

An  
Bord  
Pleanála

Board Order  
ABP-309215-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3609/20**

**Appeal** by Ringline Investments Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 15<sup>th</sup> day of December, 2020 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of buildings and redevelopment of partly vacant site for hotel with ancillary bar/café lobby fronting Capel Street/Strand Street Little junction and shop in 162 Capel Street. The development consists of the following:-

Demolition of 33 to 36 Strand Street Little (Working Men's Club) and buildings to the rear of the shop at 162 Capel Street;

Construction of a five to nine-storey over basement mixed use development with setbacks at fifth and seventh floor levels from the Capel Street and Little Strand Street frontages;

Internal reconfiguration of number 162 Capel Street with retail unit at ground floor and hotel accommodation on the floors above, linked into the new building at first and second and third floor levels;

Basement level accommodating staff facilities, meeting room, admin office, store, toilets, plant rooms, gym, linen store, bicycle parking and basement to shop in number 162 Capel Street;

Ground floor accommodating hotel reception and foyer accessed from Strand Street Little; hotel dining, kitchen, toilets; licensed café/bar lobby front Capel Street/Strand Street Little; service yard; shop unit in number 162 Capel Street; bin store, ESB substation, generator and switchroom accessed from side lane off Strand Street Little;

first to eight floors accommodating 142 number hotel bedrooms and ancillary facilities with set back at 1st floor rear, screened plant enclosure at fifth floor recess level and seventh floor rear;

Signage and all associated site works and services.

all at 162 to 164a (inclusive) Capel Street and 33 to 36 (inclusive) Strand Street Little, 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 city centre location of the site in close proximity to a wide range of public transport options and facilities, and to the provisions of the Dublin City Development Plan 2016-2022, the Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2018, and the National Planning Framework, which seeks to direct new development in cities into built-up serviced areas, and also having regard to the pattern and character of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible urban location and would not detract from the mixed-use character of the area or seriously injure the amenities of surrounding properties or the visual amenities of the area, and would be acceptable in terms of pedestrian and traffic safety. Furthermore, and having regard to the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011, the proposed development would not seriously detract from the character or setting of the Capel Street and Environs Architectural Conservation Area, the Quays, or the Protected Structures in the vicinity of the site. 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 development 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. 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. The plan shall include:
  - (a) details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste, and

- (b) a Construction Traffic Management Plan, which shall be prepared taking account of the Transport Infrastructure Ireland 'Code of engineering practice for works on, near, or adjacent the Luas light rail system', demonstrating that there shall be no adverse impact on the operation and safety of all Luas infrastructure.

**Reason:** In the interest of public safety and residential amenity.

4. 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.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

7. Construction and demolition waste shall be managed in accordance with a construction and demolition waste 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.

**Reason:** In the interest of sustainable waste management.

8. Any alterations to the public road or footpath shall be in accordance with the requirements of the planning authority and, where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the developer's expense.

**Reason:** In the interests of clarity, public safety and amenity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

10. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

**Reason:** In the interests of visual and residential amenities.

11. 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 and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. 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.

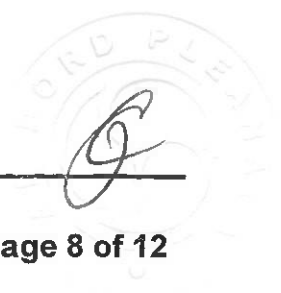
The assessment shall address the following issues:

- (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.





13. The loading and set-down requirements associated with the proposed development shall be shared with the on-street parking in the vicinity of the site. Proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To ensure satisfactory parking and delivery arrangements in the interests of pedestrian and traffic safety and convenience.

14. Prior to the commencement of operation of the development, a Mobility Management Plan Co-ordinator shall be appointed, who shall be responsible for the implementation of the measures outlined in section 9.0 of the Traffic Assessment, Mobility Management and Servicing / Deliveries Report submitted to the planning authority on the 22<sup>nd</sup> day of October, 2020.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

15. Wheel tracks shall be incorporated along the side of the staircase to the basement level to facilitate the transport of bicycles.

**Reason:** In the interest of encouraging the use of bicycles as a sustainable mode of transport.

16. Full details of all external shopfronts and signage, including for the hotel, the café/bar and the retail unit, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission. No adhesive material shall be affixed to the windows and glazing elements.

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

17. 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.

18. The proposed café/bar 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.

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

**Reason:** To promote active uses at street level.

20. No external security shutters shall be erected for the hotel, the café/bar, or the retail unit (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 commencement of development.


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

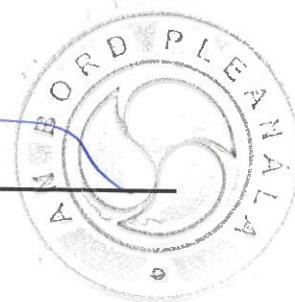
21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

22. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City project (Saint Stephen's Green to Broombridge Line), 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.

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



Dated this 6<sup>th</sup> day of September 2021.