



An
Bord
Pleanála

Inspector's Report PL29S.246976

Development	Construction of seven storey hotel extension additional extension on seventh storey to existing hotel and reconfiguration and alterations to existing hotel layout.
Location	Hilton Hotel, Charlemont Place, Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2209/16.
Applicant(s)	Charlemont Leisure Investments Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Harcourt Green Management Limited. Alvin Price
Observer(s)	An Taisce M.Gilmore

D and R Mulholland
Oksana Popova.

Date of Site Inspection

21st October, 2016.

Inspector

Stephen Kay.

1.0 Site Location and Description

- 1.1. The appeal site is located fronting onto the Grand Canal approximately 1.5km from the city centre. The site is located adjacent to Charlemont Street bridge over the canal and in close proximity to the LUAS alignment.
- 1.2. The appeal site forms part of a larger complex of buildings comprising the existing Hilton Hotel which fronts the Grand Canal at this location. The site also includes an area of hard surfaced open space located to the north of the hotel building. This area is separated from public access to the east by a railing. The existing hotel on the site has a total of 208 bedrooms and has a floor area of c. 10,175 sq. metres.
- 1.3. The site is bounded to the north east and the east by the existing LUAS alignment (green line) and the level of this line rises from the north east corner of the site along the eastern boundary to the crossing of the canal at the south east corner of the site. The site is adjoined to the south by Charlemont Place and beyond that the Grand Canal. To the west, the site adjoins commercial offices called Charlemont Exchange and to the north and north west the site adjoins existing residential development called the Harcourt Green Apartments. Together with the existing hotel, these office and residential buildings formed part of a mixed use complex developed approximately 20 years ago.
- 1.4. To the east of the site and the LUAS alignment is a site that was formerly occupied by a five storey office building, McConnell House. This site is currently being redeveloped for office use and is nearing completion.
- 1.5. The stated area of the appeal site is 5,738 sq. metres.

2.0 Proposed Development

- 2.1. The proposed development comprises an extension of the existing hotel on the site through the addition of additional function room space and bedrooms in a new seven storey block to be located to the rear (north) of the existing hotel blocks. In addition, the proposed works include revisions and amendments to the layout of certain parts

of the existing hotel and also the development of an additional floor on the existing hotel block fronting onto Charlemont Place.

2.2. The main elements of the proposed development are as follows:

- The construction of a new seven storey over existing basement level hotel extension to the north (rear) of the existing hotel building. This block is proposed to have function room space at ground floor level and a total of 97 no. bedrooms at the upper levels.
- The reconfiguration of the existing hotel areas including the removal of 5 no. existing hotel bedrooms at upper floor levels in the existing rear block to provide access to the proposed new development to the rear.
- The provision of a new seventh floor plus a sixth floor level south facing terrace, to the existing hotel building providing an additional 20 no. hotel bedrooms and an executive lounge area facing south over the canal.
- On foot of the above works, the total floor area of the hotel would increase to c. 17,080 sq. metres. The total number of retained and new bedrooms will be 305.
- In the basement area, it is proposed that the existing plant / service area would be reconfigured and that new plant would be added. 19 no. existing car parking spaces would be omitted from the development reducing the number of spaces from 97 no. to 78 no. and there are proposed to be 40 no. additional cycle parking spaces created.
- Associated drainage works including the provision of a combined on site drainage system and the use of sedum roof surfaces to the new development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Grant Permission subject to 17 no. conditions. None of the conditions attached to the decision issued significantly alter the form or scale of development proposed. The most significant are considered to be the following:

Condition 3 requires details of all external finishes shall be submitted for written agreement of the planning authority prior to development.

Condition No.7 relates to environmental health issues and requires that noise and vibration monitoring shall be undertaken at the northern perimeter of the site, requires a notification process for residents when works are being undertaken and specifies an operational noise level maximum at the site boundary. It is also specified that no amplified music shall be played in the external areas.

Condition No.11 requires liaison with Transport Infrastructure Ireland (TII) regarding ensuring the stability and safety of the adjoining LUAS line during construction works.

Condition No.15 requires the submission of a construction and demolition management plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The reports of the planning officer note the objections received and also the planning history of the site. The similarities between the proposed development and that permitted by the council and An Bord Pleanala under ref. PL29S.231603 are noted. Some concerns regarding the potential shadowing impacts of the development and the submission of shadow projection diagrams and this issue was the subject of a request for further information and clarification of further information. A grant of permission consistent with the notification of decision which issued is recommended.

3.2.2. Other Technical Reports

Roads and Traffic Division – No objection subject to conditions.

Environmental Health Officer – No objection subject to conditions including conditions related to noise limits.

Drainage Division – No objections subject to conditions.

3.3. Prescribed Bodies

An Taisce – submission objecting to the proposed additional floor on the front block facing the canal on the basis of its adverse impact on the Grand Canal Conservation area.

3.4. Third Party Observations

Observations received from residents of the adjacent Harcourt Green apartment development. These observations raised issues of shadowing / daylight, noise, proximity of the proposed development, inadequate separation distances to existing residential properties and concerns regarding the nuisance arising from the proposed ground floor function room areas.

4.0 Planning History

Dublin City Council Ref. 2420/15 – Permission granted for the reconfiguration of existing planter, relocated ramp and removal of glazed screen to create a new access and installation of new awnings to the front elevation of the hotel.

Dublin City Council Ref. 3578/12 – Permission granted for the construction of a single storey extension to the existing hotel meeting room of c.100 sq, metres within the existing courtyard area to the rear of the hotel.

Dublin City Council Ref. 4087/08; An Bord Pleanála Ref. PL29S.231603 – Permission granted by the Planning authority and decision upheld on appeal for development on the current appeal site and the former McConnell House site located

to the east (on the eastern side of the LUAS line) and comprising the demolition of the existing five storey McConnell house and the construction of a mixed use development comprising office, café, hotel extension and conference facilities. The scale of development to the Hilton Hotel permitted in this application is very similar to that proposed in the current application.

Dublin City Council Ref. 2231/94; An Bord Pleanála Ref. PL29S.095900 – Permission granted by the planning authority and upheld on appeal for the construction of a mixed use development comprising a six storey hotel building containing 195 bedrooms, 192 no. apartments contained in blocks ranging between 4 and 8 storeys, 4 no. office buildings of part 5 and part 6 storeys and 2 no. ground floor retail units, basement car parking, ancillary open space and an amenity plaza. This is the parent permission under which the Hilton Hotel on the current appeal site was constructed and the appeal site formed part of this wider mixed use scheme.

5.0 Policy Context

5.1. Development Plan

The development plan in effect is the Dublin City Development Plan, 2016-2022. Under this plan the site is zoned Objective Z4, *'to provide for and improve mixed services facilities'*. Hotel is identified as a permissible use on lands that are zoned Objective Z4.

Indicative plot ratio for Objective Z4 lands is stated in the plan to be 2.0 and site coverage a maximum of 80 percent.

Policy CEE12 relates to the promotion of tourism and tourist infrastructure, including hotels to meet demand.

One of the listed strategic approaches to economic development and enterprise set out at Chapter 6 of the Plan is *'Promoting tourism as a key driver for the city's economy, particularly through making the city attractive for visitors, international education, business tourism and conventions'*.

The parking standard for hotel use is set at 1 space per 4 rooms in the central area and 1 per three rooms in area 2.

The development plan makes reference to the BRE Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice in the sections relating to residential development and residential standards. This guidance relates to both apartments and houses (paragraphs 16.10.1 and 16.10.2 of the development plan).

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the appeal submissions received:

- That the area where the extension is proposed is an open space area serving the entire development. The area was to be landscaped and was incorporated into the masterplan to ensure access to daylight and sunlight to the residential blocks.
- That the proposed extension is located too close to the apartments at Block 6 being only 8 metres away at the closest point. This is excessively close and the proximity will be made worse by the 7 storey height towering over the 5 storey apartment building.
- The impact of the development on the sunlight to 14 south facing apartments in Block 6 will be very significant and the loss of daylight will be such that their viability as residences is questionable.
- That the noise and dust impacts of the development on the adjoining residential properties would make the apartments uninhabitable.
- That despite the form and scale of development being very similar to that permitted by the Board in 2008 (Ref. PL29S.231603) that the context especially in terms of policy and guidelines in the area of daylight and sunlight have changed.

- That the 2008 permission has lapsed and should not be used as any form of guarantee or precedent for permission.
- Submitted that the design and scale of development is contrary to the principles and masterplan approach established by the parent permission on the site (Ref. PL29S.095900). The original layout contained an amenity plaza between the hotel and apartments to separate the two uses. Just because this area has not developed exactly as envisaged in the original permission and has not been landscaped does not mean that it doesn't have value.
- The failure of the developer to fully implement the original permission and undertake landscaping should not be used as a justification for the current proposal.
- That the proposal would result in the plot ratio and site coverage standards in the plan being exceeded.
- That the true impact of the development on the units in Block 6 has not been adequately shown in the information submitted with the application. The concerns regarding the impact on residential amenity as set out in the Inspectors Report for Ref. PL29S.231603 are not acknowledged in the current application.
- The appeal is accompanied by a report from BPG3 Consultants and this indicates that there would be a significant impact in terms of VSC skylight component, annual sunlight and winter sunlight. The analysis submitted by the first party is not appropriate as it compared the proposed situation with that previously permitted. This previously permitted scenario however no longer applies as this permission has expired. In the absence of a proper assessment of the daylight and sunlight impact it is not clear how the planning authority could or the Board can make an accurate assessment of the proposed development.
- That the submitted shadow studies are indicated in the BRE Guidance as not being appropriate for the assessment of daylight impact.
- The analysis submitted with the application is flawed as it did not undertake an analysis of the existing scenario, sunlight impact (APSH) is not addressed

at all and no assessment of the impact of balconies in block 6 apartments is undertaken.

- With regard to the clarification of further information response, the conclusions / analysis reverts to a comparison with the originally permitted scheme. It is also submitted that the shadow images submitted are not comparable with those for the existing situation as they are indicated for different periods / times of the day.
- That the BRE analysis undertaken by BPG3 consultants looked at a total of 10 assessment points and of these seven were short of the BRE thresholds for skylight and six deficient for sunlight. The impacts are particularly acute in winter sun scenarios.
- That there will be a very significant adverse impact in terms of noise and dust and that the analysis of these issues in the application has been inadequate.

6.2. Applicant Response

The following is a summary of the main issues raised in the first party appeal response:

- That the existing plaza was never proposed to be used as open space to serve the apartment element of the overall development. Only 5 of the 192 apartments have their main aspect towards the plaza.
- That the statement of the appellants regarding the function of the plaza as a buffer is not agreed with. The impact of the plaza as a barrier that limits potential overshadowing is limited as it is to the east of the bulk of the office and residential development.
- Note that the landscape function of the plaza will not be eliminated by the proposed development.
- That on the basis of the above, the 'principles and framework' of the original permission are not contravened by the development.

- That the issues regarding density of the original scheme (1994 application) related to concerns of the inspector regarding the level of shared open space proposed to serve the apartments. In the original permission, the Board addressed this concern by omitting a block at the southern side of the courtyard thereby increasing the amount of open space and reducing apartment numbers.
- That the original 1994 permission permitted a development that exceeded the 2.0 plot ratio figure. This 2.0 remains the indicative plot ration for Objective Z4 lands however there is provision for higher densities in centrally located sites that are accessible to public transport. Such a provision also applied at the time of the 2008 decision.
- That contrary to the statements of the appellant, the 2008 decision should not be set aside and that it was permitted in a time period and planning context much closer to the current situation than the 1994 parent permission.
- That the site of the hotel extension is not publically accessible and forms an underutilised site zoned Objective Z4.
- That the majority of units in Block 6 are dual aspect and have their principal orientation away from the plaza / hotel.
- That quotations from the inspector's report contained in the appeal submission relate to the originally proposed 2008 development and not that as subsequently submitted in response to the Boards request for further information.
- That the submission of shadow analysis was a direct response to the request for further information issued by the Planning Authority. There was no effort to disingenuous. In addition, contrary to the appellant's claims, a comparison of the existing situation and the proposed was submitted to the planning authority.
- That a daylight and sunlight assessment prepared by IES has been prepared and is submitted with the appeal response. This indicates that the proposed

development is in line with the BRE guidance and that there is no basis for refusal on issues relating to daylight impact.

- That the application documentation includes a construction management plan prepared by John Paul construction and this addresses issues of noise, dust and vibration. The content of this plan is noted in the report of the Planning Officer and is considered to be acceptable. The decision of the council also includes a number of conditions that address construction issues.
- That the area to the rear of the proposed extension and between the hotel and the apartments will have controlled access and will not be a spill out area for persons using the ground floor function room. The use of this area was controlled in both the 2008 decision of an Bord Pleanála and the Notification of Decision issued by the Planning Authority.
- That contrary to the statements of the appellant, the scale of the proposed extension at 7 storeys is not such that a study of the wind microclimate is required. 17.6.3 of the plan requires such studies for mid and high rise buildings.
- That notwithstanding the above response, in the event that the Board is not fully satisfied with the proposed design that the applicant proposes a modest revision to the scheme. This revision revises the northern elevation of the hotel back to a position in line with the building line as permitted in the 2008 permission. Revised plans showing this amendment have been submitted. The difference between the original and revised proposed building line is c. 2.1 metres.
- The appeal response is accompanied by a daylight assessment prepared by IES which assesses the daylight impact of the proposed development and also responds to the content of the BPG3 daylight report as submitted with the appeal. This analysis contests the minimum VSC and APSH figures used in the BPG3 analysis. It also considers that the BPG3 analysis did not take into account either the city centre location or the fact that the part of the building analysed is right on the boundary line. It is also demonstrated in the simulations undertaken (with and without balconies) that the presence of the existing balconies rather than the proposed development is the main factor in

the relative loss of light. It is also noted that the modelling undertaken in the IES consulting submission examines the existing situation, that as permitted by the council and the revised option now presented to the Board where the northern elevation has been relocated.

6.3. **Planning Authority Response**

The Planning Authority responded to state that the planners report addresses the issues raised and that they have no further comment to make on the grounds of appeal raised.

6.4. **Observations**

Observations on the grounds of appeal have been received from four parties as follows:

- An Taisce
- Michael Gilmore
- Daniel and Rosaleen Mulholland
- Oksana Popova

The main issues raised in these submissions can be summarised as follows:

- That the proposed construction of an additional floor to the elevation to the canal would result in a development that would be over scaled and visually obtrusive in the Grand Canal Conservation Area. The proposal would be contrary to Policy FC41 of the Plan.
- That the proposed development would have a significant negative impact on daylight and sunlight.
- Inadequate provisions in the conditions attached to the decision regarding construction impacts.

- That the amenity plaza was a central feature of the overall masterplan. The proposal is overdevelopment of the site and would contravene the original masterplan.
- That the daylight and sunlight experts IES do not appear to be daylight and sunlight experts.
- That the response of the first party to the further information and clarification of further information requests was incomplete and confusing. The analysis undertaken by the council as presented in the planner's report is inadequate.
- That the apartments in Block 6 have always had a premium on account of the open aspect and access to light. As set out in the analysis of BPG3 this will be lost on foot of this proposal and the light and sunlight levels reduced to below BRE minimum standards. It is not acceptable that existing levels of amenity enjoyed for 20 years would be so reduced.
- That the function room use of the ground floor and the proximity to the apartments will lead to issues of noise, light and general nuisance.

6.5. Further Responses

On account of the option of a revised layout presented by the first party the comments of the third party appellants and the Planning Authority was sought on the first party response to the grounds of appeal. The following is a summary of the main points raised in the responses received:

Planning Authority: stated that the planning authority has no further comment to make and considers that the planners report on file adequately deals with the proposal.

Alvin Price:

- That the third party appeal of Harcourt Green Management Limited is supported.
- That there are a significant number of apartments that have a view over the plaza in addition to those whose light would be impacted.

- That the retained communal gardens to the apartments would be dominated by the proposed hotel extension.
- That the east facing apartments in Block 6 only have sunlight from that direction which will be impacted by the proposed extension.
- That the proposed planting of trees along the boundary of the apartments would only worsen the loss of daylight and sunlight for the lower level units.
- That it was never claimed that the plaza area was open space for the apartments. Rather it was a buffer zone between uses.
- That the claim of the McGill submission that the existing proposal is the same as the lapsed 2008 submission is not correct. The building is now proposed to be closer to Block 6 than the 2008 proposal. Even with the proposed amendments, the staircase at the western gable would not be in the originally proposed location. (this can be seen from the green dotted line in the revised submission made by McGill).
- That contrary to claims of the first party, the existing plaza has been open to the public and residents for the last 20 years.
- That the proposed development will not provide a 'much more interesting vista' as claimed in the first party submission.
- That the nearest apartment block (Block 6) is 5 storeys not 6 as stated (there is not a double height penthouse level) and the effective height of the hotel extension is 8 storeys as the ground floor function room is double height.

Harcourt Green Management Limited:

The following is a summary of the most significant new points made in this submission:

- That the planning history of the site is not relevant and the assessment should be made on the basis of the current proposals.
- That the proposed extension is essentially an 8 storey structure when account is taken of the double height ground floor and it is proposed to place this building only 8-10 metres due south of the existing 5 storey Block 6.

- That the plaza and layout of the original scheme was designed to have regard to sunlight and also to provide a buffer between potentially incompatible uses.
- That the 2008 application was assessed under the 2005-2011 City Development Plan that referenced the 1991 BRE guidance document on Site Planning for Daylight and Sunlight. The current development plan references the 2011 version of this document which requires a significantly more scientific and professional approach.
- That the shadow projection diagrams (before and after) submitted by the first party (ref. 21st March at 10am and 12.00hrs) show the clear impact that the proposed development would have over the existing scenario. These show that the Harcourt Green apartments are not currently shadowed due to the impact of the buffer area. The impact reinforces the result of the BPG3 Consultants findings that 7 of the 10 points assessed on the façade of Block 6 would suffer adverse impacts.
- That the contextual elevations submitted with the application are not accurate in the relative heights of the proposed development and Block 6.
- That all 20 units in Block 6 have their principal orientation onto the plaza rather than the 5 stated by the appellants.
- That the further information response submitted to the council should have incorporated more than just a shadow analysis. The shadow casting assessment submitted does not provide an assessment of the impact on the neighbouring apartments.
- That as previously submitted, the results of the IES daylight assessment should be disregarded by the Board as it contains a number of critical errors. The analysis does not assess the impact of the development on sunlight levels, the manner in which they have assessed skylight impact. The reference of the first party submission to the residential blocks not being a good neighbour (as per 2.2.3 of the BRE) on the basis that it is located immediately on the boundary with the hotel property is also not accepted. The location was permitted as per the 1994 permission.

- That the Board should consider engaging an independent daylight, sunlight and solar expert to assess the issue and the submissions made.
- That a total of 8 out of the 10 locations / points examined in the BPG3 response suffer an adverse impact if the errors in the IES analysis were corrected. The conclusion of IES analysis that there is no basis for refusal of permission on daylight grounds cannot therefore be supported.
- That inadequate information regarding the operation of the proposed function room have been provided to demonstrate that there would not be noise and vibration issues that would impact on residential amenity. This function room will be only 8-10 metres from residential units and it is not feasible that there will not be an impact on residential amenity.
- That the proposed extension is effectively 8 storeys in height (when account is made of the double height function room) and does therefore comprise a tall building which should be the subject of wind impact analysis as per 17.6.3 of the development plan.
- That the revisions proposed to the building line are completely insignificant in the context of the bulk and scale of development proposed.
- While it is acknowledged that there is a requirement for additional hotel bedrooms it is submitted that this is not justification for the negative impact on residential amenity that would arise. The proposed additional 97 rooms is not very significant in a city wide context.
- The third party submission is accompanied by a detail response submission from BPG3 Consultants relating to daylight and sunlight. The main points raised in this submission are as follows:
 - That an incomplete assessment has been undertaken by IES as skylight has been assessed but sunlight has not so only half of the daylight assessment has been completed.
 - That the skylight assessment by IES has been undertaken assuming the omission of the balconies on the adjacent apartment building. If the assessment was completed with these balconies in position then the

conclusion would have been that four of the ten points examined would have suffered adverse impact.

- That the situation on the appeal site does not qualify as a special case as per the BRE guidelines and so the standard VSC of 27 % as per the BRE should have been used. If this had been done then 8 of the 10 points examined would have suffered adverse impacts. This result would have stayed the same even with the use of a 29 % VSC target.

7.0 Assessment

The following are considered to be the main issues in the assessment of this proposed development:

- Principle of Development / Planning History and Precedent
- Design and Visual Impact
- Parking and Access
- Impact on Residential Amenity
- Other Issues

7.1. Principle of Development / Planning History and Precedent

- 7.1.1. The appeal site is located on lands that are zoned Objective Z4, '*to provide for and improve mixed service facilities*' under the provisions of the Dublin City Development Plan, 2016-2022. Under this land use zoning objective hotel is identified as a Permissible Use as is residential. The proposed extension of the existing Hilton Hotel use on the appeal site would therefore be consistent with the land use zoning objective of the site.

- 7.1.2. Within the Objective Z4 land use zoning the development plan identifies a number of locations which have been identified as Key District Centres. The appeal site is not located within an area that is identified as a Key District Centre.
- 7.1.3. Both the first party and the third party appellants make reference in their submissions to the planning history of the site and particularly the original grant of permission for the overall development comprising the hotel use, the office immediately to the west of the hotel and the Harcourt Green residential development located to the north and secondly the permission granted in 2008 for the extension of the existing hotel use and the redevelopment of the office building to the east of the LUAS line. These submissions contain significant comment with regard to the justification for the original layout of the development and specifically the purpose of the plaza area that is located on the current appeal site and to the north of the existing hotel building. The third party contend that this original permission was granted on the basis of a masterplan for the overall development of the site and that this masterplan and the permitted layout was guided by the protection of amenity of occupants of the development and the creation of a buffer between potentially conflicting uses (hotel and residential) so as to ensure the protection of amenity.
- 7.1.4. I note the comments contained in the submissions of the first and third parties regarding the history of the site. In my opinion, the fact that the appeal site formed part of a larger overall development is a relevant factor in the assessment of the proposed development. In stating this however, it is noted that permission was granted 20 years ago and that the context in both policy and surrounding development has changed significantly in the interim. The assessment of the current proposal has to be undertaken on its merits having regard to the provisions of the development plan, other relevant policy guidance and the proper planning and sustainable development of the area.
- 7.1.5. Similarly, I note the fact that permission was granted in 2008 for development that incorporated an extension of the hotel in a similar format to that currently proposed. The appellants contend that the first party case places an excessive emphasis on the fact that permission was previously granted permission by An Bord Pleanala and make the case that this previous grant of permission should not form a precedent for the assessment of the current proposal. The fact that permission was granted is noted, however the current proposal has to be assessed on its merits having regard

to the current Dublin City Development Plan and also to the proper planning and sustainable development of the area. I would also note the fact that the information on the 2008 appeal file regarding daylight and sunlight impact is significantly less detailed than that which is presented in the submissions made on this case.

- 7.1.6. In terms of the use proposed, the current Dublin City Development Plan, 2016-2022 contains a number of provisions and policies that support the tourism industry, recognises its importance in the economic life and economy of the city and which seeks to support the development of tourist facilities including hotel accommodation. In particular, paragraph 6.5.3 of the plan relates to tourism and the development of tourist infrastructure. Policy CEE12 states that it is the policy of the council to promote and facilitate tourism and *'to support the provision of the necessary significant increases in facilities such as hotels....'* I also note the fact that one of the strategic approaches identified in section 6.4 of the plan to promote the economic role of Dublin is the promotion of tourism. In view of the above, I consider that there is strong policy support in the development plan for the form of development which is the subject of the current appeal.
- 7.1.7. The first party appeal response submitted and received by the Board on 23rd August, 2016 proposes the relocation of the rear (northern) elevation of the development to a position approximately 2.1 metres further to the south and further away from the Harcourt Green apartment development. This proposed revision to the scheme is noted and will be referred to in the sections below.

7.2. Design and Visual Impact

- 7.2.1. There are in my opinion two main aspects relating to the design and visual impact of the proposed development which require consideration. Firstly, there is the proposed additional floor to the existing front hotel block and the impact that this part of the development would have on the view from the Grand Canal and the potential impact on the Grand Canal Conservation area. Secondly, there are the impacts arising from the proposed hotel extension to the rear and the development on the existing plaza located to the north of the existing hotel blocks. This aspect of the development has potential impacts on views from the LUAS line, the road to the

north east of the site, from the Peter Place residential development to the east of the site and also from the adjoining Harcourt Green apartment development and office accommodation to the west of the site.

- 7.2.2. With regard to the impact of the additional height proposed to the front block facing the Grand Canal, the canal in the vicinity of the site is identified as a Conservation Area in the Dublin City Development Plan, 2016-2022. Section 11.1.5.4 of the development plan sets out the councils policy with regard to ACAs and Conservation Areas and Policy CHC4 states that it is policy of the council to protect the special interest and character of all Dublin's Conservation Areas and that development within or affecting all conservation areas will contribute positively to the character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting whenever possible. It is specifically cited in Policy CHC4 that development will not harm the setting of a conservation area and will not constitute a visually obtrusive or dominant form.
- 7.2.3. The observation received from An Taisce contends that the proposed construction of an additional floor to the elevation to the canal would result in a development that would be over scaled and visually obtrusive in the Grand Canal Conservation Area and that the proposal would be contrary to Policy FC41 of the Plan. It should be noted that the reference to Policy FC41 relates to the 2011-2017 Plan that was in effect at the time that the observation was made. The wording of Policy FC41 was '*To protect and conserve the special interest and character of Architectural Conservation Areas and Conservation Areas in the development management process*' and the relevant policy in the new plan which incorporates this wording is Policy CHC4.
- 7.2.4. The scale of the extension proposed to the front block of the existing hotel has to be set in the context of the scale of the canal at this location, the adjoining buildings and the established scale of the structures on the opposite side of the canal. The context of the appeal site has also been impacted by the recent granting of permission for the redevelopment of the office building (Mc Connell House) which is located on the site immediately to the east of the LUAS line and which fronts the canal. This building is currently nearing completion and has a maximum height of 39.55 metres OD. The proposed extension to the hotel block which fronts the canal does not exceed the height of the permitted office building to the east and the top floor to the

front block is proposed to be set back from the existing façade thereby reducing its visual impact. I also note that the height proposed in this area is significantly lower than that which was permitted in 2008 where the maximum height to the front block was c. 43 metres OD.

7.2.5. On the opposite side of the canal, the former Irish Nationwide / Carroll's building has an overall height of c. 49.7 metres OD and opposite the appeal site on the southern side of the canal there is a 6 storey office building with an overall height of c. 39.5 metres. I note that these structures are all located in the general vicinity of the LUAS line and Charlemont Street bridge and that further to the east the scale of development is significantly lower. It is however my opinion that the additional height proposed to the front block on the appeal site is not such that it would constitute a visually obtrusive or dominant form of development when viewed from either side of the canal and that the proposed design would integrate well with the existing building and adjacent structures. I do not therefore consider that the proposed development would harm the setting of the Grand Canal Conservation Area in this location and do not therefore consider that it would be contrary to Policy CHC4 of the development plan.

7.2.6. With regard to the visual impact of the development when viewed from locations to the north east and from within the office / residential development to the west and north west I note the fact that the site is not landscaped and is not a feature which makes a significant positive contribution to the visual quality of the local area. In stating this I note and accept the comments made by the appellants and observers regarding the original purpose of the space and also the fact that it was originally proposed to be landscaped. As developed, however this is not the case. The space also does not form part of the active amenity space for the use of the offices or residents of the Harcourt Green apartments. The proposed rear block would in my opinion make a generally positive contribution to views from the LUAS line. Despite being within less than 20 metres of the nearest dwelling in Peter Place to the north east I do not consider that the proposed extension would constitute a significantly visually obtrusive element when viewed from within this development. Similarly, while the proposed extension would alter the outlook from the office buildings to the west, I do not consider that it would constitute a significantly visually obtrusive form when viewed from these offices.

- 7.2.7. The impact of the extension on the outlook from the apartment development to the north and particularly Block 6 would be negative for a number of units that are located at the southern corner of this block. With the exception of these units the overall visual impact would not in my opinion be significantly negative. The impact on residential amenity due to aspect and potential overbearing visual impact is considered further in the sections below.
- 7.2.8. The layout of the new hotel block is such that it is proposed to be separated c.7 metres from the existing rear block. This separation is tight and would appear to be such that the lighting to existing and proposed bedrooms would be restricted and that there would be potential for overlooking between bedrooms where the two blocks face one another. Given the use of the building and the fact that these impacts are internal to the hotel development it is not considered that this is a significant issue. It is however apparent that there is no potential for the relocation of the proposed block further forward on the site.
- 7.2.9. The proposed development would result in a plot ratio on the site of 3.0 where the indicative plot ratio cited in the development plan for lands zoned Objective Z4 is 2.0. This plot ratio is however subject to provision where high plot ratio may be considered including situations '*where the site is located adjoining major public transport termini and corridors where an appropriate mix of residential and commercial use is proposed.*' The location of the appeal site adjacent to the Charlemont LUAS stop and its central location would, in my opinion mean that a higher plot ratio could be considered in this location. I would also note in this regard that the standards set out in the plan are indicative figures and that plot ratio is one means by which the scale of development on site and the potential impact of the bulk and scale can be assessed. Detailed consideration of the impact of the scale of the development on residential amenity is given in the following sections. In terms of site coverage, the proposed development has a stated site coverage of 55 percent and is therefore significantly below the indicative standard of 80 percent set out in the development plan for Objective Z4 lands.
- 7.2.10. The finishes proposed comprise a mixture of terracotta panelling, anodised aluminium louvre panels and stone panelling. In general, I consider that the

materials proposed are acceptable and that they complement the existing building and context. In the event of a grant of permission details of the proposed finishes would need to be submitted for the approval of the planning authority.

7.3. Parking and Access

- 7.3.1. The proposed development incorporates the reconfiguration of the existing basement area to accommodate relocated plant and that as part of the revisions the number of car parking spaces will be reduced by 19 in total. The proposed additional 97 no. bedrooms and the function and meeting room accommodation would therefore be served by a reduced number of spaces. I note the fact that the application documentation states that there are currently a total of 97 parking spaces on the site and that it is stated that 60 of these are currently used in connection with the hotel use with the balance of 37 spaces rented to other non-hotel uses. The application documentation states that it is proposed to provide an additional 19 no. spaces for the use of the extended hotel and that this would be achieved by a reduction in the number of spaces which are rented out. I would share the concerns of the Roads and Traffic Planning Division of the council with regard to the appropriateness of spaces within the hotel development being rented out for other purposes and consider that in the event of a grant of permission it would be required that all spaces on site (78 no. spaces) would be made available for the hotel use. This would roughly equate to one space per 4 bedrooms which is the maximum standard specified in the development plan.
- 7.3.2. The access to the car park is not proposed to change on foot of the proposed development and this layout is considered to be acceptable.

7.4. Impact on Residential Amenity

- 7.4.1. The main basis for the third party appeals against the Notification of Decision to Grant Permission and the observations submitted relates to the potential impact of

the proposed new hotel block to the rear (north) of the existing hotel on the residential amenities of the residents of the Harcourt Green residential development to the north and north east of the hotel site. Concerns raised in these submissions relate to the potential impact on light to the apartment units to the north, particularly Block 6 and also to the potential for the proximity of the proposed ground floor function rooms to lead to a loss of residential amenity. Concerns are also expressed with regard to the potential impact of construction of the proposed development on residential amenity.

7.4.2. Firstly, with regard to construction phase impacts, I note the fact that the application is accompanied by an initial construction management plan prepared by John Paul construction. A number of the third parties to the case have questioned the level of information and detail provided in this submission and question the degree to which existing residential amenity can be protected during the construction phase. Given the scale of development proposed and its proximity to existing hotel, office and particularly residential uses it is inevitable that there will be some degree of adverse impact on amenity during the construction phase of the development. With regard to the existing construction management plan submitted I consider that the scope of this submission is appropriate to a planning application and in advance of a detailed assessment of the construction methodology. In the event of a grant of permission it is considered appropriate that the applicant would be required to submit a more detailed construction management plan for the written agreement of the planning authority and that this plan would include details regarding measures to minimise the impact of the construction phase. It would also in my opinion be appropriate that were permission to be granted that the requirement for the monitoring of noise and vibration levels at the northern site boundary as specified by the Planning Authority in condition No. 7 and the Construction Management Plan should be required to submit proposals for the mitigation and monitoring of noise, dust and vibration at the perimeter of the site.

7.4.3. With regard to the potential for operational noise to have an adverse impact on amenity, given the proximity of the function room proposed for the ground floor of the hotel extension to the nearest properties in Harcourt Green there is clearly a significant potential for noise emitting from the premises or from persons who are outside the premises in the area between the hotel extension and Block 6 of the

Harcourt Green development. I note the fact that the Notification of Decision to Grant Permission issued by the Planning Authority includes Condition No.12 that states that *'the landscaped area to the rear of the hotel and Harcourt Green Apartments shall only be used for passive recreation purposes and shall not be used as an outdoor bar, restaurant or function area'*. I would agree with this restriction but, given the proximity of this area to the existing apartments, would recommend that the use of and access to this area would be further restricted by condition so as to ensure that it is not used as an outdoor smoking area or area of congregation for persons using the function rooms. The restriction on the use of the area for the passive recreation and as an outdoor bar, restaurant or function area would not appear to prevent a situation whereby persons would congregate in this area in close proximity to residential properties. Such an activity would, in my opinion have potentially significant impact on residential amenity arising from the noise generated by persons congregating in this area as well as the potential noise spillage from the function room areas with access doors being opened. Use of this area for any purpose should therefore in my opinion be restricted after 19.00 hrs.

7.4.4. A very significant level of detail with regard to the potential impact of the proposed development on the availability of daylight to adjoining residential properties has been submitted by parties to the appeal. Specifically, both the first and third parties have submitted reports prepared by daylight and sunlight experts which make differing interpretations of the application of the 2011 BRE Guidelines – Site Layout Planning for Daylight and Sunlight. A significant level of detail is provided in these submissions and the sections below set out my interpretation of the case made by both parties. The level of detail is such that the Board may consider it appropriate to engage the services of an independent daylight and sunlight expert to make an assessment of the appropriate application of the BRE guidelines in this case.

7.4.5. With regard to an assessment of the daylight impacts arising I would highlight the following general observations. The impact of the proposed hotel extension is primarily on Block 6 of the Harcourt Green apartment development and within that block the primary impact is likely to be on the south east facing elevation at the far northern end of the appeal site. The Harcourt Green apartment development has a total of 192 no. units and of these by my estimation a total of 10 units have their primary aspect to the south east in the south east facing elevation of Block 6 and are

therefore potentially significantly impacted by the proposed development. The location of these units is reflected in the choice of assessment points contained in the daylight analysis presented by the submissions of the first and third parties. In addition, as set out in the Planning History section of this report, permission was previously granted by An Bord Pleanála under Ref. PL29S.231603 for a development of very similar scale and configuration as that currently proposed. It is however notable that the submissions made on that case and the assessment did not include a detailed assessment of the compliance of the proposal with the BRE Guidelines and that the same level of information as is available on the current appeal was not presented at that time. Finally, it is noted that as part of the first party appeal response the first party has submitted the option of revisions to the layout of the hotel extension block and that these revisions would have the effect of moving the main north facing elevation of the hotel extension c. 2.1 metres to the south from the position originally proposed and assessed by the Planning Authority. These revisions would have some impact on the daylight available to the Harcourt Green apartments and is the subject of assessment in the response submission received from the first party.

- 7.4.6. The third party appellants have raised significant concerns with regard to the potential impact of the proposed development on daylight and the first party appeal submission includes a report from BPG3 Consultants and this indicates that there would be a significant impact in terms of VSC skylight component, annual sunlight and winter sunlight. It is stated that in the absence of a proper assessment of the daylight and sunlight impact it is not clear how the planning authority could, or the Board can, make an accurate assessment of the proposed development and that the shadow diagrams requested by the Planning Authority and submitted are not suitable for the purpose of assessment of daylight impact and compliance with the BRE Guidelines. The appellants note that the BRE analysis undertaken by BPG3 consultants (on behalf of the third party) looked at a total of 10 assessment points and of these seven were short of the BRE thresholds for skylight and six deficient for sunlight. The impacts are particularly acute in winter sun scenarios.
- 7.4.7. Issues raised in the appeal regarding daylight are contested by the first party in their appeal response submission which includes a report from IES consulting on daylight and sunlight. This analysis contests the minimum (vertical sky component) VSC and

annual sunlight (APSH) figures used in the BPG3 analysis. It also considers that the BPG3 analysis did not take into account either the city centre location of the site or the fact that the part of the building analysed is right on the site boundary and such that, under the provisions of the BRE guidelines, there is scope for a reduced VSC requirement. It is also contended that the proximity of Block 6 to the site boundary is such that there is a very low requirement for APSH and that this is why this analysis (sunlight) was not undertaken. It is demonstrated in the simulations undertaken (with and without balconies) that the presence of the existing balconies rather than the proposed development is the main factor in the relative loss of light. It is also noted that the modelling undertaken in the IES consulting submission examines the existing situation, that as permitted by the council and the revised option now presented to the Board where the northern elevation has been relocated.

7.4.8. The further response submission of the third party appellants refutes the content of the IES consultant's report. It is held that an incomplete assessment has been undertaken by IES as skylight has been assessed but sunlight has not so only half of the daylight assessment (skylight and sunlight) has been completed. It is also held that the skylight assessment by IES has been undertaken assuming the omission of the balconies on the adjacent apartment building and that if the assessment was completed with these balconies in position then the conclusion would have been that four of the ten points examined would have suffered adverse impact. It is further contended that the situation on the appeal site does not qualify as a special case as per the BRE guidelines and so the standard VSC of 27 % as per the BRE should have been used. If this had been done, then it is stated by the third party that 8 of the 10 points examined would have suffered adverse impacts.

7.4.9. The submissions made by both parties regarding daylight and sunlight raise a number of technical issues and interpretations of the BRE Guidelines. With regard to the proximity to the site boundary and the fact that the first party assessment has availed of the provisions of Appendix F which cover situations where adjoining development has occurred at or very close to the site boundary (the so called bad neighbour type of development), I don't accept the case made by the first party that there should be a derogation with regard to proximity to the boundary. The current ownership boundary is located very close to the position of Block 6 of the Harcourt Green development, however, as has been set out by the appellants in their

submissions the original permission for development of the overall office, residential and hotel development was undertaken as an integrated development. The layout of the various uses and blocks was designed to ensure that the amenity of all users were protected. In my opinion the situation as exists on site is clearly not analogous to one where an adjoining landowner developed very close to a third party boundary and has significantly impacted on the development potential of adjoining lands. It would appear to me that this is the situation which Appendix F of the BRE document seeks to address and it is my opinion that this does not occur in the case of the appeal site. For this reason, it is my opinion that there should be a normal assessment of the impact on sunlight included as part of the assessment undertaken of the proposed development. This is especially important in the current case given the existing south east / south west facing aspect of the units in Block B and their access to sunlight.

- 7.4.10. With regard to the amended VSC figures used in the first party assessment and the deviation from the stated 27-degree standard I am similarly not clear that there is justification for the approach taken by the first party. The revised method proposed is indicated as being appropriate for situations in high rise urban areas or in a historic city centre however it is not apparent to me how the context of the appeal site being located within an established mixed use development and on lands zoned Objective Z4 (district centre) is an appropriate location where the use of such a revised methodology is appropriate. The use of the alternate VSC figures as well as the alternative method for annual sunlight hours for situations where there is existing development close to the boundary, significantly impacts the results obtained and for the reasons set out above are not in my opinion appropriate. I am therefore of the view that the results of the BRG3 study that eight out of the ten points assessed would suffer an adverse effect with three of these minor and five moderate would appear to be a more accurate assessment of the likely potential impact on residential amenity. I would restate that the issues raised regarding daylight and sunlight are detailed and specialised and that the Board may wish to get further advice, however as set out above on the basis of the information provided I do not see that clear basis for the methodology undertaken by the first party. Finally, with regard to precedent, I also note that the same level of assessment and detail was not available to the Board at the time that Ref. PL29S.231603 was determined.

7.4.11. Notwithstanding the relatively limited number of units involved I consider that the potential impact on existing residential amenity for Block 6 of the Harcourt Green development are clearly significant. While it could be assessed that the impact on eight properties is not such as to outweigh the potential benefits to the city of the additional hotel accommodation proposed I am of the opinion that in order to be acceptable some amendments to the proposed layout that would reduce the potential loss of daylight and sunlight is required. In making an assessment of what is appropriate I am of the opinion that the revised layout submitted by the first party and received by the Board on 23rd August is the starting point and that in the event of a grant of permission that the amendments proposed in that submission should be incorporated into the development. This layout reduces the depth of the bedrooms on the northern side of the proposed new hotel block and results in the building line being relocated approximately 2.1 metres further south. To address the daylight and sunlight issues arising I consider that the scale of the rear block closest to Block 6 of the Harcourt Green apartments needs to be reduced with a reduction in the height of the block on the northern side. It is therefore proposed that the height of the northern side of the block would be reduced to a maximum of the same height as that of Block 6, or approximately 32 metres OD as per the revised plans received by the Board on 23rd August, 2016. This would require the omission of the top two storeys of the hotel block closest to the apartments (north of Grid line B). This amendment would require the relocation of the stair and lift core and would potentially result in a loss of 9 bedrooms per floor or 18 in total (including provision for a relocated lift / stair core), thereby reducing the number of additional rooms from 97 to 79. It is considered that some development to the north of the central corridor at fifth floor level could potentially be accommodated without further adversely impacting on daylight and sunlight and if development was restricted to a maximum of 5 metres north of grid line B then potentially approximately 5 additional rooms could be accommodated north of grid line B at fifth floor level meaning that the total number of bedrooms could be approximately 84.

7.4.12. It is acknowledged that the impact of the amendments proposed above have not been the subject of daylight and sunlight assessment however a reduction of two floors on the northern side of the proposed hotel block would in my opinion have a

clear positive impact on the daylight and sunlight situation for most if not all of the properties which are currently predicted to be adversely impacted.

- 7.4.13. In addition to daylight, the proposed development has the potential to adversely impact on the aspect from existing residential properties and to constitute a visually obtrusive or dominant element when viewed from existing residential properties in Harcourt Green. As with daylight impact, the principal impact would be on the residential units located in Block 6. The layout of Block 6 is such that there are no windows to the main amenity spaces in these units that directly face the proposed hotel extension. There are however units in the southern corner of Block 6 that have the main window to their living space within c.11 metres of the proposed extension. While the proposed development will clearly result in a changed in outlook for a significant number of units in Block 6, given the relative angles of the facades and the windows contained in Block 6 and the proposed hotel extension and having regard to the amendments to the layout proposed in paragraph 7.4.11 above I do not consider that the impact in terms of outlook and potential overbearing visual impact would be significantly negative.

7.5. Other Issues

- 7.5.1. Section 5.0 of the Planning Report prepared by McGill Planning contains a screening for appropriate assessment. This assessment identifies a total of 19 no. SAC / SPA sites that are located within the 15km zone. Given the nature of the proposed development comprising an extension to an existing hotel and the fact that the site is connected to existing public water and wastewater facilities, the potential pathway for impacting on a Natura 2000 site is via the foul and surface water drainage system. It is therefore considered that any potential impacts are related to the additional loading on the existing waste water treatment plant and the ability of the plant to cope with such an additional loading.
- 7.5.2. The proposed development would not have any direct effect on any Natura 2000 site. The development is also clearly not required in connection with the management of any site. There would be no fragmentation of any sites.

7.5.3. Having regard to the potential pathway via the drainage system and to the scale of the proposed development it is considered that the sites that would be potentially impacted and the features of conservation importance are as follows:

North Dublin Bay SAC (000206)

- Tidal mudflats and sandflats,
- Atlantic salt meadows,
- Spartina swords,
- Mediterranean salt meadows,
- Salicornia mud,
- Marram dunes,
- Fixed dunes,
- Embryonic shifting dunes and annual regeneration of drift lines,
- Petalwort.

South Dublin Bay SAC (000210)

- Tidal mudflats and sandflats,
- Petalwort.

7.5.4. Having regard to the potential pathways between the appeal site and designated Natura 2000 sites, to the available capacity in the existing Ringsend Wastewater Treatment plant which served the appeal site, to the conservation objectives of the sites identified in close proximity to the outfall of the treatment plant and to the nature and scale of development and likelihood of impacts either individually or in combination with other permitted plans and projects it is not considered that there is likely to be any adverse impacts arising on any designated European sites.

7.5.5. In conclusion, it is considered that the proposed development is not likely to have significant effects on the North or south Dublin Bay SAC sites (site codes 000210 and 000206) in light of the conservation objectives of these sites.

- 7.5.6. A submission from transportation Infrastructure Ireland to the Planning Authority is on file and this sets out a number of concerns with regard to the impact of the construction on the line, the extent of demolitions proposed, construction methodology and measures for the protection of the existing acoustic panelling that adjoins the LUAS alignment where it bounds the appeal site. In the event of a grant of permission it is considered that the concerns raised by TII can be adequately addressed by condition.
- 7.5.7. I note that the Planning Authority attached a condition requiring the submission of a bond pending the taking in charge of parts of the proposed development. Paragraph 1.3 of the Planning Report (McGill Planning) that accompanied the application states that the hotel extension and associated landscaping would be managed and maintained by the applicant. It is not therefore proposed that a bond condition would be attached.
- 7.5.8. Given the proposed revisions to the scheme and the revised floor area arising and the lack of certainty regarding the exact floor area that would result from the proposed revisions it is proposed that a condition requiring an unspecified financial contribution would be attached and that this amount could be the subject of agreement between the Planning Authority and the applicant on the submission and agreement of revised plans.

8.0 Conclusions and Recommendation

- 8.1. In view of the above, it is my opinion that there is a strong policy basis in support of the proposed development and that the proposed hotel extension is consistent with the Objective Z4 land use zoning objective of the site and with the development plan provisions for the supporting of the economic base of the city and support for the tourism sector. It is also my opinion that the appeal site in its current format constitutes an underdeveloped zoned and serviced site in a central and very accessible location that can be the subject of additional development without impacting adversely on the visual or other amenities of the area. In stating this, and notwithstanding the fact that the appeal site has previously been the subject of a grant of permission for development of a very similar form and scale to that currently proposed, I am of the opinion that the submissions of the third party appellants and

observers raise valid concerns with regard to the potential significant impact that the scale of development proposed on the northern side of the site would have on the residential amenity of properties in Block 6 of the adjoining Harcourt Green development. Notwithstanding the relatively limited number of properties that would be impacted it is my opinion that the change in outlook and impact on daylight and sunlight that would arise for these properties is such that revision to the proposed layout to reduce the height and resulting daylight and sunlight impact is required.

8.2. Having regard to the above, it is recommended that permission be granted based on the following reasons and considerations and subject to the attached conditions.

9.0 **Reasons and Considerations**

Having regard to the Objective Z4 zoning objective for the area, to the scale and pattern of development in the area including the scale and proximity of existing residential development it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not be such as to have an adverse impact on the character or setting of the Grand Canal Conservation Area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **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 submitted on the 9th day of February 2016 and by the further plans and particulars received by An Bord Pleanála on the 23 day of August, 2016, 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 be amended as follows:
 - (a) at fifth floor level on the proposed new hotel block no development shall extend more than five metres to the north of grid line B as indicated on the drawings received by An Bord Pleanala on 23rd August, 2016.
 - (b) at sixth floor level on the proposed new hotel block no development shall extend to the north of grid line B as indicated on the drawings received by An Bord Pleanala on 23rd August, 2016.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

- . 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. 78 no. car parking spaces and 40 no. bicycle spaces shall be provided within the development. Use of all parking spaces shall be associated with the permitted hotel use on site and no spaces shall be sold, sub let or leased to other parties.

Reason: To ensure adequate off-street parking provision is available to serve the proposed development.

5. Prior to the commencement of development on site the developer shall submit a revised construction methodology document for the written approval of Transport Infrastructure Ireland (TII) and the Planning Authority which addresses the following:

(a) Details on the extent of works and construction methodology for the works to the basement, basement roof slab and retaining wall adjoining the LUAS alignment.

(b) Details of the extent and methodology of all excavations such as to enable assessment of whether these works are within the LUAS zone of influence.

(c) Details of the method of construction of the eastern façade including the methodology for the craning of materials and the over sailing of the LUAS track during construction. Details for the proposed method of protection of the bespoke acoustic panelling bordering the LUAS alignment to the east of the site.

(d) the submission of acceptable insurances and indemnities for the proposed works adjoining the LUAS alignment.

Reason: To ensure a satisfactory standard of development and in the interest of safety.

6. The developer shall liaise with Transport Infrastructure Ireland (TII) to ensure the structural stability and safety of the adjacent rail infrastructure and to agree construction and maintenance methodologies which avoid disruption to tram services.

Reason: To ensure a satisfactory standard of development and in the interest of safety.

7. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

8. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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.

9. The landscaped area to the rear of the hotel and between the proposed function rooms and the Harcourt Green apartments shall only be used for passive recreational purposes and shall not be used as an outdoor bar, restaurant, function area or smoking area. No access to this area shall be provided to patrons of the hotel between the hours of 19.00 to 08.00hrs.

Reason: To protect residential amenity.

10. The premises shall be provided with changing and shower facilities to cater for cyclists employed in the building. Prior to the commencement of development, revised drawings indicating compliance with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of sustainable transport.

11. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the [residential] amenities of property in the vicinity of the site.

12. 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.

13. 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. 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 interests of sustainable waste management.

14. 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, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of car parking facilities for site workers during the course of construction;

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

15. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to the commencement of any development on site.

Reason: To protect the [residential] amenities of property in the vicinity.

16. 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. The

contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

. Stephen Kay
Planning Inspector

7th November, 2016