



An  
Bord  
Pleanála

## Board Order

**ABP-317636-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3705/23**

**Appeal** by Claus Peter Pfeffer care of SCA Planning and Development Consultants of 17A Bridgecourt Office Park, Walkinstown Avenue, Walkinstown, Dublin against the decision made on the 27<sup>th</sup> day of June, 2023 by Dublin City Council to refuse permission.

**Proposed Development:** Change of use from office use of the ground floor and three residential accommodation units on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors overhead to hostel (tourist) use with modifications to existing rear flat roof, amenity space at roof level, associated internal modification works and all associated site works and services, at 18/19 Merchant's Quay, Dublin (a protected structure).

### **Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the Dublin City Development Plan 2022-2028, the “Z5” zoning objective which applies to the site, its location within the city central area, 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 proposed development 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 proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The hostel shall accommodate a maximum of 46 number bed spaces.

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

3. A hostel management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, 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 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.

5. Drainage arrangements, including the attenuation and 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 surface water management.

6. Prior to the commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

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

7. The developer shall comply with all requirements of the planning authority in relation to conservation matters.

**Reason:** In order to protect the original fabric, character and integrity of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

8. The construction of the proposed 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 proposed development, including hours of working, noise management measures, machinery storage and off-site disposal of construction/demolition waste.

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

9. 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.

10. 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 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

Dated this *19<sup>th</sup>* day of *March*, 2024.

