



An
Bord
Pleanála

Inspector's Report PL29N.248009

Development	Change of use of the ground floor lobby area and 17 no. apartments from residential use to aparthotel and associated signage.
Location	Bradogue House, Wolfe Tone Street, 51-52 Mary Street, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4154/16
Applicant(s)	David Cantwell Receiver
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	David Cantwell Receiver
Observer(s)	None
Date of Site Inspection	28 th April 2017
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located at the eastern corner of Wolfe Tone Street and Mary Street in Dublin City Centre. Mary Street is within the city centre retail core and is designated a Category 2 shopping street in the Development Plan. The site occupies a prominent location on the northern side of Mary Street opposite the former St. Mary's Church and Wolfe Tone Park.
- 1.2. The site comprises Bradogue House, which was redeveloped following a grant of planning permission in 1998 for a mixed use 4-storey building with ground floor retail and 17 no. apartments in upper floors. The upper floors remain in residential use and the use of the ground floor has since been changed to a restaurant. Access to the apartments is from Wolfe Tone Street and these units appeared to be occupied at the time of my site visit.
- 1.3. The site has a stated area of 380 sq.m. and the floor area of the building is 1,262 sq.m. The non-residential floor area is 245 sq.m. The floor areas of the apartments range from 36 sq.m. to 42 sq.m. for the 1-bed units and 55 and 58 sq.m. for 2-bed units. There is also a duplex unit over two floors with floor area of 68 sq.m.

2.0 Proposed Development

- 2.1. Planning permission is sought for the change of use within Bradogue House from residential use to use as an aparthotel. The proposal comprises the following:
 - Change of use of ground floor lobby area and 17 no. apartments (10 no. 1-bed and 2 no. 2-bed units) to aparthotel serviced apartments;
 - Associated signage to the elevation on Wolfe Tone Street.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued notification of decision to refuse permission for the proposed change of use for the following reason:

“The change of use of the 17 no. apartments to Aparthotel would result in the loss of 17 no. apartments in Dublin’s inner city which is currently experiencing a housing shortage. The proposed change of use would therefore be contrary to the Core Strategy of the City Development Plan which recognises residential units as a scarce resource and which need to be managed in a sustainable manner so that the housing needs of the city are met. The proposed development would also be contrary to the core principles of the Dublin Housing Strategy 2016-2022 which requires that the planning and building of housing and residential space in the city contributes to sustainable and balanced development. The proposed Aparthotel would not meet the minimum requirements of Appendix 16 of the City Development Plan 2016-2022 which requires a fully serviced reception desk and administration facilities. The lack of appropriate ancillary facilities would result in a poor quality Aparthotel which would set an undesirable precedent, would be contrary to Policy QH24 of the Dublin City Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

- 3.2.1. The recommendation to refuse permission, as outlined in the Planner’s Report, reflects the decision of the Planning Authority.
- 3.2.2. Under the assessment of the application, it is noted that the aparthotel will be professionally managed and there will be 24-hour security and full-time housekeeping facilities. However, no reception area is indicated and there are concerns that the minimum requirements for aparthotels, as set out in Appendix 16 of the Development Plan, have not been met.
- 3.2.3. There are also concerns regarding the loss of 17 no. apartments in the inner city at a time when there is a housing shortage. Residential lands are deemed to be a scarce resource within the Core Strategy and it is stated that these lands need to be managed in a sustainable manner so that the housing needs of the city are met. Reference is also made to the Housing Strategy which states that *“there is a pressing need to ensure a speedy, effective and sustainable step-up in future housing supply to catch-up with the overheating segments of Dublin’s housing market and thereby reduce price inflation in owner-occupied and rental housing*

tenures". It is noted that the scale of unmet housing need has grown and this requires an increase in housing output for social rental.

- 3.2.4. Having regard to the above, it is considered by the Planning Authority that the proposal would be contrary to the proper planning and sustainable development of the area and to Policy QH24 which seeks to resist the loss of residential use in upper floors.
- 3.2.5. It is noted that details of signage have not been provided and should be submitted and agreed in writing with the Planning Authority in the event of a grant of permission.

4.0 Planning History

Dublin City Council Reg. Ref: 0192/98

- 4.1. Permission granted for the demolition of existing buildings and provision of new building comprising basement, two ground floor retail units and 10 no. one bedroom and 7 no. two bedroom apartments on 3 floors over ground floor with roof level garden.

Dublin City Council Reg. Ref: 3316/10

- 4.2. Planning permission granted for the proposed change of use to ground floor from retail to restaurant use and erection of signage to elevations on Wolfe Tone Street & Mary Street at no. 51-52 Mary Street, together with the erection of plant to the modern flat roof rear extension to the rear elevation of no. 50 Mary Street, Dublin 1, which is not considered to have protected status but is within the curtilage of a protected structure.

5.0 Policy Context

5.1. Dublin City Development Plan, 2016-2022

- 5.1.1. The site is zoned "Z5" where the objective is *"to consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity"*.

- 5.1.2. Section 6.5.3 of the Development Plan relates to tourism/ visitors. In this regard, it is a policy of the Council (CEE12) 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 provision of necessary significant increase in facilities such as hotels, apart hotels, tourist hostels, cafes, and restaurants, visitor attractions, including those for children, and (i) promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors.*
- 5.1.3. Policy QH24 seeks “to resist the loss of residential use on upper floors...”.
- 5.1.4. Guidance for aparthotels is set out in Appendix 16.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is approximately 2.8km south-west of South Dublin Bay and River Tolka Estuary SPA and 3.9km north-west of South Dublin Bay SAC.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was lodged on behalf of the applicant. The grounds of appeal and main points raised in this submission can be summarised as follows:
- Proposal provides an appropriate mix of unit styles and sizes in order to cater for potential visitors.
 - Property is located within the north retail core of the city centre which provides an abundance of entertainment, retail, food and refreshment amenities in the immediate area. Property is ideally located for the proposed aparthotel given its close proximity to the significant mixed services and transport connections in the area.
 - Proposal complies with Development Plan Policy CEE12 which seeks “*to 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 provision of necessary significant increase in facilities such as hotels, apart hotels,*

tourist hostels, cafes, and restaurants, visitor attractions, including those for children”.

- Development Plan recognises that it is necessary to *“balance uses to ensure a vibrant city centre that offers an exciting combination of retail, leisure and cultural uses. To increase the vitality of the Henry Street area, it will be necessary to introduce a greater diversity and mix of uses including evening time activity.”*
- Proposed accommodation will be luxury, high quality apartment suites that will be a complementary use in the heart of the city’s retail core.
- Aparthotels are permitted in principle under the Z5 zoning objective applicable to the site.
- Proposal offers the opportunity to provide an aparthotel in an area which experiences a significant footfall of tourists and visitors.
- There is significant demand for aparthotel accommodation in the city centre and the proposal seeks to meet this current and anticipated demand by simply changing the use of the existing apartments.
- Over the past 5 years, tourist arrivals to Dublin have increased by one third but the available accommodation has fallen by 6% according to Fáilte Ireland. Hotel industry analysts have also released data in recent months that room occupancy rates in Dublin reached 93.6% in September 2016.
- It is estimated that approximately 5,000 additional hotel rooms are required in Dublin over the next 5 years – supply challenge could threaten Dublin’s competitiveness as a tourist destination.
- Aparthotels are the type of hotel accommodation offering that are becoming increasingly popular and desirable for tourists visiting the city.
- Proposal is simply changing from private apartments to serviced apartments with individuals now proposed to reside in the apartments on a more short-term basis.

- Potential residents will be able to access the building by a controlled electronic access system and a manned reception area is not therefore required.
- Planning precedent has been established throughout the city centre for the short-term serviced apartment model. Precedent provided under Reg. Ref: 2541/15 where permission was granted for change of use from commercial/ yoga studio to 3 no. aparthotel units without a reception area or ancillary facilities.
- Proposed aparthotel units could easily be converted back to private residential use.
- There will be no adverse impact on the surrounding area.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority stated in response to the first party appeal that it has no further comment to make and considers that the Planner's Report on file adequately deals with the proposal.

7.0 Assessment

- 7.1. In my opinion, the main issues to be addressed in this appeal are as follows:

- Development principle;
- Loss of residential accommodation;
- Compliance with Guidelines on Aparthotels; and
- Appropriate Assessment.

7.2. Development principle

- 7.2.1. The appeal site is zoned Z5 – City Centre, where the objective is *“to consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity”*.

- 7.2.2. Aparthotels are not listed under any zoning as a permissible use or use that is open for consideration. Hotels are listed as being permissible within the Z5 zoning and it is stated under the land use definitions of the Development Plan that aparthotels are professionally managed in the same manner as a hotel but where accommodation is provided in the form of apartments or suites.
- 7.2.3. Having regard to the similarities between a hotel and aparthotel, I would therefore be of the opinion that the proposal can be considered a permissible use that would be acceptable in principle under this zoning objective subject to assessment under relevant Development Plan criteria.
- 7.2.4. The proposed change of use would also accord with Policy (CEE12), which 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 provision of necessary significant increase in facilities such as hotels, apart hotels, tourist hostels, cafes, and restaurants, visitor attractions, including those for children, and (i) promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors.*

7.3. **Loss of Residential Accommodation**

- 7.3.1. It is stated under the Council's reason for refusal that the proposal would result in the loss of 17 no. apartments, which would be contrary to the Core Strategy of the Development Plan and the core principles of the Dublin Housing Strategy 2016-2022. Reference is also made within the reason for refusal to Policy QH24.
- 7.3.2. It is recognised in the Development Plan that there is a pressing need to facilitate a significant increase in housing output, whilst creating high-quality accommodation to address a range of housing issues including homelessness. The Council will therefore engage in active land management and will relax standards to facilitate residential development in upper floors where appropriate.
- 7.3.3. Policy QH24 seeks *"to resist the loss of residential use on upper floors and actively support proposals that retain or bring upper floors above ground floor premises into residential use in order to revitalise the social and physical fabric of the city..."*. The proposed change of use would essentially see a reversal of this policy whereby above ground level city centre residential accommodation would be lost to facilitate

short-term let accommodation. Whilst I would recognise that Policy CEE12 seeks to develop visitor accommodation of various types, on balance, I consider that it is more critical at this time to address the shortage of permanent residential accommodation. There is anecdotal evidence of a recent shift within the private rental market to short-term letting and this is impacting on the availability of longer term rental accommodation. The proposed change of use would formalise a situation whereby privately rented accommodation is being replaced by a short-term letting in the form of an aparthotel. I would have concerns that this would set an undesirable precedent for the reversal of the Council's attempts to significantly increase housing output through the broad range of measures outlined in the Development Plan and Housing Strategy.

- 7.3.4. I would also be of the opinion that the proposal would be contrary to the Government initiative, Rebuilding Ireland – Action Plan for Housing and Homelessness launched in 2016, which seeks to accelerate housing supply in the State.

7.4. **Compliance with Guidelines on Aparthotels**

- 7.4.1. Appendix 21 of the Development Plan sets out land-use definitions for various uses that appear in land use zonings. An aparthotel is described as *“...a building, or part thereof, containing a minimum of 8 self-serviced short-term accommodation units that share a reception area and which is professionally managed in the same manner as a hotel, where accommodation is provided in the form of apartments or suites within a fully-serviced building, offering the comfort and security of a hotel with the amenity of a fully-furnished apartment.”*
- 7.4.2. Appendix 16 contains guidance for aparthotels, wherein it is noted that such facilities *“can provide tourists and visitors with the flexibility, space and luxury of a fully furnished apartment managed and serviced like a hotel”*. A number of considerations are to be applied when assessing any application for an aparthotel. As a minimum, an aparthotel should include a fully serviced reception desk and administration facilities, concierge, security and housekeeping facilities. It is also stated that the design and layout should enable the amalgamation of individual units, and a mix of unit sizes and styles should be provided.

- 7.4.3. The Planning Authority has concerns that the proposed development will not contain a fully serviced reception desk and administration facilities, and would therefore result in a poor quality aparthotel that would set an undesirable precedent. The applicant, however, submits that potential residents will be able to access the building by a controlled electronic access system and a manned reception area is not therefore required. Reference is made to another change of use case in Dublin from commercial/ yoga studio to 3 no. aparthotel units that was granted permission without a reception area or ancillary facilities.
- 7.4.4. In my opinion, reception and administrative facilities might be considered less critical for the operation of an aparthotel compared to a hotel. The larger room/ unit sizes within an aparthotel would appeal to groups or families where pre-booking would be more commonplace. Notwithstanding, the Development Plan is explicit in what is required as a minimum for an aparthotel and clearly a reception area is seen as an important distinguishing facility. The proposal also includes signage, which in my opinion, points to an expected internal presence of personnel.
- 7.4.5. Having regard to the above, I would be in agreement that the proposed aparthotel fails to provide the essential facilities for its operation. In my opinion, a reception area is necessary for the comfort and security of future occupants of an aparthotel. I would have no other concerns regarding the sizes and styles of the units for use within an aparthotel, or the provision of other ancillary facilities.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 **Recommendation**

- 8.1. It is considered that the proposed development should be refused for the reasons and considerations hereunder.

9.0 Reasons and Considerations

1. The proposed change of use resulting in the loss of 17 no. apartments in Dublin City Centre at a time when the city is experiencing a housing shortage, would undermine the Council's attempts to significantly increase housing output through the broad range of measures outlined in the Dublin City Development Plan, 2016-2022 and the Dublin Housing Strategy, 2016-2022. Furthermore, the proposal would be contrary to the Government initiative, Rebuilding Ireland – Action Plan for Housing and Homelessness launched 2016, which seeks to accelerate housing supply in the State.
2. Having regard to the Guidelines for Aparthotels set out in Appendix 16 of the Dublin City Development Plan, 2016-2022, and to the internal layout of the proposed aparthotel without a fully serviced reception desk and administrative facilities, it is considered that the proposed development fails to provide the level of facilities required for the comfort and security of guests of the proposed aparthotel. The proposed change of use would, therefore, set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

Donal Donnelly
Planning Inspector

3rd May 2017