



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306573-20

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<b>Development</b>	Amendments to previously approved grant of permission (ref. 2701-16& PL29S.247947 & 3157/18) hotel
<b>Location</b>	21, Ship Street Great, Dublin 8
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	4376/19
<b>Applicant(s)</b>	Wave Point Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Wave Point Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15/04/2020
<b>Inspector</b>	Gillian Kane

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## 1.0 Site Location and Description

- 1.1.1. The appeal site is located on the south side of Dublin City Centre and to the south and west of Dublin Castle. The surrounding area is mixed use in character and it comprises a mix of commercial, residential and institutional uses. The site forms part of a large rectangular shaped urban block that is defined by Ship Street Little to the north, Ship Street Great to the east, Golden Lane to the south and Chancery Lane to the west. The office building occupied by the Chief State Solicitors Office occupies the northern section of this block. The Radisson Blu Hotel and adjoining office block occupy the southern section. The central section is occupied by warehouse buildings and surface car parks.
- 1.1.2. Construction has commenced on the subject site.
- 1.1.3. The block is also located within the vicinity of the original settlement of Dubh-linn to the south of the River Poddle and west of the Black Pool. Early Christian, Viking and Medieval remains were uncovered during archaeological excavations. The use of the lands date back to the 7<sup>th</sup> Century and the remains of the 11<sup>th</sup> Century St. Michael le Pole church and graveyard are located in the centre of the block.
- 1.1.4. The appeal site is located in the eastern section of the block along Ship Street Great. The site is located opposite a terrace of 3-4 storey buildings which form part of the Dublin Castle complex and it adjoins Le Pole House office building to the south. The site is bound to the west by a surface car park and builders yard which is located over the site the St. Michael le Pole Church, round tower and graveyard.

## 2.0 Proposed Development

- 2.1.1. On the 7<sup>th</sup> November 2019, permission was sought to amend an existing permission to provide for
  - an additional floor (6<sup>th</sup>) comprising 7 no. bedrooms,
  - a new 7<sup>th</sup> floor of 10 no. bedrooms, four of which with terraces,
  - an 18sq.m. extension on the 5<sup>th</sup> floor comprising one bedroom,
  - the relocation of plant screen enclosure from the 6<sup>th</sup> to the 7<sup>th</sup> floor and additional screen space on the 7<sup>th</sup> floor

2.1.2. The proposed development represents an increase in floor area of 593sq.m., an increase of 18 no. bedrooms (over the permitted 134 no.). The proposed hotel will be 7-storey and 24.57m. Details provided in the application form include:

- Total site area 909sq.m.
- Buildings to be retained: 5739sq.m.
- Total proposed floor area: 6332sq.m.
- Proposed plot ratio: 5.68, site coverage 71%.

2.1.3. A cover letter submitted with the application states that planning permission for a 124-bedroom hotel was granted in July 2017 (Planning Authority reg. ref. 2701/16). Permission was granted for an additional ten bedrooms within the same footprint (Planning Authority reg. ref. 3157/18).

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. On the 13<sup>th</sup> January 2020, the Planning Authority issued a notification of their intention to REFUSE permission for the following reason:

- 1 Having regard to the height, scale and design of the proposed additional works and their proximity to the historic streetscape of Ship Street and the Protected Structures of Dublin Castle beyond, this scheme would result in a development which is overly dominant in form and fails to integrate or be compatible with its sensitive surroundings. This is contrary to the requirements of Policy SPPR3 of the Urban Development and Building Height Guidelines for Planning Authorities (December 2018) and Policies CHC1 and CHC2 of the Dublin City Development Plan 2016-2022. It is therefore considered that this development if permitted would be contrary to the proper planning and sustainable development of the area.

#### 3.2. Planning Authority Reports

3.2.1. **Drainage Division:** No objection subject to standard conditions.

3.2.2. **Waste Management Division:** Conditions recommended.

3.2.3. **Planning Report:** A 7<sup>th</sup> floor was omitted in the first planning application as it was considered wholly unacceptable. The proposed development fails to consider the

context and proximity of Dublin Castle and the sensitivity of Ship Street. Proposed development is contrary to the Building Height Guidelines and policies CHC1 and CHC2 of the development plan. Recommendation to refuse permission.

### 3.3. **Prescribed Bodies**

- 3.3.1. **An Taisce:** The proposed development warrants referral to An Taisce due to the proximity of the site to protected structures within Dublin Castle. The permitted set-backs should be retained as they afford sensitivity to a substantial building in an historic streetscape. The proposed changes produce an uninterrupted cliff-like elevation to Ship Street, which would unbalance the streetscape and reduce amenity and outlook of the offices on the opposite side.

## 4.0 **Planning History**

### **Subject site**

- 4.1.1. **PL29S.247947:** Planning permission was granted for a part 6, part 7-storey hotel of 124 bedrooms.
- 4.1.2. **Planning Authority reg. ref. 3157/18:** Planning permission granted for an additional 10 no. bedrooms within the same footprint resulting in a hotel of 134 no. bedrooms, internal and façade alterations.
- 4.1.3. **Planning Authority reg. ref. 4326/19:** Planning permission granted for amendments to previously approved Grant of Permission (ref. 2701-16 & PL29S.247947 & 3157/18) at 21 Ship Street Great, Dublin 8. The development consists of the a) 5.5sq.m extension and alteration to ground floor plan at the north eastern end of the front elevation on Ship Street Great to improve the proposed interface with adjoining site fronting Ship Street Great; b) an increase in area of 115sq.m at basement level only, to allow for reconfiguration of the plant rooms and back of house services. The gross floor area of the development is 5.859.5sq.m, an increase of 120.5sq.m. The overall footprint, height and mass of the building above ground has been retained, with minimal alterations thereof.

### **Adjoining site**

- 4.1.4. **PL29S.248136:** Planning permission granted for the construction of a mixed-use development of a six-storey, mixed use development, a new pedestrian street

between Chancery Lane and Ship Street Great and the creation of a heritage open space at La Pole Square which will be open to the public during designated hours, a convention centre over two storeys

- 4.1.5. **ABP-304146-19:** Planning permission granted for amendments to a previously granted permission (PL29S.248136), including a change of use from residential to office use; and alterations to the commercial development including office and convention centre uses.

## 5.0 Policy Context

### 5.1. Project Ireland 2040: National Planning Framework

- 5.1.1. This national policy seeks to support the future growth and success of Dublin as Irelands leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city. Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.
- 5.1.2. The NPF recognises that at a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.
- 5.1.3. Of relevance to the subject application are the following:
- **National Policy Objective 2a:** A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
  - **National Policy Objective 5:** Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
  - **National Policy Objective 6:** Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

## 5.2. **Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018**

- 5.2.1. Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.
- 5.2.2. The first of the 10 National Strategic Outcomes in the National Planning Framework that the Government is seeking to secure relates to compact urban growth. Securing compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.
- 5.2.3. While achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.
- 5.2.4. **SPPR1:** In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

## 5.3. **Development Plan**

- 5.3.1. The site is located within an area zoned with the objective Z5 in the Dublin City Development Plan, 2016-2021 which seeks "To consolidate and facilitate the

development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.” The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development and hotel uses are permissible within the Z5 zone.

5.3.2. The subject site is located within the Medieval City & to S of the Walled City and a Zone of Archaeological Interest. Recorded Monuments in the vicinity include Dublin City (DU018-02020); Church of St. Michael Le Pole Church & Graveyard (DU-018-02082) & Round Tower site (DU-018:02083). Protected Structures include Dublin Castle complex to the North and East of site

5.3.3. Relevant policies include

**Policy CHC1:** seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

**Policy CHC2/4/5:** seeks to ensure the protection of the special interest, character and setting of Protected Structures and all Conservation Areas.

**Policy CHC9:** seeks to protect and preserve National Monuments.

1. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of the re-use of buildings, light buildings, foundation design or the omission of basements in the Zones of Archaeological Interest.
2. Where preservation in situ is not feasible, sites of archaeological interest shall be subject to ‘preservation by record’ according to best practice.
3. Proposals will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.
4. The NMS will be consulted in assessing proposals for development which relate to Monuments and Zones of Archaeological Interest.
5. Preserve known burial grounds and disused historic graveyards, where appropriate, to ensure that human remain are re-interred, except where otherwise agreed with the National Museum of Ireland.
6. Recognise the national significance & special character of the City Wall.
7. Have regard to the Shipwreck inventory maintained by the DAHG.
8. Have regard to DAHG policy documents & guidelines for archaeology.



**Objective CHCO10 (7 & 9):** seeks to:

- To promote awareness of, and access to, the city's archaeological inheritance and foster high-quality public archaeology.
- To promote awareness of the international significance of Viking Dublin.

**Policy CHC12:** seeks to promote tourism in the medieval city and suburbs.

**Policy CEE12 (i):** seeks to promote & facilitate tourism as one of the key economic pillars of the city's economy & a major generator of employment & to support the provision of necessary significant increase in facilities (hotels).

**Policy CEE13 (iii):** seeks to promote and support the development of additional tourism accommodation at appropriate locations.

**Policy CEE22:** seeks to promote and facilitate the crucial economic and employment potential of regeneration areas in the city such as Dublin 1, 7 & 8

**Site development standards:**

**Site coverage:** 90%, **Plot ratio:** 2.5 - 3.0

**Car parking:** 1 space per 4 rooms

**Cycle parking:** 1 space per 10 bedrooms

**Archaeological Sites & Zones of Archaeological Interest:**

- The applicant shall employ a qualified archaeologist to carry out and report on any necessary site investigation works
- New basement development at medieval sites shall be omitted where it is deemed that undue damage to archaeological deposits will occur
- The impact and merits/demerits of foundation type (piled, raft, etc.) shall be archaeologically assessed.
- When planning permission for development involving sub-surface excavation is granted, the applicant's attention will be drawn to the legal obligation to report the discovery of archaeological finds to the National Museum of Ireland
- Where a site is deemed to require archaeological investigation, all in situ remains shall be recorded according to best practice irrespective of date and evaluated for preservation in situ

- Ensure the assessment of industrial features during archaeological investigations
- Where preservation in situ is not feasible/appropriate, sites of archaeological interest shall be subject to archaeological excavation and recording according to best practice, in advance of redevelopment
- The results of all archaeological excavations shall be published in full in a reasonable time following archaeological site completion
- The excavation archive shall be prepared and submitted in accordance with the DEHLG Guidelines to the Dublin City Archaeological Archive following site completion.

#### 5.4. **Natural Heritage Designations**

The following NPWS designated areas are located within a 5km radius of the site:

- South Dublin Bay SAC (Site code: 000210)
- South Dublin Bay & River Tolka Estuary SPA (Site code: 004024)

#### 5.5. **EIA Screening**

- 5.5.1. Having regard to nature of the development comprising amendments to a building under construction in a fully serviced urban area, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### 6.0 **The Appeal**

#### 6.1. **Grounds of Appeal**

- 6.1.1. An agent for the applicant has submitted an appeal against the decision of the Planning Authority to refuse permission. The grounds of the appeal can be summarised as follows:
- The applicant should have been afforded the opportunity to respond to the Planning Authority's concerns by way of further information.
  - The proposed development complies with the zoning objective for the site.
  - The provision of an additional 18 no. bedrooms, in a city centre site is consistent with policies CEE12 and CEE13 of the development plan.

- The decision of the Planning Authority that the permitted development is the extent of development permissible on the site is not accepted. It is submitted that the Planning Authority has not had sufficient regard to national policy which seeks to encourage employment generated development.
- The Height Guidelines state that at least six-storeys is appropriate in major centres. Criteria for greater height include: accessibility to high capacity frequent public transport, positive contribution to placemaking and legibility and response to natural and built environment.
- The Planning Authority's report provides no evidence that the proposed development does not meet the Height Guidelines criteria.
- The subject site has been explicitly acknowledged by the Board (PL29S.247947) to have accessibility to public transport. The permitted development has no car parking, being within Zone 1.
- Regarding criterion no. 2, it is submitted that the proposed extension to an already permitted 6-storey hotel will provide for a more efficient use of a well-served inner city site and will respond appropriately to the surrounding historic environment. The proposed design solution will remain consistent with the permitted façade.
- It is noted that the subject application was not referred to the Conservation Officer for comment. The Planning Authority report relies on the Conservation Officers report on the parent permission. This Conservation report predates the permitted amendments. It is submitted that the Planning Authority have failed to consider the proposed development in the context of the subsequent assessment (PL29S.247947). The Board report for 247947 notes that the site is not within an ACA nor contain any protected structures and the development being assessed would have no adverse impact on Dublin Castle. The inspector found that the proposed hotel design was appropriate.
- The proposed development which seeks to increase permitted storeys from six to seven and increase height to 24.57m is fully sympathetic to the surrounding historical streetscape.

- It is submitted that that Planning Authority has provided no evidence to support its claim that the proposed development would be contrary to the policies of the development plan seeking to protect historic structures.
- The CGI's submitted with the application demonstrate that the proposed changes are immaterial. The proposed development will blend into the streetscape and minimise visual impacts.
- The proposed development will assist the regeneration of this historic area, would have no significant impact on Dublin Castle, surrounding protected structures or the Ship St. streetscape.
- The Planning Authority planning report provides no evidence that the proposed development would not meet the criteria of the height guidelines regarding mass, form and height.
- The permitted façade will be maintained. The fifth and sixth floors will be brought forward in line with the lower levels. The proposed seventh floor will be set back and unseen from street level. It is submitted that the proposed amendments are minor. No significant additional overshadowing impacts will arise.
- It is submitted that the proposed development complies with SPPR3 and national policy Objectives 5, 11 and 13.
- The proposed development is consistent with development on the adjoining site (7-storey over basement 20 Ship Street).
- The Board is requested to grant permission for the proposed development.

## 6.2. **Planning Authority Response**

6.2.1. None on file

## 7.0 **Assessment**

7.1.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Height, Scale and Context
- Appropriate Assessment

## **7.2. Principle of the Proposed Development**

7.2.1. The subject site is located in a Z5 mixed use area, on lands zoned for mixed use development. The principle of hotel development is acceptable and in accordance with the zoning objective for the subject site.

## **7.3. Height, Scale and Context**

- 7.3.1. The intent of the Height Guidelines is to allow for greater heights on a site-specific basis rather than a blanket threshold. The assessment criteria allow a subject site and a proposal to be evaluated on a case by case basis. That evaluation involves an element of subjectivity, as it is not an exact science. While it identifies a site that is suitable for a taller building, it does not identify how tall that building can be.
- 7.3.2. The proposed increased sixth floor and additional seventh floor will not be visible from the Ship St street level. The active frontage of the permitted hotel will not change. The set-back seventh floor will not be visible and the increased sixth floor will only be visible from the northern (Ship Street Little) and southern ends (Golden Lane) of the street. The increase in overall height of the permitted building (21.5m) to the proposed parapet height of 24.7m is not significant. It is considered the proposed amendments are not material, will not have an adverse visual impact and will integrate successfully with the permitted development on the subject and adjoining sites.

## **7.4. Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development in a fully serviced built-up urban area and proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

8.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions.

## 9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022 including the Z5 zoning objective for the site, the existing pattern of development in the area and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 10.0 Conditions

1.	<p>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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted on 24/07/2017 under appeal reference number PL29S.247947, planning register reference number 2701/16, as amended by planning register reference numbers 3157/18 and 4326/19 and any agreements entered into thereunder.</p> <p><b>Reason:</b> In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions</p>

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Gillian Kane  
Senior Planning Inspector

23 April 2020