injure the amenities of the area, or of property in the vicinity and would be acceptable in terms of urban design and surrounding residential amenity. 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, as amended by the further plans and particulars received by the planning authority on the 29th day of April, 2020, 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 western side façade of the building on Little Mary Street and the northern side façade of the building on Arran Street East shall be revised to incorporate a brick finish, incorporating simple articulated detailing at all levels below the set-back upper levels. Revised drawings showing the above amendments shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

3. 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 prior to commencement of development.

Reason: In the interest of visual amenities of the area.

4. Full details of all external signage, including for the hotel and the bar, restaurant, and retail units shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provisions amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags or other projecting elements, other than those agreed in writing with the planning authority prior to the commencement of development, 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 interests of orderly development and the visual amenities of the area.

6. 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.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of 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, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 8. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location or at any point along the boundary of the site shall not exceed: -

- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
- (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

- 9. No additional development shall take place above the roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication areas, antennae or equipment other than those agreed in writing with the planning authority or those agreed under the previous condition of this Order unless authorised by a further grant of planning permission.

Reason: To protect the residential and visual amenities of the area.

- 10. The proposed bar/restaurant shall not be used for the sale of hot food for the consumption off the premises in the form of a take-away facility.

Reason: To specify the use hereby permitted and in the interest of residential amenity.

11. No external security shutters shall be erected for the hotel or the bar/restaurant (other than at serviced access points) unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

12. Public access to and from the street shall be maintained to the ground floor bar/restaurant at all times during opening hours.

Reason: To promote active uses at street level.

13. 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 and to ensure a proper standard of development.

14. The developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.

Reason: In the interest of orderly development.

15. 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.

16. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority, 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 for the on-going operation of the development. No raw materials, finished or unfinished products or parts, crates, packaging materials or waste shall be stacked or stored on the site at any time except within the curtilage of the building or storage areas as may have been approved beforehand in writing by the planning authority.

Reason: To provide an appropriate management of waste and in particular recyclable materials in the interest of protecting the environment and in the interest of the amenity of the area.

17. Site development and building works shall be carried out only between the hours of 0700 hours to 1800 hours Mondays to Fridays inclusive and between 0800 hours to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of property in the vicinity.

18. The developer shall comply with the recommendations set out in the submitted Bat Assessment.

Reason: To ensure a satisfactory standard of development.

19. 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.

20. The developer shall pay to the planning authority a financial contribution in respect of 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.

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

Dated this day of 2020.