



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3007/19

Appeal by Peter Loughran care of PMCA Architects of 104 Francis Street, Dublin against the decision made on the 14th day of July, 2020 by Dublin City Council to refuse permission to Peter Loughran for the proposed development.

Proposed Development: Retention of the change of use of the first, second and third floor levels of four-storey building from office to hostel accommodation, with access from Arran Quay, with new ancillary sanitary, kitchen and dining facilities, all at 38 Arran Quay, Dublin (a Protected Structure).

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 objective which applies to the site, to its location within the city centre and the limited extent of the works to the Protected Structure to facilitate the change of use, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not detract from the character and setting of the Protected Structure or any neighbouring property, would serve to keep the building in active use and would increase the provision of tourist accommodation in the city. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 10th day of August, 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 and the development shall be carried out and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The existing uPVC windows above ground floor level on the front elevation of the building shall be replaced with timber sash windows within 12 months of the date of this Order. Details of the replacement windows and the procedures to be followed in order to comply with this requirement, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the character of the Protected Structure.

3. A hostel management plan shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order, which shall set out details of the management of guest reservations, building access arrangements, accommodation servicing and maintenance, and waste management segregation, storage and collection arrangements.

Reason: To ensure a satisfactory standard of development.

4. The hostel shall accommodate a maximum of 40 number bed spaces, as set out in Drawing Numbers PL107 and PL108 submitted with the appeal on the 10th day of August, 2020.

Reason: In the interest of clarity and to ensure a satisfactory standard of development.

5. The hostel accommodation shall be used as short-term tourist accommodation only and shall not be used as long-term or permanent residential accommodation.

Reason: To ensure a satisfactory standard of development.

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 within three months of the date of this Order 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 Luas Cross City (Saint Stephen's Green to Broombridge) 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 within three months of the date of this Order 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 2021.