

**Manahan Planners**  
38, Dawson Street  
Dublin 2

**NOTIFICATION OF DECISION TO GRANT PERMISSION  
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND  
PLANNING REGULATIONS THEREUNDER**

<b>Decision Order Number:</b>	<b>0532</b>	<b>Date of Decision:</b>	18-May-2023
<b>Register Reference:</b>	SD23A/0001	<b>Date:</b>	25-Apr-2023

**Applicant:** Winmar Developments Unlimited Company

**Development:** Construction of a 7 storey hotel building over 2 basement levels comprising of 254 bedrooms and 8 penthouse suites, reception, exercise room, bar and restaurant, staff facilities, outdoor plaza area, business / conference rooms, 148 car parking spaces and 36 bicycle parking spaces; Works to existing vehicular access at the north of the site and all associated site enabling and excavation works, ESB substation, plant, storage, hard and soft landscaping, green roofs and signage.

**Location:** Site D, Liffey Valley Office Campus, Dublin 22

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 28-Feb-2023 /25-Apr-2023

**Clarification of Additional Information Requested/Received:**

**DECISION TO:** Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

## **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

## **SECOND SCHEDULE**

### **Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 25 April 2023, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Amendments.  
(I) Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:  
Revised plans that incorporate all of the following amendments unless otherwise agreed-
  - (a) Elevations for the ESB substation with appropriate screening / planting details;
  - (b) Full details of any solar panels and other renewable technologies on the site;
  - (c) an Energy Efficiency and Climate Change adaption statement in accordance with Section 12.10.1 of the CDP;  
(II) Prior to the commencement of the use, the applicant shall submit details of the proposed public art for the written agreement of the Planning Authority. The agreed details shall also be installed prior to the commencement of the use on site.  
REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. Roads.
  1. EV charging shall be provided in all residential, mixed use and commercial developments and shall comprise a minimum of 20% of the total parking spaces provided. The remainder of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in SDCC CDP section 12.7.5. A revised layout plan shall be submitted for the written agreement of the Planning Authority, prior to the commencement of development.
  2. Prior to commencement of development, the applicant shall submit the Construction Traffic Management Plan for the written agreement of the Planning Authority.
  3. Prior to commencement a Public Lighting Design for the development must be submitted and agreed by the South Dublin County Council Lighting Department.  
REASON: In the interests of safety and sustainable transport.

4. Environmental Health.

1. No heavy / noisy construction equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 hours on Saturdays nor after 19:00 hours on weekdays and 13:00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

2. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

3. During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

4. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

5. Noise due to the normal operation of the proposed development, expressed as  $L_{Aeq}$  over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A).

6. Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

7. Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

8. The applicant shall put in place a pest control contract for the site for the duration of the construction works.

9. Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

REASON: in the interests of public health.

5. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Drainage.

(a) Prior to the commencement of development, the applicant shall submit a drawing/s in plan and cross-sectional view showing design details of proposed SuDS (Sustainable Drainage Systems). Examples of SuDS can be found in SDCC SuDS Guide at [sdcc-sustainable-drainage-explanatory-design-and-evaluation-guide.pdf](#)

(b) Prior to the commencement of development, the applicant shall submit a drawing in A1 size showing the setback distance from proposed development to an existing 900mm surface water sewer south of development. There shall be a minimum setback distance of 6m to the outside diameter of existing 900mm surface water sewer.

(c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(d) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

7. Materials and Finishes

Prior to the commencement of development the applicant/developer shall submit materials and finishes of the development for the written agreement of the Planning Authority.

REASON: in the interests of visual amenity.

8. Prevention of Spillage or Deposit of Debris on Adjoining Public Roads During Construction Works.

Prior to the commencement development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) a site specific plan making provision as set out below for the prevention of spillage or deposit of clay, rubble or other debris on adjoining public roads during the course of any construction works that fully complies with all of the requirements of the Council's Roads Maintenance, Traffic Management, and Waste Enforcement Sections as appropriate, The agreed plan shall provide for all of the following:

(a) The agreed number, location, type and use of suitable facilities for vehicle cleansing and wheel washing provided on site to contain all clay, rubble or other debris within the site prior to commencing of construction, such facilities to be maintained in a satisfactorily operational condition during all periods of construction.

(b) Location of all on-site car parking facilities provided for site workers during the course of all construction activity.

(c) Provision for dust suppression measures in periods of extended dry weather.

(d) Provision for the flexible use of a road sweeper if an acute situation on the adjoining public road requires it.

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

(f) Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interest of protecting the amenities of the area and in the interest of public safety and the sustainable maintenance of adjoining roads and footpaths.

9. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

10. Landscaping - Retain Project Landscape Architect.

Prior to the commencement of development, the applicant/owner shall retain the professional services of a suitably qualified Landscape Architect, carrying professional indemnity insurance as a Landscape Consultant, throughout the life of the site development works; and shall notify the planning authority of that appointment in writing prior to commencement of works on site. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall prepare, sign and submit a Practical Completion Certificate (PCC) to South Dublin County Council Parks and Landscape Services, as verification that the approved landscape plans and specification have actually been fully implemented.

REASON: In the interests of amenity, compliance with Development Plan policy, the provision, establishment and maintenance of a reasonable standard of landscape and the proper planning and sustainable development of the area and to ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

11. Recyclable Waste and Bin Storage Facilities.

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site the applicant, owner or developer shall have lodged with the Planning Authority:

(i) Details of the number, type and location of facilities for the collection of Recyclable Waste and bin storage facilities, weather protected, and contained within areas subject to public realm lighting scheme in accordance with Council policy and requirements for the development as approved to address the collection of Recyclable Waste and all bin storage and waste management obligations for the entire development as approved. All Recyclable Waste and bin storage facilities shall provide for;

- Facilities for the collection of Recyclable Waste and bin security in accordance with Garda and/or Fire Officer advice or requirements and shelter in accordance with Council requirements, and;

- Construction with durable materials, suitably finished, ventilated and

- All structures where appropriate shall be raised from the ground and roofed.

- Maintenance of all facilities for the collection of Recyclable Waste and bin storage facilities in good condition in perpetuity.

- If located in a basement area facilities for the collection of Recyclable Waste and bin storage facilities shall be separated from vehicle parking or cycle storage and serviced with a water supply sufficient for regular cleaning, drainage and ventilation to avoid any dis-amenity arising, and;

(ii) A written commitment to implement the development as approved with the above provision of Recyclable Waste and Bin storage facilities.

REASON: In order to ensure that the site is adequately serviced for waste management and bin storage in the interests of the proper planning and sustainable development of the area, and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

## 12. Commercial Waste Management Plan

All waste arising from the site shall be managed in perpetuity in accordance with an agreed Waste Management Plan that accords with all relevant statutory provisions, the provision of the Waste Management Plan for the Dublin Region and with the requirements of the Council's Waste Enforcement and Licensing Section.

Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

A detailed plan for the management of all waste (and in particular, recyclable materials) within the development in accordance with the Planning Authority's policy and the Council's Waste Enforcement and Licensing Section requirements, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, details of measures to protect watercourses on or adjoining the site from the spillage or deposit of waste, clay, rubble or other debris and from the ongoing operation of the development as approved.

The applicant, owner or developer is advised to consult with the Council's Waste Enforcement and Licensing Section in advance of lodging the required plan.

REASON: To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of public safety, protecting the environment and in the interests of the amenities of the area.

## 13. Signage Details.

Prior the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

Full details of proposed signage to include signage lettering, logo dimensions, colours, materials, finishes and illumination type, and;

REASON: In the interests of visual amenity and the proper planning and sustainable development of the area.

## 14. RWMP.

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

REASON: In the interest of proper planning and sustainable development.

## 15. Public Realm Lighting Scheme.

Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

A Public Realm Lighting Scheme for the public realm of the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent a public lighting design consultant to BS5489: European Lighting Standard EN13201 and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: Revision 2 dated 14/10/2016,

along with:

In addition, the applicant shall ensure that the Public Realm Lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowed away from residential properties, public roads and any bat roosts or areas with bat activity. The Public Realm Lighting Scheme should also have regard to the landscaping requirements for the site to avoid root or crown spread from any existing or proposed tree. Any adjustments deemed necessary in this respect by the Council shall be carried out by the applicant, owner or developer at their own expense

REASON: In the interests of public health and safety, the orderly development of the site, amenity, and to prevent light pollution and in the interests of the proper planning and sustainable development of the area.

#### 16. Mobility Management Plan

Within six months from the date of opening of the permitted hotel development, the applicant/owner shall submit for the written agreement of the Planning Authority:

(a) A Mobility Management Plan that accords with the Council's Traffic Section requirements.

REASON: In the interests of sustainable transport, compliance with Development Plan policy and the proper planning and sustainable development of the area.

#### 17. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1, 940, 143.95 (One million, nine hundred and forty thousand one hundred and forty three euro and ninety five cent), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014, the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

*Pamela Hughes*  
for **Senior Planner**

**19-May-2023**



## NOTES

### (A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

### (A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
  2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
  - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made.  
where the application relates to unauthorised development ..... €4,500.00 or €9,000 if an E.I.A.R. is involved
  - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made.  
other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
  - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b) ..... €660.00
  - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) ..... €220.00
  - (e) Application for leave to appeal ..... €110.00
  - (f) Appeal following a grant of leave to appeal ..... €110.00
  - (g) Referral..... €220.00
  - (h) Reduced fee (payable by specified bodies)..... €110.00
  - (i) Submission or observations (by observer) ..... €50.00
  - (j) Request from a party for an Oral Hearing ..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100