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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2935/20**

**Appeal** by Kate O’Hea of 58 Corn Mill Apartments, Distillery Road, Dublin and by Margaret Gaughran care of O’Neill Town Planning, Planning and Development Consultants of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 21<sup>st</sup> day of August, 2020 by Dublin City Council to grant subject to conditions a permission to Páirc an Chrócaigh Cuideachta Faoi Theorainn Ráthaíochta care of McCutcheon Halley, Chartered Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** PROTECTED STRUCTURE: Permission for a hotel development on Lands off Clonliffe Road (formerly part of the Holy Cross College Lands), Clonliffe Road, Drumcondra, Dublin. The subject site encompasses an area of 0.51 hectares. The development will consist of: the construction of a 8.55 metre - 24.05 metre (above ground level) part-two to part-seven storey 8,485 square metre hotel building comprising: (i) a lobby, bar/restaurant, kitchen and staff facilities at ground floor level; (ii) ancillary meeting room facilities including a breakout area and office, at first floor level and a gym; (iii) 200 - bedrooms arranged over floors one to six; and (iv) plant

room, lift overrun, green roof and 19 number photovoltaic panels enclosed by three metre screen at roof level. The hotel is served by 38 number car parking spaces (including two number universally accessible spaces), two number motorcycle spaces and 28 number bicycle spaces accessed via a new vehicular and pedestrian entrance from within the Clonliffe College lands to the northern boundary of the site which includes a turning circle for coaches. The development also includes the demolition of the existing boundary wall, repositioning of the gate piers and widening of the entrance on Clonliffe Road to facilitate two-way traffic, the creation of two number pedestrian accesses off Clonliffe Road, and the construction of a replacement plinth boundary wall with railings along Clonliffe Road, landscaping, boundary treatments, street lighting, SuDS drainage, piped and other services, and all ancillary site development works necessary to facilitate the development (including the alteration of site levels and the upgrade of the proposed entrance from Clonliffe Road to include a pedestrian crossing and traffic lights). The development to be applied for is within the Holy Cross College landholding which includes a number of buildings on the Dublin City Council record of Protected Structures, including the following: the main College Building (1863); Holy Cross Church; the South Link Building; the Ambulatory; the Assembly Hall and the Red House, reference 1901 and 1902 respectively, all at the Clonliffe College lands, Clonliffe Road, Drumcondra, 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 Z12 Zoning Objective for the area under which hotel is a permitted use and the provisions of the Dublin City Development Plan 2016-2022 together with the pattern, character and appearance of 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 form of development in this location and 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, 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. Prior to commencement of development, a revised boundary treatment to both Clonliffe Road and the eastern site boundaries shall be submitted to and agreed in writing with the planning authority and shall include the following:
  - (a) In relation to the Clonliffe Road frontage the applicant shall investigate the reuse of the convex brick screens, brick piers and original cast cappings (or exact replicas of same) within a revised boundary treatment.
  - (b) In relation to the eastern boundary details of the proposed boundary wall shall be agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

3. Details of the materials, colours and textures of all 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 the visual amenities of the area.

4. Prior to commencement of development, a detailed specification of hard and soft landscaping shall be submitted to and agreed in writing with the planning authority. The agreed specification shall be fully implemented in the first available planting season following the substantial completion of the development. All plants shall be adequately protected until established. Any plants which die or are

removed or become seriously damaged or diseased within a period of five years from the date of planting shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

5. Full details of all external signage including signage associated with the hotel reception area, bar and restaurant shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, 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 interest of orderly development and the visual amenities of the area.

7. Prior to commencement of development, the applicant shall submit to the planning authority for written agreement details of the proposed screening/treatment of the ESB substation access stores.

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

8. Prior to commencement of development, the applicant shall submit a maintenance strategy for materials on the external elevation for the written agreement of the planning authority.

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

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The scheme shall include the following:

- (a) Details of the proposed location of trees and other landscape planting in the development including details of the proposed species and settings.
- (b) Details of the proposed street furniture including bollards, lighting fixtures and seating.
- (c) Details of the proposed boundary treatments at the perimeter of the site including heights, materials and finishes.
- (d) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

10. Window treatment at the ground floor unit shall be clear glazed and kept free of stickers and signage at all times.

**Reason:** In the interest of visual amenity.

11. No additional development shall take place above roof level other than those shown on the drawings submitted with the application unless authorised by a prior grant of planning permission.

**Reason:** To safeguard the amenities of surrounding occupiers and the visual amenities of the area.

12. Notwithstanding the provisions of Class 31 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended (or any equivalent provisions that may replace this class) no telecommunications apparatus that would otherwise constitute exempted development shall be installed on the application property without the written consent of the planning authority.

**Reason:** In the interest of visual amenity.

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 applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

**Reason:** In the interest of orderly development.

15. The developer shall comply with the following requirements of the planning authority's Transportation Planning Division.
  - (a) Prior to commencement of development full details of all potential works to the public road and public realm including the upgrading junction and pedestrian crossing on Clonliffe Road shall be agreed in writing with the planning authority. Materials shall be in accordance with the document entitled "Construction Standards for Roads and Streetworks in Dublin City Council". Any works to the public road and the public realm including the provision of an upgraded junction and pedestrian crossings, road and footpath modifications, lighting, drainage and materials considered to be acceptable to Dublin City Council shall be carried out at the developer's expense.
  - (b) Prior to commencement of development and on the appointment of a contractor, a construction and traffic management plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures, and access arrangements for labour, plant and materials including the location of a plant and machine compound.



- (c) Cycle parking shall be secure, conveniently located and well lit. Cycle parking design shall allow both wheel and frame to be locked, staff/employee shower and changing rooms shall also be provided as part of the development. Cycle parking shall be in situ prior to the occupation of the development.
- (d) Car parking spaces shall not be sold, rented or otherwise sublet or leased to any parties. They shall be retained by and managed by the hotel and shall be for use of the hotel patrons only.
- (e) Details of the mobility management strategy shall be implemented in full. Details of this strategy shall be agreed in writing with the Transportation Planning Division of the planning authority prior to commencement of development.
- (f) All costs incurred by the planning authority including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

**Reason:** To ensure a satisfactory standard of development.

- 16. The developer shall comply with the following requirements of the planning authority's Biodiversity Officer.
  - (a) Prior to commencement of development, the developer shall contract a suitably qualified ecologist to conduct acoustic bat surveys within the appropriate survey period for bats (May to September). The results of the bat survey should be submitted to the planning authority's Parks and Landscape Services.

- (b) If bats are found to be present on site, the developer shall prepare a lighting plan and appropriate mitigation measures to ensure that the proposed development does not cause a loss of foraging habitat or fragmentation of commuting routes for bats. The lighting plan and mitigation measures must be verified by a qualified ecologist and agreed with the planning authority's Parks and Landscape Services.
- (c) The developer shall conduct site clearance works and tree felling outside of the bird nesting season (March to August). If any works must take place during the nesting season, the applicant shall contract a qualified ecologist to inspect the affected area in advance of any works being carried out. If any breeding birds are present, then the applicant is required to notify the National Parks and Wildlife Service and cease works until such time as the nest has been abandoned. The nest must be rechecked by a qualified ecologist prior to works recommencing.
- (d) The developer shall ensure that the roof of any building is suitable for nesting birds post construction and does not include deterrents or measures in its design or construction.
- (e) The developer shall incorporate "swift bricks" into the normal courses of facades, "swift boxes" under the eaves which will need to be installed with reference to the specific design requirements for the targeted species.
- (f) The developer shall provide pollinator friendly planting in the proposed plaza space to the front of the hotel. The planting plan must be agreed with the planning authority's Parks and Landscape Services.

**Reason:** To ensure the development meets the objectives in the Dublin City Development Plan 2016-2022 and the City Biodiversity Action Plan.

17. 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.

18. (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 any point along the boundary of the site shall not exceed
- (i) An Leq 1 hour value of 55dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq 15 minute value of 45dB(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 10dB(A) above background levels at the boundary of the site.

- (b) All sound measurements shall be carried out in accordance with the 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.

19. 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.

20. 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 ongoing operation of the development. No raw materials, finished or unfinished products or parts, crates, packaging materials or wastes shall be stacked or stored on site at any time except within the curtilage of the building or storage areas as may have been approved before hand 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 the interest of the amenities of the area.

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

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

23. 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.

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**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board**

**Dated this            day of            2021**