

An
Bord
Pleanála

Board Order
ABP-315589-23

Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 4927/22

Appeal by Austin Kelly care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2, and of the terms of the Supplementary Development Contribution Scheme made for the area in respect of condition number 3, of its decision made on the 13th day of December, 2022.

Proposed Development: Retention of demolition of existing three-storey building over basement to be replaced with a new four storey over basement to match the existing hotel roof level, incorporated into the main structure of hotel which included a new fire escape stairs exiting onto Talbot Street. The basement element included 95 square metres of floor area for storage purposes only, with a 157 square metres deli-restaurant and shopfront on ground floor level accessed from Talbot Street. An additional 148 square metres of guest accommodation on the first and second floors. An additional 417 square metres of guest accommodation on the third floor level which included an additional 14 square metres office/house-keepers room in addition to the previously approved larger development - planning register reference number 3438/16, all with associated elevation completions including

an extension of the timber shop front on Talbot Street to the deli/restaurant to match existing, all at The Ripley Court Hotel, 37 Talbot Street (backing onto Foley Street), Dublin.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 2 and directs the said Council to REMOVE condition number 2 and the reason therefor.

Furthermore, the Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, also based on the reasons and considerations set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 3 and directs the said Council to REMOVE condition number 3 and the reason therefor.

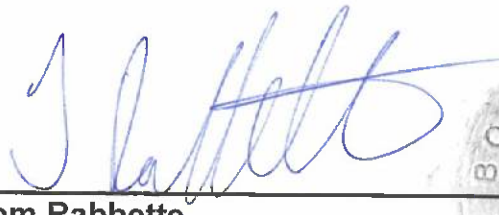
Reasons and Considerations

In arriving at its decision, the Board had regard to the following:

1. the nature of the appeal, being a first party appeal against two number financial contribution conditions,
2. the planning history pertaining to the site, specifically planning register reference number 3438/16, and the financial contribution conditions applied under that decision, and

3. the submission from the planning authority received by An Bord Pleanála on the 15th day of February 2023 in which the authority stated that it concurs with the appellant that no development contribution is applicable for the retention permission sought and that development contributions were paid with regard to works being carried out pursuant to planning register reference number 3438/16.

The Board decided, therefore, that the condition numbers 2 and 3 of planning register reference number 4927/22 should be removed.



Tom Rabbette

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 20th day of MARCH 2023.