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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2915/20**

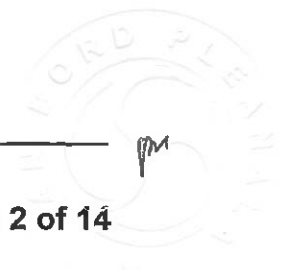
**Appeal** by David Allen of Apartment GF1, Adelaide Square, Whitefriar Street, Dublin and by others against the decision made on the 22<sup>nd</sup> day of January, 2021 by Dublin City Council to grant subject to conditions a permission to Dublin Saint Patricks Properties B.V. care of Avison Young of 2-4 Merrion Row, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of the following; (1) the demolition of an existing single-storey pitched roofed light industrial building (circa 480 square metres) and a two/four/five-storey office building including the remaining external walls and roof of Molyneux Chapel (circa 2,639 square metres); (2) the construction of a 247-room hotel building comprising of a part-four storey, part-five storey brickwork and polyester-powder coated framed glazed block facing Bride Street and a nine storey brickwork and polyester-powder coated framed glazed block at the corner of Bride Street and Peter Street. A total of 14 disability accessible bedrooms are included; (3) the proposed building has a total height of 31.856 metres above ground (+44.41 metres ODM, including lift overrun), stepping back at fourth, fifth and sixth floor levels with a gross floor area of circa 8,326 square metres (including basement

of circa 261 square metres); (4) the retention of a four-storey brick façade element to Bride Street to create an 'art-link' open air gallery space at ground floor level and the insertion of a linked gallery 'Stephenson Room' at second floor level; (5) polyester powder-coated steel entrance gates, cycle parking stands both inside and outside gates and hard and soft landscaping elements and external seating to the existing terrace courtyard at the northern boundary of the site; (6) a ground floor 'Living Room' foyer area will include a bar and servery, check-in pods, soft seating areas and meeting rooms, toilets and back of house areas with links to the open air gallery and landscaped terrace courtyard. This area will span the entire width of the building on Bride Street and include side hung glazed terrace doors as well as a draught lobby with two number sets of bi-parting automated doors; (7) an electrical sub-station located at ground floor on the Peter Street façade; (8) an existing part basement area is proposed to be retained for plant; (9) rooftop plant areas above both fifth floor and ninth floor areas will be screened with polyester powder-coated louvered metal panels; (10) artwork poem at third, fourth and fifth floor levels to brickwork panel to Bride Street corner of the Peter Street façade; (11) two number signage panels at ninth floor level to brick panels and (12) all other engineering and associated site development works on a circa 0.1918 hectare site at 36 Bride Street, Dublin and Molyneux House, 67-69 Bride 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:

- (a) the policies and objectives in the Dublin City Development Plan 2016-2022,
- (b) the zoning objective afforded to the site,
- (c) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (d) the nature, scale and design of the proposed development,
- (e) the pattern of existing and permitted development in the area,
- (f) the submissions and observations received, and
- (g) the report of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



In arriving at its decision, the Board has regard to the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing Planning and Local Government in December 2018 and considered that, by virtue of Section 37(2)(b)(iii) of the Planning and Development Act, 2000, in relation to Ministerial Guidelines, it was not constrained in granting permission for the proposed development.

The Board considered that a grant of permission that could materially contravene the maximum building height as set out in Section 16.7.2 of the Dublin City Development Plan 2016-2022 would be justified in accordance with sections 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to:

- (i) objective 11 and objective 13 of the National Planning Framework 2018-2040,
- (ii) Specific Planning Policy Requirement 1, Specific Planning Policy Requirement 3 and section 3.2 of the Guidelines for Planning Authorities on Urban Development and Building Height 2018 published under Section 28 of the Planning and Development Act 2000,

which state policy in favour of greater density and height at central accessible locations such as the current application site, subject to performance and development management criteria with which the proposed development would comply.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the

Inspector and concluded that, on the basis of the information on the file, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the integrity of the European sites, South Dublin Bay Special Area of Conservation (site code 000210), South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024), North Bay Special Area of Conservation (site code 000226), North Bull Island Special Protection Area (site code 004006) and Poulaphuca Reservoir Special Protection Area (site code 004063), or any European site, in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not, therefore, required.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted to the planning authority on the 18<sup>th</sup> day of December 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. Prior to the commencement of development, proposals for the recording, salvaging and re-use of the queen-post truss roof of the former Molyneux Chapel shall be submitted to, and agreed in writing with the planning authority.

**Reason:** In the interest of heritage conservation.

3. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including external fronts, signage, pavement finishes and bicycle stands 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. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

6. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

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

7. 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. Full details of the proposed green roofs including construction and maintenance plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, unless otherwise stated.

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

8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

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

9. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

10. 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 including details of asbestos removal specialist. 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.

11. Site development and building works shall be carried out only between 0800 to 1900 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.

12. 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, noise management measures and offsite disposal of construction/demolition waste.

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



13. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

14. The developer shall comply with the following requirements of the planning authority:
- (a) Prior to commencement of development, all works to the public footpath and carriageway on Peter Street and Bride Street including loading bay, realignment of kerb line, widening of footpath, pedestrian crossing, removal of existing dishing and alterations to line markings and pay and display parking scheme shall be agreed in writing with the planning authority. Materials proposed in public areas and areas to be taken in charge shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works shall be at the developer's expense.
  - (b) Prior to occupation of the development, the existing utility cabinets located on Peter Street, and which bound the existing building façade shall be relocated to the proposed back of footpath, i.e. positioned against the proposed building line to ensure maximum footpath width on Peter Street. Any works shall be at the developer's expense.
  - (c) Staff cycle parking shall be provided prior to occupation of the development and in accordance with the approved Ground Floor Plan and shall be secure, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development

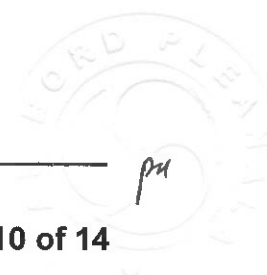
for staff. Key/fob access shall be required to access staff bicycle compounds. Visitor and staff cycle parking design shall allow both wheel and frame to be locked.

**Reason:** In the interest of the proper planning and sustainable development of the area.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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 relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation and demolition works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.



16. Prior to the commencement of development, an archaeological method statement for impact mitigation (including temporary and enabling works) shall be provided for the written agreement of the City Archaeologist. The method statement shall contain:
- (a) A detailed archaeological and historical desktop study of the subject site, to include industrial heritage.
  - (b) A copy of the license application to the National Monuments Service.
  - (c) Details of the proposed construction methodology, including the phasing of any archaeological excavation, and the location of site compound.
  - (d) The methodology for the appropriate conservation and structural repair of the historic northern graveyard boundary.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the development.

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



18. Prior to the commencement of any development, a landscape scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted, shall be submitted to, and agreed in writing with, the planning authority. The approved landscaping scheme shall be implemented in the first planting season following completion of the development, and any trees and shrubs which die or are removed within three years of planting shall be replaced in the following planting season.

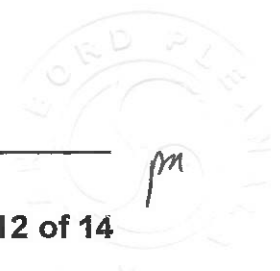
**Reason:** In the interests of amenity, ecology and sustainable development.

19. Details of the fritted glazing to be applied to windows facing John Field and Adelaide Square shall be submitted to, and agreed in writing with, the planning authority prior to first operation of the hotel. The glazing shall be installed as approved and retained thereafter.

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

20. Prior to the commencement of development, a scheme for the commissioning of artwork to be installed as part of the development, including timescales, shall be submitted to, and agreed in writing with, the planning authority.

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

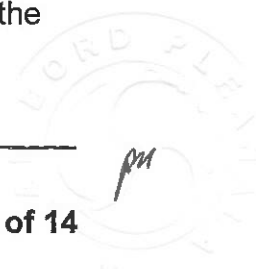


21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge



22. 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.



23. 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 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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**Paul Hyde**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

Dated this *14<sup>th</sup>* day of *January* 2022.