



An  
Bord  
Pleanála

Board Order  
ABP-317264-23

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 5526/22.**

**Appeal** by City ID Dublin Capel Limited care of SCA Planning of 17A Bridgecourt Office Park, Walkinstown Avenue, Walkinstown, Dublin against the decision made on the 20<sup>th</sup> day of May, 2023 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Modifications to planning permission granted for a five-nine storey 142 number bedroom hotel under planning authority reference 3609/20 (appeal number ABP-309215-21) to facilitate its reconfiguration as a 105-suite aparthotel. Proposed modifications to facilitate the 105-suite aparthotel include the following: Basement: internal reconfigurations at permitted basement level to provide revised plant areas and spa/wellness area; Ground floor: alterations to the rear of the ground floor of number 162 Capel Street, providing access to the aparthotel and an enclosed events space in this location; relocation of bicycle parking from basement level to ground floor with access to same from the laneway located on Strand Street Little; general layout modifications to the reception/restaurant/bar area; Upper floors: internal reconfigurations from first to eight floor to facilitate 105 number aparthotel suites and ancillary services areas; build out of setback at fifth to

eight floors levels on western elevation (rear of Capel Street) and northern elevation (rear of Strand Street Little); part build out of set back at fifth and sixth floor levels on eastern elevation; inclusion of private glazed balconies on the southern side at seventh floor level; amendments to facade at street level, including the provision of retractable awnings on both the Capel Street and Strand Street Little frontages; amendments to fenestration at all levels and all associated amendments to plant, site works and services, all at 162-164a (inclusive) Capel Street and 33-36 (inclusive) Strand Street Little, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the policies and objectives of the Dublin City Development Plan 2022-2028, in particular the Z5 zoning objective as it relates to City Centre development, the site's planning history, and to the nature and scale of the proposed modifications, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with development plan policies relating to hotel/aparthotel provision, would not seriously injure the visual amenities of the area, would respect the character and pattern of development in the area and would not seriously injure the character of the adjoining Protected Structures or the Capel Street Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 14<sup>th</sup> day of April 2023 and by An Bord Pleanála with the appeal on the 2<sup>nd</sup> day of June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The terms and conditions of the parent permission granted for the development under planning register reference number 3609/20 (appeal number ABP-309215-21) shall be complied with, unless they are modified by the terms and conditions of this permission.

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

3. This grant of permission shall expire with that of the permission granted under permission reference number ABP-309215-21.

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

4. The proposed development shall be amended as follows:
- (a) The metal cladding at the corner of Capel Street and Strand Street Little on the first to fourth floors shall be omitted and replaced with a brick finish.
  - (b) Material finishes from the fifth to eight floors shall comprise brick and curtain wall glazing matching the finishes permitted in planning permission ABP-309215-21.

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

**Reason:** In order to clarify the permission and in the interest of visual and residential amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to aparthotel (as specified in the lodged documentation) and shall not be used for or occupied by permanent households or for the purposes of student accommodation, unless otherwise authorised by a prior grant of planning permission.

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

6. The aparthotel units shall only be occupied for short-term letting periods of no more than two months, and shall operate within the definition of an aparthotel as set out in Appendix 15 of the Dublin City Development Plan, 2022-2028. In addition, the aparthotel shall be managed by a reception facility on the ground floor with twenty-four hour reception and security facilities.

**Reason:** To ensure that the development would accord with the provisions of the Dublin City Development Plan, 2022-2028, and the proper planning and sustainable development of the area.

7. The restaurant/bar at ground floor shall be open to the public during normal working hours.

**Reason:** To ensure that the development would accord with the provisions of the Dublin City Development Plan 2022-2028, and the proper planning and sustainable development of the area.

8. The following requirements of the planning authority shall be complied with:
  - (a) Awnings/canopies shall be omitted from the proposed development where it overhangs the public road area. Thereafter, details of any awnings, canopies or projecting signs, and their hours of operation, shall be submitted to, and agreed in writing with, the planning authority.
  - (b) No part of the proposed development from basement to roof level (including but not limited to underpinning, secant pile walls, basement area, balconies) shall overhang either below or above the public road area along Capel Street to the east and Strand Street Little to the south (that is, back of footpath to back of footpath).
  - (c) Cycle parking shall be secure and well-lit with key/fob access.
  - (d) Cycle parking shall be in-situ prior to the occupation of the development.

**Reason:** In the interests of traffic and pedestrians.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

10. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

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

*Eamonn James Kelly*  
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**Eamonn James Kelly**

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



Dated this *16<sup>th</sup>* day of *July*, 2024.