

An
Bord
Pleanála

Board Order
ABP-318822-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4648/23

Appeal by ORHRE SSG Limited care of John Spain Associates, Planning and Development Consultants of 39 Fitzwilliam Place, Dublin against the decision made on the 5th day of December, 2023 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Amendments to planning permission Register Reference: 5099/22. The development will consist of the extension of storeys five, six and seven (circa 245.3 square metres) to the southern elevation (total height circa 21 metres above ground level) of the permitted hotel building replacing roof terraces at these floors and providing an additional 10 number hotel bedrooms, bringing the total number of hotel rooms to 133 number (123 number permitted). Green roof and all associated works to facilitate the development. There are no changes to the protected structures to that permitted on a circa 0.126 hectare site at numbers 92 and 93 Saint Stephen's Green, Dublin (Protected Structures).

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 provisions of the Dublin City Development Plan 2022 – 2028, relevant National Guidelines, the Z8 zoning of the site, the planning history of the site, the nature, form, scale and design of the proposed extension to the permitted hotel, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area, would not detract from the architectural heritage of the area, and would comply with Policies BHA2 and BHA9 of the Development Plan. 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. The proposed development shall comply with the conditions of planning application register reference number 5099/22, except as otherwise may be required in order to comply with the following conditions.

Reason: In the interest of clarity.

3. 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.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and / or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

5. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed extension 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.

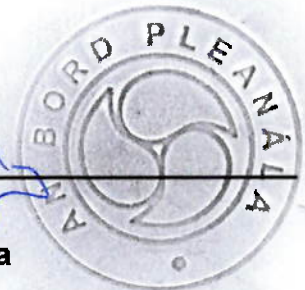
6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the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

7. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City Scheme 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 *19th* day of *September*, 2024