



An  
Bord  
Pleanála

## Inspector's Report ABP309406-21

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<b>Development</b>	Construction of a 106 bedroom hotel from 1 to 8 storeys in height.
<b>Location</b>	68-72 East Road, Dublin 3.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3704/20.
<b>Applicants</b>	Development Ocht Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellants</b>	Caledon Court Management Committee.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	23 <sup>rd</sup> July and 2021.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP309406-21 relates to a third-party appeal against the decision of Dublin City Council to issue notification to grant planning permission for the construction of a 106 bedroom hotel ranging in height from 1 to 8 storeys at the East Road in East Wall, Dublin 3. The grounds of appeal argue that the proposed development is contrary to various policies and provisions contained in the development plan and would also have an unacceptable impact on residential amenity.

## 2.0 Site Location and Description

- 2.1. The appeal site is located in the inner suburban area of East Wall, approximately 2 kilometres north-east of O'Connell Bridge. The site fronts onto the East Road, a distributor road linking Sheriff Street to the south with East Wall Road to the north-east. The subject site is rectangular in shape and is currently vacant. It has a stated site area of 1,142 square metres (0.114 hectares). The site has a road frontage of c.15 metres and a depth of just less than 80 metres. Caledon Court is located to the immediate south-west of the subject site. It comprises of a private gated residential development accommodating 14 two-storey dwellings set out in 7 groups of semi-detached dwellings. These dwellings back onto the south-western boundary of the site. The dwellings incorporate relatively small side gardens adjacent to the site boundary. Caledon Road is located further south-west. It comprises of two-storey red brick late Victorian/Edwardian dwellings which are widespread throughout the East Wall area. The rear boundaries of the dwellings facing onto Caledon Road are located approximately 20 metres to the south-west of the subject site.
- 2.2. Lands to the immediate north-east of the subject site currently accommodate a mixed-use development of four to five storeys in height comprising of three co-joined blocks of residential development comprising in total of 73 apartments together with three ground floor units. This block of apartments are currently the subject of a separate application and appeal which involves the development of two additional floors and the refurbishment of the existing blocks on site. This application and appeal is currently before the Board under Reg. Ref. ABP310081. Lands directly

opposite the site accommodate the Teeling Way Residential Apartment Complex. It comprises of separate three-storey blocks of exclusive residential development.

- 2.3. Lands on the eastern side of the East Road formally accommodated dockland and harbour related uses but in more recent years the lands have been the subject of largescale redevelopment. The construction of the Beckett building, a large six storey building is located to the immediate north-east of the site and currently accommodates the Facebook Headquarters.
- 2.4. Lands to the rear of the site accommodate a parking area associated with an An Post Depot/sorting office.
- 2.5. Lands further to the south-east of the site on the opposite side of the road have been the subject of a grant of planning permission under Strategic Housing Development for 554 apartments. This scheme includes a 15 storey tower block which is to be located on vacant lands to the immediate south of the Teeling Way apartments and the existing railway line.
- 2.6. The site is currently vacant, relatively flat and accommodates a concrete apron.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for the construction of a 106 bedroom hotel on the subject site. The hotel rises to a height of 8 storeys fronting onto the East Road. Two smaller blocks are located to the rear.
- 3.2. A small basement area is proposed centrally within the site. It is to accommodate changing rooms, storage areas, laundry areas, plant room and other ancillary uses associated with the hotel.
- 3.3. The ground floor covers almost the entirety of the site with the exception of three internal courtyards two of which are located adjacent to the north-eastern boundary of the site while an additional internal courtyard/meeting room garden is located to the rear of the site. The ground floor is to accommodate a bar/restaurant area, a kitchen area as well as meeting rooms, offices and toilets etc. The bar café/reception area is to be located near the front entrance onto the East Road.
- 3.4. The upper floors comprise exclusively of bedrooms. A number of bedroom types are proposed ranging in size from 15 sq. m to 24 sq. m. The front portion of the building

rises to 8 storeys in height (25.83 metres above ground level). Two smaller four storey elements are located to the rear. A c.10 metre separation distance is located between each of the blocks above ground floor level. These blocks rise to a height of 12.275 metres. The upper floors comprise exclusively of bedrooms.

- 3.5. A variety of external finishes are proposed on the external elevations of the hotel. The front 8 storey block incorporates a mixture of light grey and dark grey natural stone cladding interspersed with brick facades and extensive glazing. A powdered pressed metal cladding is proposed to run along the rear elevation. The two smaller four storey blocks to the rear are to incorporate a mixture of a white cement finish interspersed with grey cement and decorative façade panels including grey-white pebble and calico finishes.
- 3.6. Details of the proposed landscaping masterplan are indicated on Drawings 20112-2-101 and 20112-2-120.
- 3.7. The planning application form indicates that the hotel is to incorporate a plot ratio of 3.4 and a site coverage of 75%.

#### **4.0 Planning Authority Decision**

Dublin City Council issued notification to grant planning permission for the proposed development subject to 16 conditions.

##### **4.1. Documentation Submitted with the Planning Application**

- 4.1.1. The application was accompanied by the following documentation.
- 4.1.2. The application was accompanied by the following report.

A Planning Context Report This report was submitted by Simon Clear and Associates on behalf of the applicant. It sets out details of the site location and description, planning history and the planning context associated with the site. It is also stated that the applicant undertook pre-application consultations with the Planning Authority. Details of the proposed development is outlined, and it is stated that the hotel amounts to 3,858 square metres with 106 bedrooms. It details the various studies that were undertaken as part of the proposed development making specific reference to

- Daylight/Sunlight analysis.
- Landscaping.
- Traffic Transportation.
- Servicing and Engineering Reports.
- Flood Risk Assessment.
- Appropriate Assessment Screening.

In terms of environmental impact assessment screening, it notes that the subject site is located within a built-up area however, there is no mandatory requirement for EIA and having regard to the provisions of Schedule 7. It is concluded that the project does not warrant a sub-threshold EIA.

- 4.1.3. A separate Design Statement was prepared and submitted by Douglas Wallace Architects. It provides details of the nature of the proposal and the rationale for the proposal. Details of the design approach, site layout and massing are also set out. It states that the design and massing had particular regard to Ministerial Guidelines in respect of building heights. Details of the materials and composition of the hotel building are detailed. It is stated that the building has been designed so that all upper level windows are orientated to look either east or west within the site rather than towards the houses' private gardens in the vicinity. Reference is made to the shadow analysis and daylight/sunlight analysis submitted as a separate report. The report also details the open space and landscaping provided and assesses traffic and transportation issues relating to the hotel. It is argued that the proposed development fully complies with planning policy in terms of developing an underutilised central brownfield site to provide additional tourism and leisure facilities.

A separate Sunlight and Daylight Analysis was undertaken in respect of the proposed development. In terms of average daylight factor, the impact of the proposed development on the adjoining residential development to the north-east (Alexandra Place) was assessed. The assessment undertaken for both ground floor and first floor apartments indicate that in all cases the existing apartment units with the proposed development in place, will meet the criteria set out for the average daylight factor.

With regard to the dwellings on Caledon Court it is noted that the existing living room/kitchen areas of these dwellings do not currently meet the average daylight factor due to the size of the room in relation to the size of the windows. It is argued however that any impact on daylight would be minimal and in no case would the average daylight factor received in each of the rooms as a result of the proposed development drop below 80% of their former value.

In terms of sunlight penetration to gardens and open spaces it is stated that the amenity area for the roof area on top of Alexandra Place meets the requirement set out in the BRE Guidelines that half the ground area is to receive two hours of sunlight on the 21<sup>st</sup> March.

Finally, the report sets out details of shadow casting diagrams for various times of the day for March 21<sup>st</sup>, June 21<sup>st</sup> and December 21<sup>st</sup>.

- 4.1.4. A separate Engineering Report sets out details of the surface water drainage system, foul drainage and water supply to serve the proposed development. The site is served by public infrastructure in respect of water and foul water services.
- 4.1.5. Also submitted is a separate Construction Management Plan which sets out details of waste management, demolition procedures, training provisions, construction traffic and site access, air quality and noise and vibration control.
- 4.1.6. A separate Preliminary Construction Management Plan sets out details of construction traffic and site access. It notes that the primary construction access would be via East Wall Road.
- 4.1.7. An Operational Waste Management Plan was submitted. It seeks to ensure that a high level of recycling, reuse and waste recovery takes place at the development. All recyclable materials will be segregated at source. The designated area for waste storage at basement level will provide sufficient room for the required receptacles in accordance with the strategy.
- 4.1.8. A separate Flood Risk Assessment notes that the proposed development passes the justification test in accordance with Box 5.1 of the Flood Risk Assessment Guidelines and that the proposed development is located within Flood Zone A. However, the site is located in an area that benefits from flood defence measures. As part of the mitigation measures to reduce the associated flood risk, the layout ensures that all highly vulnerable threshold levels are located above the 0.1% AEP flood level.

Regular maintenance and mitigation of the pipe network serving the development will ensure that no flood risk arises from surcharging or blockage. The development's drainage design includes a 20% allowance for climate change.

- 4.1.9. Also submitted is a Preliminary Travel Plan. It is noted that no car parking is provided and pragmatic measures that encourage safe and viable alternatives to the private car for accessing the development will be developed. It notes that the key to the plan's success will be the appointment of a traffic plan co-ordinator and details of the proposed measures to be included in the Plan are set out in Section 4 of the report.
- 4.1.10. A separate Traffic and Transportation Statement was also submitted. It states that the lack of car parking is considered appropriate given the highly sustainable location characteristics of the development. On-street pay parking is available locally. It also demonstrates the applicant's commitment to encourage modal split and the use of public transport cycling and walking. It is also proposed to provide 10 secure cycling parking spaces which will be accessible to both staff and guests.
- 4.1.11. Servicing is to be provided by the provision of a new on-street loading bay to the front of the hotel. It is considered that the proposed development will have a negligible impact on the surrounding road network in terms of traffic impact assessment.
- 4.1.12. A separate Sustainability Report was submitted setting out details of technologies to be incorporated to ensure that energy usage is minimised.
- 4.1.13. A Screening Statement for Appropriate Assessment. It concludes that there is no likelihood of any significant effects on Natura 2000 sites arising from the proposed development and on this basis, a Stage 2 Appropriate Assessment is not required.
- 4.1.14. A Landscape Design Report prepared by Cunnane Stratton Reynolds. It provides details of the landscape masterplan, materials and finishes proposed and details of the planting to be provided.
- 4.1.15. Finally, a series of photomontages were submitted which depicts the visual impact arising from the proposed development from four separate vantage points along the East Road.



## 4.2. Planning Authority Assessment

- 4.2.1. A report from Engineering Department Drainage Division stated that there is no objection to the proposed development subject to standard conditions.
- 4.2.2. A report from the Environmental Health Officer states that if planning consent is granted for the proposed development, a number of conditions should be attached in relation to hours of work, noise levels and air quality.
- 4.2.3. A report from Transport Infrastructure Ireland states that the applicant shall adhere to the Code of Practice for works on, near or adjacent to the LUAS light rail system and that the proposed development falls within the area for the Section 49 Supplementary Financial Contribution.
- 4.2.4. A report from the City Archaeologist notes that the site is located outside the Zone of Archaeological Interest in the Dublin City Development Plan. Nevertheless, it is recommended that an archaeological condition be attached details of which are set out in the report.
- 4.2.5. A report from the Transportation Planning Division stated that there was no objection to the proposed development subject to six standard conditions.
- 4.2.6. A number of letters of objection were submitted in respect of the proposed development raising issues in relation to building height, impact residential amenity through noise pollution and disturbance. It is also argued that the size and scale of the dwelling will have an overbearing impact on the streetscape and adjacent buildings.
- 4.2.7. The planner's report assesses the proposed development with regard to zoning, plot ratio, building height and massing, daylight/sunlight impact, visual impact and traffic and transportation and servicing. It concludes that the volume on massing of the development is visually interesting which responds well to the surrounding environment. It is stated that the design of the building and modulation proposal will enhance the quality and character of the area and the public realm. It is considered that the proposed development would be in accordance with the policies and provisions in the development plan and the proper planning and sustainable development of the area. On this basis it is recommended that planning permission be granted for the proposed development.

## 5.0 Planning History

5.1. No history files are attached. Both the planning report submitted with the application and the local authority planner's report makes reference to relevant planning history.

Under Reg. Ref. 5357/06 planning permission was granted for the demolition of the existing workshop/warehouse structure and the construction of 16 apartments including a front element onto East Wall Road varying in height from 5 to 6 storeys containing 8 apartments and a lower terrace to the rear with setbacks varying in height from 1 to 3 storeys.

Under Reg. Ref. 5479/08 amendments were granted which included the provision of a taller six storey block to the front on East Wall Road and 5 three storey blocks to the rear running from east to west.

As referred to above, there is a current application and appeal with the Board for the adjoining site to the north. Under this application permission is sought to the refurbishment of the existing block and the provision of an additional two storeys containing apartments increasing the height of the building from 4/5 storeys to 6/7 storeys.

## 6.0 Grounds of Appeal

6.1. The decision of Dublin City Council was the subject of a third-party appeal on behalf of Caledon Court Management Committee by Hughes Planning and Development Consultants. The grounds of appeal are outlined below.

6.2. The proposal sets out details of the site location and description and the planning history pertaining to the site. Details of the proposed development are also set out.

- The subject site is located within proximity of lands which are governed by the zoning objective Z2 (residential conservation area) which are considered to be more sensitive in terms of potential adverse impacts. The proposed development is considered to be excessive in scale and overbearing considering the confined nature of the site. The provision of a 106 bedroomed

hotel would diminish the residential amenity of adjoining residential conservation areas.

- The proposed development is also contrary to the Planning Authority's policy in relation to backland development where the development plan acknowledges that backland development can cause a significant loss of amenity to residential properties including loss of privacy, overlooking, noise and disturbance and loss of mature vegetation and landscape screening. It is considered that the proposed development on this restricted backland site would have undue impacts on adjacent properties by virtue of overlooking being overbearing and loss of residential amenity.
- It is also argued that the proposed development which constitutes infill development has scant regard to the existing character of the street and the surrounding area. As such the proposed development is contrary to Section 16.10.10 of the Development Plan particularly in the context of the surrounding Z2 conservation area.
- Reference is also made to Section 14.7 of the Dublin City Development Plan which highlights the importance to avoid abrupt transitions in scale between different land use zonings. In terms of building height, it acknowledged that the hotel building would have a maximum height of 26 metres (including the hotel lift shaft which extends above the main roof) and while this is below the limits set out in the development plan of 28 metres, the overall height is nevertheless considered to be overbearing due to the proximity of the site to adjoining residential dwellings on Caledon Court. The proposed development does not sit comfortably with the surrounding context and will have an adverse effect on historic environment at both the citywide and local levels. As such it is argued that the proposed development is contrary to Policy SC16, SC17 and SC18. The proposed hotel development is not consistent with the established building heights within the environs of the site.
- The proposed development will give rise to a loss of residential amenity. The impact on amenity will result through overlooking being overbearing and having an unacceptable impact on daylight and sunlight standards all of which are key considerations in protecting privacy and amenity of adjacent

properties. The key area of concern is the impact of the proposed development on dwellings 9 to 14 Caledon Road. It is considered that the west facing buildings of Block B at second floor level and above will seriously reduce the privacy of these dwellings. It is requested that in the event of a grant of planning permission, the provisions of screens/opaque glazing or angle windows are provided as appropriate by way of condition. An additional mitigation measure may include increasing the separation distance of the hotel from the shared site and boundary.

- It is considered that the proposed eight storey mass would result in a significant to profound overshadowing and loss of daylight particularly during the morning and evening periods. Natural light would also be compromised at the adjoining properties on Caledon Court. As the report notes these dwellings are currently afforded low levels of daylight. It is noted that there is no assessment of the proposal in respect of the vertical sky component and therefore the full impacts of the development on loss of light may not have been fully assessed.
- The proposed 8 storey building if permitted, would result in an overscaled bulky and intrusive mass adjacent to residential dwellings on Caledon Road. The visual impact on the streetscape of East Road would be significant and profound. The height and scale of the proposed 8 storey structure would be both overbearing and visually obtrusive due to the close proximity of the building to the common boundaries of the dwellings.
- The overall design, layout and massing of the building on a restricted site represents significant overdevelopment of the site. This is reflected in the excessive plot ratio of 3.4 and site coverage of over 70%. The proposed development exceeds the maximum indicative plot ratio and site coverage for the site.
- It is argued that the proposed hotel development together with the adjoining application to increase the number of residential units at Alexandra Place (from 73 units to 131 units) will have serious impacts on the existing road network including an increase in the volume of road traffic and a reduction in road safety standards.

- The hotel development will attract vehicular traffic throughout the day and will exacerbate road safety issues due to increased incidents of taxis, deliveries, loadings and drop offs along the road.
- Concerns are expressed that the methodology employed in the construction of the hotel includes such close proximity to the existing dwellings could result in ground movement which may affect the structural integrity of adjoining dwellings. Concern is also expressed with regard to the maintenance and upkeep of the existing common boundary wall between both sites. Dublin City Council have not requested any further details as to how existing structures will be protected. An Bord Pleanála in the event of a grant of planning permission should attach a condition requiring the applicant to prepare a 'Dilapidation Report' on the condition of adjoining properties as it is not appropriate that dwelling owners suffer financially from the proposed development.
- Concerns are also expressed that the proposed development will result in excessive noise and disruption. Furthermore local residents will be subject to light pollution from the proposed development.
- Concerns are also expressed in relation to excessive noise from outdoor cafes or meeting areas and from ancillary equipment in the plant room. Increased traffic and vehicular pedestrian movements will also give rise to severe noise and disruption.
- The provision of a hotel on adjacent lands could also exacerbate security concerns particularly in respect of the single storey elements which have flat roofs and may introduce unsecure entry points over the adjoining boundary walls. There is a potential for anti-social activity, burglaries, vandalism and graffiti etc. as a result of the proposal.
- Concerns are also expressed in relation to the size of the bedrooms for the hotel which reduces the quality and amenity for potential visitors. This may result in a poorly rated hotel which may contribute very little to the wider regeneration of the area.
- Arising from all the potential impacts referred to it is considered that the proposed hotel development will devalue property in the vicinity.

## 7.0 Appeal Responses

### 7.1. Planning Authority's Response

7.2. Dublin City Council have not submitted a response to the grounds of appeal.

### 7.3. Response on behalf of the Applicant

Simon Clear and Associates Planning and Development Consultants submitted the following response to the grounds of appeal.

- The response sets out details of the site location, the zoning and the planning policy context relating to the site. Details of the Planning Authority's assessment and the planning history are also set out. In relation to the Planning Authority's assessment, it is stated that the Planning Authority took into account all the issues raised in the grounds of appeal.
- It is argued that the grounds of appeal indicate that the appellants are generally favourable to the development of the site and do not oppose in principle the provision of a hotel on the subject site. The grounds of appeal make detailed references to the County Development Plan. However, no reference is made to more recent policies and provisions contained in the National Planning Framework, the Regional Planning Guidelines or the Dublin Metropolitan Area Strategic Plan as well as Section 28 Ministerial Guidelines in relation to density, scale, building height etc.
- It cannot be argued that the proposed development is in any contravention of the zoning objective. The site is governed by the SDRA zoning objective.
- References to backland development and infill development relate to standards applied to residential development and not hotel development. Furthermore, the appellants have not paid any due regard to the fact that permission for development of a similar pattern and scale was granted on the subject site in 2006 and 2008 adjacent to Caledon Court.
- Only the 8 storey section of the proposed hotel development fronts onto the streetscape where there is precedent for buildings of a similar size and scale. The Caledon Court buildings coincides with the lower element of the

development to the rear of the site the scale of which is not dissimilar to that granted in 2008.

- The subject site is well served by public transport being in close proximity to the Docklands Railway Main Line and the Luas Red Line as well as the Dart service at Connolly Station. Proximity to high quality public transport justifies a greater quantum of development on the subject site. It is noted that there is a special levy imposed for the provision of additional enhanced transport infrastructure. It should be noted that most recent hotels in Dublin's Inner City are non-car hotels.
- Suggestions that the height of the proposed development is not consistent with other buildings in the area is incorrect. All new redevelopment on brownfield sites within the SDRA are higher than the prevailing and historical building height of the area. The proposed development has been designed to complement the street side architecture, scale and pattern of the area. The hotel building has been designed to obviate overlooking of adjoining residential development. There is no potential for undue overshadowing as Caledon Court is located to the south-west of the subject site. There will be no effect on daylight or vertical sky component as Caledon Court buildings are back to back with no north facing windows as the majority of windows face in an east-west direction.
- The development of a vacant site for hotel development will enhance security and reduce anti-social behaviour. The provision of a hotel development will help rejuvenate and revitalise the area. The provision of a hotel which will be occupied by staff on a 24 hour basis and will incorporate passive surveillance together with CCTV will increase security and reduce the potential for anti-social behaviour.
- Finally, it is argued that new Failte Ireland Guidelines in 2016 has reduced the required room sizes to reflect the change in the market. The proposed development meets all regulatory requirements in terms of hotel development.
- On the basis of the above, it is recommended that permission be granted for the proposed development with the attachment of appropriate conditions.

## **8.0 Planning Policy Context**

### **8.1. National Planning Framework**

One of the key goals set out in the National Planning Framework is to achieve compact growth. This is sought by carefully managing the sustainable growth of compact cities, towns and villages. It is noted that the physical format of urban development in Ireland is one of the greatest national development challenges. Presently the fastest growing areas are the edges and outside our cities. This results in a constant process of infrastructure and services having to catch up with the outward spread of development. The preferred approach would be compact development which focuses on reusing previously developed brownfield land and building up infill sites which may not have been built on before or reusing and redeveloping existing sites and buildings.

### **8.2. Urban Development and Building Heights Guidelines for Planning Authorities**

These guidelines also highlight the need for a development plan to place more focus in terms of planning policy and implementing and reusing previously developed brownfield land and building up urban infill sites. It notes that increasing building height is a significant component in making the optimum use of capacity of sites in urban locations where transport, employment, services and retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards assessment criteria which will enable the proper consideration of development proposals for increasing building height linked to the achievement of greater density of development.

The guidelines note that statutory development plans have tended to be overtly restrictive in terms of maximum building heights in certain locations and crucially without the proper consideration of the wider planning potential of development sites and wider implications of maximising these opportunities. Planning policy must therefore become more proactive and more flexible in security compact urban growth through a combination of facilitating increased densities and building heights while also being mindful of the quality of development and balancing amenity and environmental considerations.



Paragraph 2.8 notes that historic environments can be sensitive to largescale tall buildings. In that context Planning Authorities must determine if increased height buildings are appropriate in these particular settings.

Taking into account the forgoing the specific planning policy requirement of the above guidelines under SPPR1 is

*“in accordance with government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, Planning Authorities shall explicitly identify through the statutory plans, areas where increased building heights will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and the Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.”*

### **8.3. Development Plan Provision**

- 8.3.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.
- 8.3.2. The site is governed by the zoning objective Z14 to seek the social, economic, and physical development and/or rejuvenation of an area with mixed use of which residential Z6 would be the predominant use.
- 8.3.3. Chapter 15 of the development plan sets out policies and provisions with regard to strategic development and regeneration areas guiding principles for development. The subject site is designated as SDRA6.
- 8.3.4. Section 15.1.1.7 specifically relates to the SDRA of the docklands area. It states that social sustainability is central to the regeneration strategy for docklands. The regeneration of docklands is about people, it is not just physical and economic aspects. Dublin City Council will actively pursue a community and social development agenda reintegrating and connecting the docklands communities to its range of services and expertise across all sectors. Other relevant policy statements and guiding principles for the regeneration strategy for docklands which are relevant are set out below:

- To ensure successful interaction between the SDZ scheme and the surrounding streets and public realm to retain and foster a strong sense of neighbourhood within communities.
- To safeguard residential amenity and ensure appropriate transition in scale. The design of new development shall have regard to the context, setting and amenity of existing housing within the SDZ and wider docklands area.
- To encourage local employment and explore new opportunities for local employment both in the construction sector and elsewhere.
- To integrate the public realm, streets and routes of docklands with the surrounding city.

8.4. Section 6.5.3 of the development plan relates to tourism/visitors.

8.5. Policy CEE12 seeks to:

- (i) Promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the necessary significant increase in facilities such as hotels, aparthotels, tourist hostels, cafes and restaurants, visitors attractions including those for children.
- (ii) Promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors.
- (iii) Hotel use is a permissible use under the Z14 zoning objective.

#### 8.6. **Natural Heritage Designations**

The site is not located within or proximate to any designated Natura 2000 sites. The closest Natura 2000 site is located approximately 750 metres to the north of the subject site. It is the South Dublin Bay and River Tolka SPA (Site Code: 004024).

#### 8.7. **EIA Screening Assessment**

Schedule 5, Part 2 of the Planning and Development Regulations sets out limits and thresholds for EIA. Class 12 specifically relates to tourism and leisure. Class 12(c) relates to holiday villages which would consist of more than 100 holiday homes outside built-up areas, hotel complexes outside built-up areas which would have an area of c.20 hectares or more or an accommodation capacity of 300 bedrooms. The subject site is located within a built-up area and therefore the provisions under Class

12(c) would not apply in this instance. Furthermore, the provision of 106 hotel bedrooms is considerably below the minimum threshold of 300 bedrooms set out in this class.

Having regard to the nature and scale of the proposed development which is under the mandatory threshold in respect of Class 12(c) of the Planning and Development Regulations 2001.

- The location of the site on lands which are zoned for strategic development and regeneration under the provisions of the Dublin City Development Plan;
- The location of the site within an existing built-up area which is served by public infrastructure and the existing pattern of development in the immediate vicinity.
- The location of the site outside any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the fact that there is no connectivity between the subject site and any sensitive location.
- The guidance set out in “The Environmental Impact Assessment (EIA) Guidance for Consent Authorities Regarding Sub-threshold Development” issued by the Department of the Environment, Heritage and Local Government (2003); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded by reason of the nature, scale and location of the development and the location of the subject site that the proposed development would not be likely to have significant effects on the environment and that on preliminary examination, an environmental impact assessment report for the proposed development would not be necessary in this case.

## 9.0 Planning Assessment

9.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the issues raised in the third-party appeal. I

consider the criteria issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Contravention of Development Plan Policies
- Impact on Residential Amenity
- Traffic and Road Safety Issues
- Noise, Disruption and Security Concerns
- Impact on Structural Integrity of Adjoining Buildings
- Quality of Hotel Bedrooms

## 9.2. Principle of Development

9.2.1. The subject site is governed by the Z14 zoning objective where hotel uses are a permissible use under this zoning objective. Furthermore, SDRA6 includes numerous policies to increase and promote a regeneration strategy for the docklands. A key tenant of the strategy is also to encourage local employment where appropriate skills are available on all construction projects in the dockland area. The proposal seeks to maximise the employment generated opportunity within the area and to explore new opportunities for local employment in conjunction with the construction sector, corporate sector and other key stakeholders throughout the community. The provision of a hotel on the subject site will assist in achieving these development plan goals.

9.2.2. On a wider level the proposed development would fulfil and promote many of the objectives espoused in the National Planning Framework in developing infill and brownfield sites within existing built-up areas where they can avail of the physical, social infrastructure and encourage more sustainable transportation patterns through walking, cycling and use of public transport. The proposed development of the subject site represents a planning gain in transforming an existing vacant site into a fully utilised site accommodating a new building which would in my opinion significantly contribute to the overall streetscape over and above that which currently exists on site. The incorporation of new ground floor uses including a bar and restaurant will eliminate dead frontage along the street and will ensure that the street

will attract new footfall and become more vibrant. In conclusion therefore I will consider that the provision of a new hotel on the subject site fully accords with the land use zoning objective and will fulfil many of the national planning objectives in relation to developing vacant and underutilised sites in developed urban areas. The provision of a hotel use on the subject site is therefore acceptable in principle. Qualitative issues regarding residential amenity and compliance with the development plan are set out in more detail below.

### **9.3. Contravention of Development Plan Policies**

9.3.1. The grounds of appeal argue that the proposed development contravenes numerous development plan policies including the following:

- The height and scale of the proposed development is incompatible with the surrounding Z2 residential conservation zoning.
- The proposed development contravenes policy statements contained in the development plan in respect of backland development and infill development.
- The proposal is contrary to Section 14.7 of the development plan which seeks to avoid abrupt transitions in scales between land use zones.
- The proposed development contravenes numerous policy statements contained in the development plan in respect of building height.

Each of these issues are assessed below.

9.3.2. The grounds of appeal argue that the site's location in proximity and contiguous to lands which are zoned Z2 which are considered to be significantly more sensitive in their ability to accommodate and absorb higher density development. The Board should have regard to the fact that the subject site is located within an area which is designated as a Strategic Development and regeneration area. As such the area is earmarked for regeneration which, according to Section 15.1.1.6 of the development plan, seeks to consolidate the area as a vibrant economic cultural and amenity quarter for the city whilst nurturing sustainable neighbourhoods and communities. The site therefore is located in an area which is undergoing a transition, and this is reflected in the more recent grants of planning permission for residential and commercial development which go considerably beyond the building heights of the Z2 Residential Conservation Areas in the vicinity. Specifically, I would refer to the

Island Key development located almost opposite the site which rises to 8 storeys in height. The Beckett building along the East Road is also a largescale commercial structure rising to c.6 storeys in height. Furthermore, on vacant lands c.60 metres to the south-west of the subject site the Board granted planning permission for an SHD development which incorporates a 15 storey element. There are therefore numerous precedents in terms of recent developments and recent grants of permission where the size and scale of the development considerably extend above the prevailing height and density associated with the various Z2 residential conservation areas. I would again reiterate that national and regional planning policy seeks to develop brownfield sites in urban areas at greater densities than heretofore and the proposed development while 8 storeys in height, cannot be considered inappropriate in this context.

- 9.3.3. Finally, in relation to this issue it is noted that while the south-western boundary of the subject site is contiguous to a Z2 residential conservation area. The Board will note that the houses at Caledon Court notwithstanding the conservation zoning objective, are relatively recently built and do not date from the late Victorian/Edwardian period as is the case for many of the older dwellings in the vicinity which attract the Z2 zoning objective.
- 9.3.4. With regard to the issue of abrupt transition in scale between various land use zones, I would again reiterate the point that the subject site is located in an area designated as a strategic development and regeneration area. An opportunity should not be missed in developing the subject site to its full potential in accordance with the national and regional policies for urban areas already referred to in this report. It should likewise be kept in mind that it is only the front element of the proposed hotel which rises to 8 storeys in height. The rear portion of the building which is located adjacent to the dwellings on Caledon Court rises only to 4 storeys in height. The provision of 4 storey structures adjacent to the existing houses on Caledon Road cannot be considered excessive having regard to the site's location proximate to the city centre.
- 9.3.5. With regard to policies contained in the development plan in respect of building height, it should be noted that Section 16.7.2 of the development plan outlines the strategy for building height in the city. The subject site is located within the inner city area which allows for commercial buildings of up to 28 metres in height. The

maximum height of the proposed structure at 26 metres falls within this limit. Furthermore, I refer the Board to the more recently adopted Ministerial Guidelines entitled Urban Development and Building Heights – Guidelines for Planning Authorities which supersede the development plan which notes that statutory development plans have tended to be overtly restricted in terms of maximum building heights. The guidelines also note that increasing building height is a significant component to making the optimum use of the capacity of sites in urban locations where transport, employment and services are available such as the subject site. On the basis of the above therefore, I do not consider that the maximum height of the proposed hotel at 8 storeys (26 metres) is excessive in this context.

#### **9.4. Impact on Residential Amenity**

- 9.4.1. The grounds of appeal express considerable concerns in terms of the potential of the proposal to adversely impact on surrounding residential amenity. Specific reference is made to loss of privacy, loss of light and overshadowing, and overbearance in terms of mass, scale and design.
- 9.4.2. It is apparent that any development of the subject site, with the exception of perhaps a single storey structure (which would be inappropriate having regard to the policy provisions referred to above), is likely to have some adverse impact on adjoining residential amenity having regard to the proximity of the subject site to the residents at Caledon Court. The question that the Board must determine is whether or not the extent of the diminution in adjoining residential amenity is acceptable in this instance. On this basis each of the concerns raised above are assessed separately below.
- 9.4.3. With regard to loss of privacy and overlooking, the fenestration and orientation of the windows in the hotel are such that no direct overlooking of adjoining windows or gardens will result from the proposed development. All windows to serve the hotel development on the upper floors are orientated on an east-west axis. The hotel bedrooms will directly face other hotel bedrooms and therefore will not give rise to any direct overlooking of the gardens associated with the dwellings at Caledon Court. Furthermore, the Board will note from the layout of the upper floors that the stairwells serving each of the four storey blocks to the rear of the hotel protrude beyond the main building line and this will greatly assist in prohibiting views from the

windows serving the hotel bedrooms into the adjoining gardens and houses of the dwellings at Caledon Court.

- 9.4.4. I am also satisfied having regard to the layout and orientation of the windows of the hotel, that no direct overlooking will occur in the case of the proposed redevelopment and refurbishment of the apartment block to the immediate north. The Board will note that the separation distance between the windows of the apartment block to the north and the hotel development are at their closest point between 12 and 16 metres. As the potential arises for oblique overlooking only between the windows in question, I consider this separation distance to be acceptable particularly in an urban area.
- 9.4.5. With regard to the issue of overshadowing, Caledon Court is located to the south of the subject site and shadow casting diagrams submitted with the documentation with the application indicate that there will be no significant impact arising from the proposed development in terms of overshadowing for the residents of Caledon Court. The proposed hotel development has the potential to adversely impact in terms of overshadowing on the communal open space located along the northern boundary of the site serving the apartments to the north. However, as pointed out in report ABP310081 it is open to the Board to seek further information in respect of this impact. I would however point out that the refurbishment of the apartments under ABP310081 includes the provision of an extensive roof area of open space which in itself is of a sufficient size and scale to comply with the open space requirements set out in the Development Plan. Having regard to the elevation level of the amenity area on the roof of the apartment building, the proposed development will not result in any overshadowing of this new amenity area.
- 9.4.6. With regard to daylight and sunlight penetration into internal rooms of adjoining developments, a detailed report was submitted in respect of daylight and sunlight issues. The Board will note firstly that there are no windows directly facing the subject site on the gable ends of the dwellings on Caledon Court. Secondly, the Board will note from the analysis undertaken that some of the existing dwellings on Caledon Court do not meet the minimum standards set out in BS8206-2. The minimum values of ADF set out in the above BRE Guidelines are, 2% for kitchens, 2% for combined kitchens and living rooms, 1.5% for standalone living rooms and 1% for bedrooms. Caledon Court comprise of back-to-back type houses with an



open plan living room and kitchen at ground floor level. The report notes that the kitchen windows face south away from the proposed development. The internal layout results in modest levels of average daylight factor due to the size of the room in relation to the size of the windows. The modelling undertaken indicates that there will be a slight decrease in average daylight factor for some of the living room/kitchen areas at ground floor level for the houses within Caledon Court. Under no circumstances does the average daylight factor drop below 80% of its former value in any of the rooms. BS8206-2 2008 notes that *“if following the construction of a new development the no skyline were to move so that the area of the existing room which does not receive direct sunlight was reduced to less than 0.8 times of its former value this would be noticeable to the occupants and more of the room would appear poorly lit”*. From the analysis undertaken on behalf of the applicant it appears that none of the rooms potentially affected by the proposed development would be reduced to less than 0.8 times of its former value, and therefore the impact of the proposed development on the average daylight factor to the dwellings at Caledon Court would comply with BS8206 Part 2 of 2008.

9.4.7. With regard to the apartments to the north of the site at Alexandra Place of the 24 habitable rooms that were assessed, Section 3.31 of the report indicates that all rooms meet the criteria and standards set out under BS8206-2. In most cases the rooms analysed comfortably exceed the criteria set out.

9.4.8. In terms of the overbearing nature of the proposed development it is acknowledged that the existing houses at Caledon Court back directly onto the subject site and this exacerbates the potential for any redevelopment of the subject site at sustainable densities, to result in a structure that could be considered overbearing for the occupants of Caledon Court.

9.4.9. However, I consider that the overall design approach successfully addresses the issue of overbearing by placing the larger and higher elements of the structure to the front of the site directly facing onto the East Road. Having regard to the redevelopment of various sites along the East Road including the redevelopment of the adjoining site proposed under ABP310081-21, it is considered that the proposed 8-storey element of the hotel would not look incongruous or out of place in terms of size and scale with the buildings fronting onto the East Road.

9.4.10. The 8-storey element to the front of the site does not back directly onto the dwellings on Caledon Court. This in my view significantly reduces the potential for being overbearing.

9.4.11. The rear portion of the site incorporates two smaller blocks 4 storeys in height. As referred to previously in my assessment, I do not consider that the construction of a four storey building in an urban area to be inappropriate. Any building of a lesser scale would in my view fail to adhere to strategic policy guidance in relation to developing sites in urban areas at more sustainable densities. On this basis I consider that the overall design rationale that informs and dictates the layout of the site has appropriate regard to the issue of overbearance of adjoining properties. While the proposed development will result in a structure that will have some impact on adjoining amenity in terms of being overbearing, I consider the level of overbearance that will be experienced by the residents on Caledon Court will be acceptable.

#### **9.5. Traffic and Road Safety Issues**

9.5.1. Concerns are expressed that the proposed development will exacerbate traffic and road safety issues as a result of the proposed development. I would again reiterate that it is national and local policy to develop urban sites at more appropriate and sustainable densities and this is a key consideration in determining the current application before the Board. The Board will also note that the proposed hotel development does not incorporate any off-street parking and as such will not contribute to traffic volumes on the road network immediately surrounding the site. In the case of the adjoining residential development, it is proposed to reduce the number of car parking spaces on site which will result in a consequential reduction in trip generation in the vicinity of the site.

9.5.2. Concerns are also expressed that the proposed development could result in excessive car parking demand in the area which will result in an overspill of car parking into the surrounding streets particularly the residential streets in the vicinity of the site. I note that many of the surrounding streets incorporate no controlled parking regime in the form of pay and display. However, the threat of overspill car parking into the roadway serving the residents of Caledon Court will not be an issue

as this is a gated community and therefore access to the Court will not be freely available.

- 9.5.3. The application was accompanied by a preliminary travel plan and a traffic and transportation statement. It is stated that the applicant will utilise pragmatic measures that encourage safe and viable alternatives to the private car for accessing the proposed development. This includes the appointment of a traffic plan co-ordinator. The subject site is located proximate to the city centre. The city centre therefore is readily acceptable through cycling and walking. Furthermore, there are high quality public transport services available in the vicinity of the site including a Quality Bus Corridor along the North Strand Road, Connolly Station which provides suburban Dart and intercity services and the Luas Red Line which is also located a short walk from the subject site. The development of the subject site in the absence of car parking so close to the city centre with good public transport facilities available accords with the principles of sustainable development and sustainable transport in particular. The lack of car parking is in my view acceptable.

#### **9.6. Noise, Disruption and Security Concerns**

- 9.6.1. It is inevitable that elevated noise and disruption will occur during the construction phase of the proposed development. This is the case with any construction activity located in close proximity to residential dwellings. However, the impact will be short-term and temporary and does not in my view constitute reasonable grounds for refusal.
- 9.6.2. With regard to noise and disruption during the operational phase. The Board are again requested to note that hotel use is a permissible use in accordance with the land use zoning objective. Any noise and disturbance during the operational phase is primarily a matter for the management of the hotel facilities. The proposed hotel use will form part of a variety of uses located in the wider area where commercial uses including entertainment, tourism, office and residential uses are all located in close proximity. With regard to security concerns again this is primarily an issue for hotel management. It will be unreasonable to leave the site undeveloped on the basis that any development on the subject site could accentuate security concerns in terms of break-ins, burglaries and graffiti etc. It is my considered opinion that leaving the site in its current derelict nature has at least similar potential to give rise to security

concerns in terms of graffiti and anti-social activity. The passive surveillance which would be derived from the construction of a hotel on the subject site should assist in improving security around the area. The applicant also indicates that the hotel in question will incorporate CCTV coverage.

- 9.6.3. Concerns in relation to excessive light pollution are not tenable in my view having regard to the sites urban location where high levels of artificial illumination already exists.

#### **9.7. Impact on Structural Integrity of Adjoining Buildings**

- 9.7.1. The building in question proposes a small basement area which will not be located contiguous to the boundary walls to the north and south of the site. The construction and demolition waste management plan sets out details of the construction methodology including the proposal to incorporate a modular construction utilising pre-engineered module-manufactured components in order to minimise construction activities and associated potential impacts. I am satisfied that construction methodologies and method statements can be prepared to ensure that the proposed development in no way impacts on the structural integrity of adjoining structures. It is not unusual or uncommon for largescale construction activity to occur in close proximity to existing buildings including residential units within built up areas. This issue can therefore in my view adequately be dealt with by way of condition.

#### **9.8. Quality of Hotel Bedrooms**

- 9.8.1. The grounds of appeal suggest that the hotel bedrooms proposed which range in size from 15 to 24 square metres reduces the quality and amenity of potential visitors.
- 9.8.2. Section 7.4 of the Registration and Renewal of Registration Regulations for Hotels 2016 sets that the gross internal floor area for single bedrooms shall be not less than 12.5 square metres inclusive of any en-suite and bedroom lobby area. The gross internal floor area for double/twin bedrooms shall be not less than 14 square metres inclusive of any en-suite and bedroom lobby area. It is clear therefore that the proposed development fully accords with the Hotel registration Guidelines.

## **10.0 Conclusions and Recommendation**

Arising from my assessment above therefore, I consider the proposed development to be fully in accordance with the zoning provisions contained in the development plan and in accordance with the proper planning and sustainable development of the area. I also consider that the proposed development will have an acceptable impact on surrounding residential amenities and I therefore recommend that the decision of Dublin City Council in this instance be upheld.

## **11.0 Appropriate Assessment**

I note that an appropriate assessment screening report was submitted with the application. Having regard to the site's location within an urban area which is served by public infrastructure together with the nature of the receiving environment and the proximity of the nearest European site which is located at its closest point c.750 metres to the north of the subject site, I would agree with the conclusions set out in the appropriate assessment screening report submitted that no appropriate assessment issues arise and that the proposed development would not be likely to have significant effects individually or in combination with other plans or projects on a European site.

## **12.0 Decision**

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## **13.0 Reasons and Considerations**

Having regard to the Z1 objective relating to the site and the fact that hotel use is a permissible use under the Z14 zoning objective together with policies and provisions contained in the National Planning Framework, it is considered that the proposed hotel development, subject to compliance with conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally 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.

## 14.0 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to the commencement of development, details of all materials, colours and textures of the external finishes to the proposed hotel shall be submitted to and agreed in writing with the planning authority. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Construction materials and detailing shall appear to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

**Reason:** In the interest of the visual amenities of the area.

3. Water supply and drainage arrangements, including the disposal and attenuation 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 the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

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

5. No additional development shall take place above the roof level including the incorporation of additional plant and equipment such as lift motors, air handling equipment, storage tanks or any other external plant other than those shown on the drawings which are the subject of the current approval or unless authorised by a prior grant of planning permission.

**Reason:** In the interest of visual amenities of the area.

6. 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 the commencement of development. This plan shall be prepared in accordance with best practice on the Preparation of Waste Management Plans for the Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during any site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation

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

7. The construction of the development shall be managed in accordance with the construction management plan, which shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The developer shall liaise with Transport Infrastructure Ireland in this regard prior to the submission of this statement. The plan shall provide details of the intended construction practice for the development, noise management measures and the location of site compounds.

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

8. (a) Full details of all external signage for the hotel and the bar/restaurant shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The external signage for the hotel shall be for information purposes only and shall consist of individual lettering of an appropriate scale.
- (b) No advertising structures, advertisements, security structures, or other projecting elements including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and to restrict the extent of advertising signage in the area.

9. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3dB(A) during the period 0800 to 2000 hours and by more than 1dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background level noise shall be taken as  $L_{90}$  and the specific noise shall be measured at  $L_{aeqt}$ .
- (b) The octave band centre frequencies of noise emissions at 63HZ and at 125HZ shall be subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at  $L_{aeqt}$ .
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating, either
  - (i) during a temporary shutdown of the specific noise source, or
  - (ii) during a period immediately before or after the specific noise source operates.
- (d) When measuring the specific noise, the time (T) shall be any five



minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating soundproofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. An acoustical analysis shall be included with this submission to the planning authority.

**Reason:** In order to protect the amenities of property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
  - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological

excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. The developer shall comply with the following requirements of the Transportation Planning Division
  - (a) Prior to the completion and occupation of the development, the applicant/developer shall contact the Transport Advisory Group (TAG) of the Environmental and Transportation Department to ascertain their requirements regarding the provision of line marking on the East Road for servicing to take place at the hotel. All costs shall be met by the applicant/developer.
  - (b) Prior to the commencement of development, and on the appointment of a contractor, a construction management plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, details of service access and delivery arrangements during construction works, noise management measures and off-site disposal of construction/demolition waste. This plan shall comply with TII's "Code of Engineering Practice for Works on, near or adjacent to the Luas Light Rail System".
  - (c) Details of the materials proposed in public areas and areas within the charge of Dublin City Council shall be in accordance with the document "Construction Standards for Roads and Street Works in

Dublin City Council” and agreed in detail with the Roads Maintenance Division.

- (d) The applicant/developer/operator shall implement the measures outlined in the preliminary travel plan and the traffic and transportation statement submitted with the planning application to ensure that all future employees/visitors of the hotel comply with this strategy. A mobility/traffic plan manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- (e) All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.
- (f) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** In the interest of orderly and sustainable development.

- 12. Prior to the commencement of development, details of a suitable ventilation system shall be submitted to, and agreed in writing with, the planning authority.

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

- 13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as part of the site development works.

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

- 14. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in

connection with the development, coupled with an agreement empowering the planning authority to apply such security or part therefore to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

15. The developer shall pay to the planning authority a financial contribution of €370,368 (three hundred and seventy thousand three hundred and sixty-eight euro) 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. The application of any indexation required by this condition 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.

**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.

16. The developer shall pay to the planning authority a financial contribution of €146,604 (one hundred and forty six thousand six hundred and four euros) in respect of the LUAS C1 Line 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 the commencement of development or in such phases 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 an agreement, the matter shall be referred to An Bord Pleanála to determine the application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under Section 49 of the Act be applied to the permission.

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Paul Caprani,  
Senior Planning Inspector.

22nd September, 2021.