

An  
Bord  
Pleanála

**Board Order**  
**ABP-313981-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number:3200/22**

**Appeal** by Noel Murray and Anne Murray care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 7<sup>th</sup> day of June, 2022 by Dublin City Council to grant subject to conditions a permission to Findlater House Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The proposed development will consist of alterations and provision of an extension (comprising seven storeys over basement) to the existing/permitted eight storey hotel building (an additional eighth storey, permitted under planning register reference number 2084/18, An Bord Pleanála reference number ABP-301378-18, and a fire fighting shaft, permitted under planning register reference number 2850/19, have yet to be implemented).

The proposed development comprises of the following:-

- Alterations to the existing basement level involving the omission of the existing car parking spaces and access ramp to provide nine number hotel rooms, plant, bin store and ancillary back of house areas;
- The demolition of circa 355 square metres of existing hotel floor space and external ancillary structures within the existing courtyard and alterations to the existing bar/restaurant at ground floor level, and provision of a proposed extension including an additional nine number hotel rooms at ground floor level. It is also proposed to provide 34 number cycle spaces at ground floor level;
- A proposed seven storey extension (located within the existing courtyard to the rear of the site) from basement to sixth floor level to provide for an additional 103 number hotel rooms;
- Alterations to existing hotel rooms and removal of six number rooms from first to sixth floor level to provide access to stair/lift cores and the proposed extension;
- The proposed development will increase the total number of existing / permitted hotel rooms from 214 number to 311 number rooms, i.e. a net increase of 97 number hotel rooms, and will increase the overall gross floor area from circa 10,880 square metres to circa 13,490 square metres; and
- The proposed development also includes for the decommissioning of an existing ESB substation and provision of a new ESB sub-station at ground floor level, and all associated and ancillary works:

All at Holiday Inn Express (Formerly known as Findlater House), 28-32 O'Connell Street Upper and Cathal Brugha Street/Findlater Place, Dublin. The application site is located on the junction of O'Connell Street Upper, Findlater Place and Cathal Brugha Street, Dublin. The subject site is located within the O'Connell Street Architectural Conservation Area.

## **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.**

## **Reasons and Considerations**

Having regard to the nature, scale and extent of the proposed development, to the existing uses within the site and immediate environs, to the fact that the proposed development comprises an extension of an existing hotel within its site boundaries and is fully interlinked with the established building form, services and points of access/egress at the existing hotel, to the totality of the documentation on file, including the submissions of all parties and observers and the report of the planning authority, within which all matters of policy and development detail relevant to the decision have been ventilated, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not materially affect the character of the O'Connell Street Architectural Conservation Area, would be in accordance with the relevant provisions of the current Dublin City Development Plan and would constitute an acceptable form of development at this city centre location. 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 11th day of May 2022, 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 external finishes, including samples, 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 proposed fourth floor, as indicated on drawing number 2135 Rev. C01 received by the planning authority on the 2<sup>nd</sup> day of February 2022, shall be omitted from the development. The original layout of the fifth floor shall be substituted for the revised layout of this floor, submitted by way of additional information on the 11<sup>th</sup> day of May, 2022. The original sixth floor shall be omitted, as set out the additional information submission of the 11<sup>th</sup> day of May, 2022. Revised drawings, to indicate the reduced-height development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To lessen the impact of this interior city block development on surrounding properties in terms of daylight and sunlight, and also on the existing and proposed hotel itself, in the interest of clarity, orderly development and the amenities of the area.

4. The development shall comply with the following requirements of the planning authority:

- (a) a Construction/Demolition Management Plan and Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority, following consultation with Transport Infrastructure Ireland, prior to commencement of development,
- (b) the developer shall ensure there is no adverse impact on the Luas line operation and safety, and
- (c) 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.

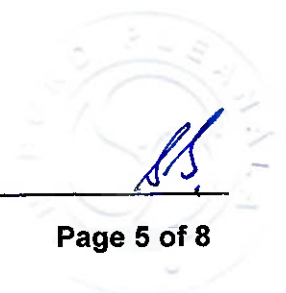
**Reason:** In the interest of the proper planning and sustainable development of the area.

5. Surface water drainage arrangements, including proposals for green roofs and attenuation, shall comply with the requirements of the planning authority for such works and services.

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

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann, formerly Irish water.

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



7. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 amenities of property in the vicinity.

8. The site development and construction works shall be carried out in such a manner, as to ensure that the adjoining streets are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the provision and satisfactory completion of footpaths and drains, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory completion or maintenance of any works on O'Connell Street, Cathal Brugha Street or Findlater Place. The form and the 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 works on the public road network, in the interest of traffic and pedestrian safety.

11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme (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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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this *17<sup>th</sup>* day of *November* 2023