



An
Bord
Pleanála

Inspector's Report

ABP-309215-21

Development	Demolition of buildings and construction of mixed development to include hotel and shop unit.
Location	162-164a (inclusive) Capel Street and 33-36 (inclusive) Strand Street Little, Dublin 7
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3609/20
Applicant(s)	Ringline Investments Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party vs. Refusal
Appellant(s)	Ringline Investments Limited
Observer(s)	Cllr Joe Costello & Others
Prescribed Bodies	An Taisce
Date of Site Inspection	29 th March 2021
Inspector	Stephen Ward

1.0 Site Location and Description

- 1.1. The site is located in the north city centre at the junction of Capel Street and Strand Street Little, at a distance of c. 50 metres from the North Quays (Ormond Quay Upper). The southeast corner of the site (i.e. the junction of Capel St. and Strand St. Little) is currently vacant following demolition of buildings that were apparently the subject of fire damage. The western portion of the site (i.e. 33-36 Strand Street Little) contains the 3-storey 'City of Dublin Working Men's Club' building, which bounds onto an access lane to the west. In the northeast corner of the site is 162 Capel Street, a 4-storey red-brick end-of terrace building that is currently braced and propped by steel support structures to its southern gable side.
- 1.2. The Development Plan recognises Capel Street as a 'Category 2 Street' with a vibrant shopping environment and a successful mix of other uses. The eastern portion of the site is located within the Capel Street and Environs ACA and there are a number of Protected Structures along Capel Street between the site and the Quays to the south.

2.0 Proposed Development

- 2.1. In summary, the proposed development comprises the following:
 - Demolition of 33-36 Strand Street Little (Working Men's Club) and buildings to the rear of the shop at 162 Capel Street.
 - Construction of a 5 to 9-storey over basement development with setbacks at 5th and 7th floor levels.
 - Internal reconfiguration of 162 Capel Street with retail unit at ground floor and hotel accommodation on the floors above linked into the new building.
 - Basement level to accommodate various staff facilities and other facilities ancillary to the hotel and shop.
 - Ground floor hotel reception, dining facilities, licensed café/bar, service yard and ancillary facilities and services.
 - 1st to 8th floors containing 142 hotel bedrooms and ancillary facilities.

- Signage and all associated site works and services.
- 2.2. The proposal involves a total floor area of 5,471m², which includes 256m² retained in No. 162 Capel St. The buildings to be demolished amount to a floor area of 1,013m². It is proposed to connect to the existing public water / wastewater services. A separate attenuated surface water system will be provided. No car-parking is proposed but 26 no. cycle parking stands are included at basement level.
- 2.3. The application is accompanied by several supporting reports including:
- Design Statement
 - Engineering Services Report & Drawings
 - Report on Proposed Construction Methodology and Impact on 162 Capel St.
 - Site Specific Flood Risk Assessment
 - Basement Assessment Report
 - Construction and Environmental Management Plan
 - Sunlight and Daylight Analysis
 - Heritage Impact Assessment Report
 - Townscape Visual Impact Report
 - Traffic Assessment, Mobility Management Report and Operational Servicing Plan
 - Archaeology Report
 - AA Screening Statement
 - Mechanical and Electrical Engineering Report
- 2.4. As part of the appeal the applicant has included a modified proposal which would retain the 3 apartments above the ground floor level of 162 Capel Street in residential use, resulting in a reduction in the no. hotel bedrooms proposed to 136. However, the applicant still contends that the original proposal is more beneficial and is consistent with the proper planning and sustainable development of the area.

3.0 Planning Authority Decision

3.1. Decision

By order dated 15th December 2020, Dublin City Council (DCC) issued notification of the decision to refuse planning permission for the following reasons:

- 1. Having regard to the requirements of the Dublin City Development Plan 2016-2022, it is considered that the proposed development, through the loss of 3 existing dwellings, preventing the delivery of a further 7 approved residential units and exacerbating the existing overconcentration of hotel developments, would fundamentally undermine the vision of the City Development Plan for the provision of a dynamic mix of uses within the city centre and fail to sustain the vitality of the inner city. The proposal would therefore be contrary to Sections 5.5.8 and 14.8.5 of the Dublin City Development Plan 2016-2022 and if permitted would be contrary to the proper planning and sustainable development of this location.*
- 2. Having regard to the requirements of the Dublin City Development Plan 2016-2022, it is considered that the proposed development, by reason of the overall height and the proposed relationship with the surrounding development, is considered to result in an unacceptable visual impact on the adjoining streets and be seriously injurious to the visual amenities of the area. Furthermore, the development would detract from the overall architectural composition of the neighbouring Protected Structures and would adversely affect both the Lifey Street Conservation Area and the Capel Street Architectural Conservation Area. The proposed development would therefore be contrary to Policy CHC4 of the Dublin City Development Plan 2016-2022 and Section Section 16.2.2.2 of the Dublin City Development Plan 2016-2022 and if permitted would set an undesirable precedent contrary to the proper planning and sustainable development of this location.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The DCC Planner's report can be summarised as follows:

- The proposed hotel use is permissible in principle under the Development Plan zoning objective; is generally considered positive in terms of contributing to vibrancy and vitality; and accords with tourism policy.
- The retention of the ground floor retail use is strongly supported.
- The report highlights 10 hotel developments (8 permitted, 2 proposed) within c. 350m of the site involving a total of c. 2150 bedrooms.
- The applicant's contention that the number of permitted hotels should be viewed in the context of a low base is accepted. However, residential development has not kept similar pace and the planning authority would contend that there is an over-concentration of hotel developments, which could fundamentally undermine the mixed-use ethos for the area.
- Section 5.5.8 and Policy QH23 of the Development Plan generally discourage the demolition of existing housing. The proposal involves the replacement of 3 existing apartments in 162 Capel St., as well as 7 undeveloped apartments previously permitted on the site.
- Section 16.2.1 of the Development Plan outlines a preference for re-use of buildings rather than demolition. No justification has been submitted for the demolition of the Working Men's Club building.
- The proposed site coverage and plot ratio significantly exceed Development Plan standards but could be acceptable having regard to its location, subject to design and amenity improvements.
- The proposal complies with the relevant Development Plan height standards. An assessment against the Building Height Guidelines criteria finds that:
 - The site is suitable for high-density development.
 - The proposed development, particularly the upper two floors, would be highly visible from the immediate vicinity, including views from the Capel St. ACA and Liffey Conservation Area. The proposal fails to harmonise with existing development and would have a significant negative impact on the immediate receiving environment.

- The inclusion of the existing retail unit and a high-quality active ground floor use would make a positive contribution to placemaking.
- A Daylight, Sunlight and Overshadowing Report has been submitted. The proposal would appear to have a significant impact on residential amenity relating to No.'s 160 & 161 Capel St. and further information would be required in this regard.
- Notwithstanding the visual impact concerns previously highlighted, the design for the lower floors is of a very high standard and would be in keeping with historical context.
- There would be no unacceptable overlooking of surrounding properties.
- The absence of car-parking is acceptable. Cycle parking proposals are acceptable.
- It is recommended that permission be refused for the reasons outlined in the DCC notification of decision.

3.2.2. Other Technical Reports

Transportation Planning: Does not support the permanent removal of on-street parking in lieu of a loading bay/set-down area. Proposals for a shared space are requested.

City Archaeologist: Recommends that a condition requiring archaeological testing and excavation be attached to any grant of permission.

Drainage Division: No objections subject to conditions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland: No objection. Recommends conditions relating to the operation and safety of the Luas Line and the application of a Section 49 Luas Line Levy.

An Taisce: The issues raised are covered in section 6.4 of this report.

3.4. Third Party Observations

The issues raised in the submissions received can be summarised as follows:

- Excessive scale and height of development.
- Further information and assessment is required in relation to impacts on surrounding properties.
- Over concentration of hotels and a preference for residential/retail use.
- An EIA is required as the scheme is likely to have significant effects on the environment.
- Failure to integrate into the Capel St. ACA and other heritage interests.
- The implications of the Building Height Guidelines do not have an import where they have not been integrated into the Development Plan.
- The photomontages do not adequately illustrate the visual impact.
- Inadequate assessment of impacts on local traffic.

4.0 Planning History

P.A. Ref. 2258/17: Permission granted (22/5/17) for the construction of a five storey over basement mixed use development of 1,112.4sqm consisting of 7 no. two bed apartments at 1st to 4th floor above 299.4sqm of commercial space at ground floor and basement level that will be provided in the form of a restaurant (229.6sqm) at ground and basement level, and shop (69.8sqm) at ground floor level only.

5.0 Policy Context

5.1. National and Regional Policy / Guidance

5.1.1 The **National Planning Framework (NPF)** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed

or under-utilised land and buildings. It contains a number of policy objectives that articulate the delivery of compact urban growth, including the following:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints
- NPO 6 aims to regenerate cities with increased housing and employment
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking

5.1.2 The primary statutory objective of the **Regional Spatial and Economic Strategy for the Eastern and Midland Regional Authority 2019-2031 (RSES)** is to support the implementation of the NPF. The RSES identifies regional assets, opportunities and pressures and provides policy responses in the form of Regional Policy Objectives. The spatial strategy and the Dublin Metropolitan Area Strategic Plan support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City.

5.1.3 Following the theme of 'compact urban growth' and NPO 13 of the NPF, **Urban Development and Building Heights, Guidelines for Planning Authorities (2018)**, hereafter referred to as the 'Building Height Guidelines', outlines the wider strategic policy considerations and a performance-driven approach to secure the strategic objectives of the NPF.

5.1.4 **Architectural Heritage Protection Guidelines for Planning Authorities**, hereafter referred to as the 'Architectural Heritage Guidelines', sets out detailed guidance to support planning authorities in their role to protect architectural heritage when a protected structure, a proposed protected structure or the exterior of a building within an ACA is the subject of development proposals. It also guides those carrying out works that would impact on such structures.

5.2. **Dublin City Development Plan 2016-2022**

Zoning

5.2.1. The site is zoned as 'Z5', the objective for which is '*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. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night.

Retail

- 5.2.2. The Retail Strategy outlines that Capel Street is a 'Category 2' shopping street within the city centre retail core. Streets in this category already have a mix of retail and non-retail uses and further development of retail frontages will be encouraged. Complementary non-retail uses such as a café and restaurants that add to the vibrancy of the street and create a mixed use environment to provide for a more integrated shopping and leisure experience, will be considered favourably but with regard also to the primary retail function of the street.

Housing

- 5.2.3. Chapter 5 outlines the Council's approach to the provision of quality housing and encourages a good mix of house types and sizes with a satisfactory level of residential amenity. Relevant policies can be summarised as follows:

QH23 – Discourage the demolition of habitable housing unless other considerations are satisfied.

QH24 - Support proposals that retain or bring upper floors into residential use in order to revitalise the social and physical fabric of the city.

QH25 - Encourage the re-introduction of residential use into historic areas of the city.

Heritage

- 5.2.4. Chapter 11 of the Plan deals with Built Heritage and Culture and section 11.1.4 outlines a strategic approach to protecting and enhancing built heritage based on the existing and ongoing review of Protected Structures, ACA's, Conservation Areas and Conservation Zoning Objective Areas. In summary, relevant policies include:

CHC1 Seek the preservation of the built heritage of the city.

CHC2 Ensure that protected structures and their curtilage is protected.

CHC4 To protect the special interest and character of all Conservation Areas.

Tourism

5.2.5. Section 6.4 refers to the promotion of tourism as a key driver for the city's economy, particularly through making the city attractive for visitors, international education, business tourism and conventions. Section 6.5.3 states that it is important to continue to develop our tourism infrastructure such as visitor accommodation of various types and a range of cafés and restaurants.

5.2.6. In summary, relevant policies include the following:

CEE12: Promote and facilitate tourism, including the necessary significant increase in hotels, cafes, restaurants etc.

CEE13: Work with stakeholders to deliver the ambitious targets set out in 'Destination Dublin – A collective Strategy for Growth to 2020', including aims to double the number of visitors by 2020 and to promote and support the development of additional tourism accommodation at appropriate locations throughout the city.

Development Standards

5.2.7. Chapter 16 sets out detailed policies and standards in respect of development proposals within the city. Section 16.2 "Design, Principles & Standards" provides design principles outlining that development should respect and enhance its context. Section 16.2.2.2 discusses 'Infill Development' i.e. gap sites within existing areas of established urban form. It is particularly important that such development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

5.2.8. Section 16.7.2 includes height limits for development, including a 28m restriction for commercial development in the Inner City.

5.2.9. Section 16.10.17 deals with buildings of significance which are not protected and states that the planning authority will actively seek the retention and re-use of such buildings which make a positive contribution to the streetscape.

5.3. Natural Heritage Designations

The Royal Canal proposed Natural Heritage Area is located c. 2km east of the site. The nearest Natura 2000 site is South Dublin Bay and River Tolka Estuary SPA, which is c. 3km to the northeast of the site.

5.4. EIA Screening

- 5.4.1. The proposed hotel is not outside a built-up area and does not exceed a site area of 20 hectares or an accommodation capacity of 300 bedrooms. Accordingly, Class 12, of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) need not be considered.
- 5.4.2. Class 10 (b)(iv) sets out a mandatory requirement for EIA for urban development which would involve an area greater than 2 hectares in the case of a business district. With an area of just 0.0794 hectares, the subject site would constitute only a minimal proportion of this threshold.
- 5.4.3. Having regard to the nature and scale of the proposed development, the brownfield nature of the site and the absence of significant environmental sensitivity in the vicinity, I consider 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

The decision of DCC to refuse permission has been appealed by the applicant, Ridgeline Investments Ltd. The grounds of appeal can be summarised as follows:

Loss of residential units

- The loss of an unviable permission for 7 units and the repurposing of 3 substandard apartments will not dent the scale of the housing crisis or influence residential presence within the city centre.
- A modified proposal is included to retain the 3 overhead apartments in 162 Capel Street in residential use.
- Traffic congestion at this location means that it would rank poorly as a location for primarily permanent residential accommodation.

- It is not proposed to demolish any residential units and the reference to section 5.5.8 of the Development Plan in the decision is erroneous.
- There are no indications that the core city centre area will be a focus for significant residential development.

Hotel use

- The proposal would spread the concentration of hotels between the city centre and Heuston Station and benefit the local economy with job creation.
- The proposal would improve the business and leisure environment of the locality, including the nighttime economy.
- There is strong interest from several international hotel chains, which demonstrates the general shortage of accommodation in Dublin.
- Hotels have been permitted within the Z5 area and there are no permitted hotels under construction in the immediate vicinity. There is no local over-concentration and no policy basis to arbitrarily refuse this proposal.
- Tourism would be beneficial to the Z5 mixed-use zone by adding jobs and making the city more attractive to live and work in.

Height and Density

- The accessible location of the site means that it is appropriate for densification and taller buildings.
- An accompanying report by ARC Consultants can be summarised as follows:
 - Increased building height, as called for by the Height Guidelines, will be visible and it would be unreasonable to expect otherwise.
 - The Building Height Guidelines do not require or imply that development integration or enhancement should be solely visual, or even visual at all. This can be achieved in several ways.
 - The Guidelines require that development will integrate into or enhance an area, and a new visual counterpoint might still integrate with existing development and create a new character.

- An objective landscape and visual impact assessment needs to acknowledge that there will be negative responses to new development, which does not mean that it will not make a positive impact to proper planning and sustainable development.
- A review of permitted / proposed developments in the area demonstrates an approval of similar or greater building height than that proposed. In contrast to the subject decision, a recent planning authority decision (P.A. Ref. 2479/20) accepted that the upper floors of buildings will be visible behind buildings along the north quays; new buildings can represent a step change in scale and massing; buildings with a clear base, middle and upper level strata are acceptable; and the visual assessment baseline is constantly changing.

Built Heritage

- The planning authority has not clarified what unacceptable impact would occur on adjoining streets or how Protected Structures would be individually and/or collectively affected.
- The retention and conservation of No. 162 Capel Street will enhance the character of the Capel Street ACA.
- Much of the bulk and height on the proposal is not within the Capel Street ACA and the proposal will not detract from the streetscape or views of City Hall.

Traffic

- The Working Men's Club already has an entitlement to deliveries and refuse collection and the current arrangement would continue in operation. These issues could be addressed by condition, without the need to request further information.

6.2. Planning Authority Response

None

6.3. Observations

A joint observation has been made by Councillors Joe Costello, Declan Meenagh and Darragh Moriarty. The issues raised can be summarised as follows:

- There is agreement with the planning authority's assessment that there is an over concentration of hotels at the expense of an appropriate mix of uses.
- The development is not in line with the Development Plan as it does not protect the historic core of the city, including the architectural conservation area of Capel Street and the Liffey Street conservation area.
- There is agreement with the planning authority's assessment that the provision of residential accommodation has not kept pace with hotel developments and that it is generally not appropriate to remove existing and permitted housing units from the market.
- The Development Plan aims for the addition of more housing in the city centre and the proposed development would contravene this aim.

6.4. Prescribed Bodies

A submission from An Taisce can be summarised as follows:

- Support is expressed for the Planning Authority's decision.
- The development of the site and retention of 162 Capel St. is welcomed in principle.
- Concerns are raised about excessive height and bulk in the context of the Capel St. ACA, the Liffey Conservation Area, surrounding Protected Structures, and key views and prospects to be preserved.
- Demolition of the modern Working Men's Club building is unjustified on the basis of sustainable development objectives and its contribution to the streetscape.
- The proposal would reduce light to residential properties and compromise further residential use of existing buildings.

- Concerns are raised about the overconcentration of hotels at the expense of residential development.
- It is stated that any revised proposal should be significantly reduced in height and mass and should maintain and integrate the existing buildings on site.

7.0 Assessment

7.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows:

- The proposed mix of uses
- Built Heritage and Visual Impacts
- Impacts on surrounding properties
- Traffic and Transport
- Demolition of the existing building.

7.2. The proposed mix of uses

Zoning

- 7.2.1. The site is zoned as 'Z5', the objective for which is '*To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*'. Section 14.8.5 of the Development Plan outlines that the primary purpose of this use zone is to sustain life within the centre of the city through a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night. It is stated that, ideally, this mix should occur both vertically and horizontally, and that while a general mix of uses (e.g. retail, commercial, residential etc.) will be encouraged throughout the area, retail will be the predominant use at ground floor on the principal shopping streets.
- 7.2.2. In accordance with the Development Plan, the proposed hotel, café/bar and retail uses would all be classified as 'permissible uses', which is explained as being

generally acceptable in principle in the relevant zone, but which is subject to normal planning consideration, including policies and objectives outlined in the plan. The proposed development retains a retail presence along Capel Street (a 'Category 2 Shopping Street') and the proposed café/bar along Capel Street and Strand Street Little would add an active ground floor frontage that would improve vitality both by day and night.

- 7.2.3. Having regard to the above, and consistent with the view expressed by the planning authority, there would be no fundamental objection to a development of this nature within the Z5 zone. However, further assessment is required on the issues raised by the planning authority relating to the appropriate balance of mixed uses in the area.

Loss of residential units

- 7.2.4. The planning authority has raised concerns about the potential loss of 10 residential units on the site, i.e. the 7 permitted apartments and the 3 existing apartments in no. 162 Capel St. As previously outlined, the appeal includes a modified proposal that would partially address this concern by retaining the 3 existing apartments.
- 7.2.5. While I acknowledge the concerns of the planning authority and the gravity of the housing supply challenge, I consider that the loss of a maximum of just 10 residential units in this case would be of a scale that would have only a minimal impact in the overall context of both housing supply and the mix of uses in the wider area.
- 7.2.6. Of course, the current case involves a larger site than that of the previous permission and, accordingly, there would be potential for a more significant residential yield. Furthermore, the planning authority's decision could reasonably be interpreted as an insistence on development of the site for residential use, if not in whole then to a significant extent. I do not consider that this would be a reasonable approach given the zoning of the site and the objectives of the Development Plan to create a dynamic mix of uses. I would also acknowledge the appellant's concerns about the suitability of the site for quality residential development, particularly with regard to traffic congestion and the primary commercial character of the area and its designation as a 'Category 2 Shopping Street'. And while residential development of infill and brownfield lands should be encouraged in accordance with local and national policies and would certainly not be discounted on this site, I do not consider

that there is a viable policy basis for an insistence on residential development as opposed to other suitable commercial uses.

Concentration of hotels

- 7.2.7. If the planning authority's concerns are not solely confined to the absence of residential development, it certainly raises concerns about an overconcentration of hotels, contending that c. 2,150 bedrooms have been permitted in recent years within c. 350 metres of the site. Although the planning authority acknowledges that this has developed from a relatively low base, it nonetheless concludes that residential development in the area has not kept pace and that the overconcentration of hotels would fundamentally undermine the mixed-use vision for the city centre.
- 7.2.8. Having inspected the site, I consider that there is certainly no significant concentration of hotels in the area at present. There are none along the full length of Capel Street (500m+) and only 3 existing / proposed hotels along a 400m stretch of Ormond Quay. I acknowledge that there has been a significant recent trend of permitted hotel developments in the wider area. However, it should be noted that none of those referenced by the planning authority are within 100 metres of the appeal site and only 2 sites are within a distance of c. 250 metres. The recent permissions have been mainly concentrated in the fruit and vegetable markets area to the north, an area in transition where non-conforming warehousing uses are relocating, and in the Abbey Street retail area to the east. I would contend that these concentrations are significantly distanced from the appeal site and are located in areas of a different character, and, when taken in conjunction with the proposed development, there would not be a significant in-combination impact on the mix of uses in the area.
- 7.2.9. The planning authority's decision does not appear to be supported by any specific policy basis or an established density standard for hotels. I acknowledge that the concerns are grounded in the objectives of the Development Plan to support a dynamic mix of uses, but I do not consider that the Plan provides specific instruction on the appropriate proportions for uses, or indeed a prioritisation for residential use within the Z5 zone. If anything, I consider that the designation of Capel Street as a 'Category 2' shopping street within the city centre retail core is reflective of a vision for the area that is firmly, although not exclusively, based on commercial use.

7.2.10. It is noteworthy that, subsequent to the decision to refuse permission in this case, the planning authority has issued decisions to grant permission for hotels on 2 other sites in the Capel Street area, both of which have been appealed to the Board (ABP Ref.'s 309470-21 and 309511-21). While the principle of a hotel was already established in the latter case, the planning authority's decision in the former case appears to be based on an acceptance of the demand for hotel use in the city and compliance with Development Plan policies to develop appropriate tourism infrastructure. This approach appears to conflict with the views raised in the current case about the overconcentration of hotels.

Conclusion

7.2.11. I acknowledge that there has been a significant recent increase in hotel permissions in this western portion of the city centre. However, this should be considered in the context of a historically low base for this particular area, as well as the wider Development Plan objectives to increase tourism accommodation capacity, which has been estimated in 'Destination Dublin – A collective Strategy for Growth to 2020' as a potential requirement for a 25-30% increase in hotel rooms. Furthermore, I consider that the recent permissions relate to substantially different areas of the city and would largely facilitate the replacement of non-conforming uses (i.e. the markets) and provide an added dimension to intensive retail areas (i.e. Abbey Street). Having considered the spatial distribution of existing and permitted hotels, I do not consider that the proposed development would lead to an excessive concentration of hotels in the vicinity of the site. The retail primacy on Capel Street will be retained and that the proposed development will provide complimentary uses which will add to the vitality and vibrancy of the area by day and by night.

7.2.12. While the benefits of additional residential development in the city centre are also acknowledged, I do not consider that a reasonable policy basis or circumstances exist in this case to support a fundamental objection to the absence of additional residential units. Furthermore, I consider that the issues of tourism and residential capacities should not be considered in isolation. It is widely accepted that a shortage of hotel accommodation in the city contributed to an increase in short-term letting of residential properties and a consequent shortage of housing units. Therefore, despite the uncertainties of the post-Covid landscape, an increased hotel capacity is

likely to have a positive indirect impact on long-term residential capacity in the city centre through the release of short-term let properties to the market.

7.2.13. I note the appellant's modified proposal to retain the 3 apartments in no. 162 Capel Street and I consider that it would be appropriate in the context of Development Plan policies to resist the loss of upper floor units and to support the Living City initiative. There appears to be a high rate of vacancy on the upper floors of Capel Street and the retention of these units, albeit at a small scale, would help to retain vibrancy on the street.

7.2.14. Having regard to the above, I consider that the proposed uses are acceptable at this location and would not lead to a concentration of any particular use that would undermine the Development Plan objectives to maintain a dynamic mix of uses in the area.

7.3. Built Heritage and Visual Impacts

7.3.1. Much of the planning authority's decision and the subsequent appeal centres on the suitability of the proposed building height and the visual impact of the proposed design on the surrounding area, particularly Protected Structures, the Liffey Conservation Area, and the Capel Street Architectural Conservation Area. I propose to discuss these issues in further detail below.

Building Height

7.3.2. Section 3 of the 'Building Height Guidelines' sets out the principles for the assessment of applications, which should adopt a general presumption in favour of increased height in town/city cores and urban locations with good public transport accessibility, which is a key consideration at the scale of the relevant city/town.

Having regard to the city centre location of the site and its proximity to the Luas line at Abbey Street and frequent bus services along the Quays, I consider that, in principle, increased height and density should be encouraged at this location.

7.3.3. Notwithstanding this, it is important that any such proposal responds positively to its context and protects the character of an area, particularly in relation to Protected Structures and Conservation Areas. Section 3.2 of the Building Height Guidelines includes further criteria for assessing proposals in this regard. In summary, the relevant criteria states that developments should:

- Integrate into / enhance the character and public realm of an area
- Respond to the overall natural and built environment
- Avoid monolithic appearance in terms of form and materials
- Improve legibility and integrate in a cohesive manner
- Contribute to the mix of uses and/or building/dwelling typologies.

7.3.4. The challenge of integrating new development within existing neighbourhoods is acknowledged, particularly in the present case which involves an ACA and several Protected Structures between the site and the Quays. In this regard section 13.8.3 of the 'Architectural Heritage Guidelines' outlines that the impact of proposals will depend on location; the character and quality of the protected structure / ACA; its designed landscape and its setting.

7.3.5. I will consider the above criteria in assessing the impact of the development on the Capel Street and Liffey Quays areas.

Impact on Capel Street

7.3.6. The Architectural Heritage Impact Assessment submitted with the application acknowledges that the proposed building will change the setting of the existing buildings. Along Capel Street itself, the assessment contends that the 5-storey eastern façade will be most visible, extending one storey higher than its neighbours. However, it concludes that this variation is no greater than already exists between buildings on the Street, that the materials and fenestration patterns will echo that of older buildings on the street, and that impacts would be 'slight to moderate' when viewed in the context of existing and emerging development. An 'Assessment of the Visual Impact on the Built Environment' report has also been submitted by the applicant, including photomontage images for 16 locations.

7.3.7. I have reviewed the Capel Street and Environs Architectural Conservation Area document adopted by DCC and I note the concerns raised therein about plot amalgamation. While not technically constituting plot amalgamation due to the vacant nature of the site, I nonetheless consider that the proposed new build along Capel Street is appropriately distinguished from the only remaining plot (no. 162). The proposed plot width for the new build (c.12.5m) would not be excessive,

particularly given that it is a corner site. While plot amalgamation will occur along Strand Street Little, I do not consider the southern façade to be as sensitive in this regard and I have no objections to this aspect of the proposal.

- 7.3.8. The ACA document also raises concerns about proposals to increase the established parapet heights, which is clearly proposed in this case through the 5-storey façade along Capel Street. Having inspected the site, I acknowledge that height variations have occurred along the street, particularly on nearby junctions with Ormond Quay and Strand Street Great. I consider that the proposed 5-storey façade would be reflective of this approach and that the increased height and scale would be acceptable by providing a strong focal point at this prominent site. However, while levels 6 to 9 of the building are stepped back from Capel Street, they would still be quite prominent above the existing and proposed parapet levels when viewed from Capel Street and the eastern approach along Strand Street Great. Having reviewed the images of the proposed development, I would be concerned that the upper extremity would form an incongruous feature that would detract from the character and consistency of adjoining development, including buildings within the ACA to the north and Protected Structures to the south.
- 7.3.9. While much of the ACA policy relates to the protection of existing historic character, it states that excellence in contemporary architecture is encouraged in the case of new development. Pastiche proposals are discouraged, and materials should include stone, brick, render, steel, glass and timber. In this regard, the 'Architectural Design Statement' submitted with the application outlines that the proposal aims to respect the grain and scale of Capel Street. The ground floor is mainly curtain-walling and the 4 floors above are finished in red/brown brickwork with recessed brickwork bay details using a buff coloured brick to reflect the window detail on Nealon's Pub (a Protected Structure directly south of the site). It is stated that the window proportions and rhythm reflect that of the existing street and horizontal stone course/coping features at levels 3 to 5 will again reflect features of Nealon's Pub. The upper floors are stepped back to respect surrounding building heights and the forms and materials change to a more contemporary approach, particularly with the glazed box at levels 8 and 9.

- 7.3.10. The application also includes a detailed 'Bay Study' which provides further articulation of the proposed materials and recesses, which is supported by reference images, samples and CGI's.
- 7.3.11. The planning authority's concerns would appear to be largely based on height and scale. Otherwise, the planner's report concludes that the proposed design for the lower floors is of a very high standard and would be in keeping with the historical context whilst providing an interesting and modulated façade treatment. I would concur that the proposal for the lower floors achieves an appropriate balance between the need to respect the architectural context of the ACA and Protected Structures, whilst also facilitating contemporary design and avoiding a pastiche approach. The facades are based upon a streetscape rhythm that is reflective of traditional terraces, which is achieved through varying materials, fenestration, and the incorporation of stone courses/coping. This approach helps to reduce the bulk and scale of the building and avoids a monolithic appearance.
- 7.3.12. The upper floor levels emphasise a strong contemporary character. And while I have no objection to this design approach *per se*, I do have concerns in relation to the overall height as previously outlined in this report.
- 7.3.13. Regarding impacts on no. 162 Capel Street itself, I note that there are now effectively 2 different options proposed for this building. The Architectural Heritage Impact Statement concludes that the building is of limited heritage value and that its retention and repair, including restoration works to the façade, is likely to result in positive impacts. Having reviewed the proposals submitted, I would have no objection in principle to the demolition and restoration works involved. However, in keeping with the principle of the Architectural Heritage Guidelines regarding minimum intervention, I consider that the modified proposal involving the retention of the existing apartments will have less impact on historic fabric. Furthermore, I consider that the retention of residential units on the upper floors would have a positive impact by maintaining the traditional residential use in this ACA.

Impact on the Quays

- 7.3.14. The applicant's Architectural Heritage Impact Statement acknowledges that the River Liffey corridor is a Conservation area and there is likely to be some visibility of the upper floors from South Quays and Grattan Bridge, which some observers may

regard as 'significant'. However, the assessment concludes that traffic and the river are the dominant visual elements viewed from the South Quays, and that impacts would be 'slight to moderate' when viewed in the context of existing and emerging development.

- 7.3.15. Having reviewed the drawings and images submitted I consider that the proposed development will largely be screened by existing and permitted development along the North Quays. However, this does not apply to the 2 upper floors, which will certainly be visible over a large section of the Liffey Conservation Area.
- 7.3.16. I acknowledge the appellant's contention that visibility alone should not be a determining factor and that a wider consideration of whether the development integrates with or enhances the character of the area is required. In this regard I note that building heights along the North Quays vary and that it is not unusual that development behind the quays is visible at a higher level. However, I do consider that there is a generally consistent skyline along the North Quays and that this contributes to the sense of consistency, enclosure and character of the conservation area.
- 7.3.17. The photomontages submitted demonstrate that the 2 upper floors will be most prominent from Views B, C, D, E, F, and G. I acknowledge the concerns of the planning authority that the images may not accurately depict the actual visual impact, but I consider that this is an inherent difficulty with CGI and I am satisfied that the details submitted enable an adequate visual assessment. In this regard, I consider that, rather than reflecting the existing subtle variations in the skyline, the proposed development would result in an abrupt and incongruous height increase. Taken together with the proposed contemporary glazed finish, I consider that the development would form an incongruous feature which would detract from the character of the Liffey Conservation Area. And while the appellant's contention that a visual counterpoint can create a new character is noted, I do not consider that there is a suitable context or policy basis for a landmark feature at this location.

Conclusion

- 7.3.18. Having regard to the above, I have outstanding concerns that the overall height and scale of the development would result in unacceptable impacts on the character of the Capel Street and Liffey conservation areas. However, given that the design is

otherwise acceptable, I consider that these concerns can be satisfactorily resolved through a reduction in height of the proposed building.

- 7.3.19. In this regard, I consider that there are various options available to successfully mitigate concerns. The first 5 levels are considered acceptable in terms of height and I consider that their retention helps to partially screen the upper floors. I consider that the omission of one of the middle levels (i.e. level 5 or 6) would be the most appropriate approach to address the impact on both Capel Street ACA and the Quays. And while the resultant top floor (i.e. now lowered to level 7) would still be visible from certain locations on Capel Street and along the South Quays, I do not consider that it would form an obtrusive feature or detract from the character of the surrounding area. Furthermore, I am satisfied that the height reduction of c. 3.15m would result in an overall height of c. 26.4m and would now comply with the Development Plan 28m height limit for commercial development in the inner city.
- 7.3.20. In the event that the Board does not consider that this measure would adequately reduce building height and that another level should be omitted, I would advise that the omission of one of the top floors would be the most appropriate approach in the interests of maintaining the integrity of the overall design approach.

7.4. Impact on Surrounding Properties

Sunlight and Daylight

- 7.4.1. The application includes a 'Sunlight and Daylight Access Impact Analysis', which has been carried out with reference to the BRE guidance document '*Site layout planning for daylight and sunlight*'. The assessment compares the existing situation with the predicted impact of the proposed development. In this context, I feel it is important to acknowledge that the current absence of development on a large portion of the site would facilitate higher than expected levels of light for a city centre location. Therefore, compared to an unusually high baseline, it is reasonable to conclude that the predicted impacts of the proposed development would be somewhat over-stated.
- 7.4.2. A quantitative analysis was conducted of the potential for impacts on daylight to a representative sample of the rooms in surrounding buildings. The rooms selected were based on the sensitivity of use and location of the receptor. Daylight access was measured before and after construction and with reference to Vertical Sky

Component (i.e. the amount of sky visible from the centre point of a window). In summary, the BRE guidance advises that adverse impacts may occur if the VSC is less than 27% and would be reduced by 20% or more. However, the BRE Guide also acknowledges that these measurements will not be appropriate in all contexts and, based on the VSC values for various space-to-height ratios (Table F1 of the Guide), the applicant's assessment sets out some reasonable examples to illustrate that the 27% value is not appropriate for higher density areas. The examples are based on a typical street width of 12.5m and demonstrate that the VSC for ground floor rooms in opposing buildings would be 13% in the case of 5-storey development, 16% for 4-storey development, and 21% for 3-storey development.

- 7.4.3. I note that potentially significant impacts are predicted to the rear of 159 Capel St. and along the northern façade of Strand Street Little. However, I consider these impacts to be acceptable given that they relate to commercial premises in the city centre. While concerns in relation to potential impacts on residential properties on the upper floor levels of Capel Street have been raised by the planning authority, it would appear that the upper floors of 159 and 160 are used as a language school. The only potential residential receptors of relevance are to the rear of 161 Capel Street, where VSC would be as low as 17.8% and 56% of its former value. I note that the ground floor of this property is in commercial use and an inspection of a recent permission for residential use on the upper floors (P.A. Ref. 2973/18) indicates that the rear windows would not serve living spaces. The predicted impacts on these receptors would be mitigated by the removal of one storey of the building, as previously discussed. Furthermore, the unusually high baseline figures should be considered, and I consider that likely impacts would be acceptable given the city centre location and the need to achieve higher densities.
- 7.4.4. A sunlight analysis was also completed for the same surrounding receptors. The analysis is based on BRE guidance that sunlighting of a dwelling may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours, or less than 5% between 21 September and 21 March; and receives less than 80% of its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4%.
- 7.4.5. Again, I note that potentially significant impacts are predicted to the rear and upper floor of no.'s 159 and 160 Capel St., which I consider to be acceptable given their

commercial use. 'Moderate' to 'Very Significant' impacts are predicted to the rear ground floor of 161 Capel Street, which is in commercial use. The upper floors of No. 161 may be in residential use and impacts here are predicted to be 'moderate to significant'. While these potential impacts are acknowledged, it should again be noted that the windows do not serve living spaces and I consider that the current absence of development on a large portion of the site plays a significant role in determining severity. Furthermore, I consider that impacts will be mitigated by the reduction in height of the proposal and that impacts would be acceptable given the need to achieve higher density compact development at this city centre location.

- 7.4.6. I note that the applicant's assessment does not account for the modified proposal to retain the 3 apartments in no. 162 Capel St. I consider that the impacts in this instance would be similar to those previously discussed relating to no. 161 and would be acceptable in light of the particular circumstances of the case.

Overlooking

- 7.4.7. The proposed development will face onto the existing public domain of Capel Street to the east and Strand Street Little to the south. Therefore, I consider that potential overlooking impacts are limited to the private properties to the north and west of the site.
- 7.4.8. On the western elevation it is noted that windows are proposed to the rear of the facade, which avoids direct overlooking of existing windows on the eastern elevation of No. 31 Strand Street Little. The existing services access width of 3.6m provides further relief in this regard. Otherwise, the east-facing upper floor windows in the Capel Building would be a distance of c. 13m and I consider this to be adequate for commercial uses within the city centre.
- 7.4.9. The area to the immediate north of the site is largely comprised of the roofs covering ground floor properties, which are not considered to be sensitive to overlooking impacts. Further north, the south-facing upper floor windows of the Capel Building are setback c. 25m, which I consider to be acceptable. Otherwise, the proposed windows have been appropriately located and designed to avoid overlooking of the rear windows of Capel Street to the northeast.

Conclusion

- 7.4.10. Having regard to the above, I consider that the potential impacts on surrounding properties have been adequately identified and assessed. Given that a large portion of the site is currently undeveloped, the requirements for high-density compact development of the site would inevitably result in some significant impacts for adjoining properties. However, I consider that these impacts would be mitigated by the reduction in the overall height of the building, and that the predicted impacts would be acceptable given the city centre location of the site.

7.5. Traffic and Transport

- 7.5.1. The application includes a 'Traffic Impact, Mobility Management and Servicing / Deliveries Report'. The report outlines a 'zero car parking' approach and concentrates on the mobility options available to staff, visitors and deliveries.

Parking

- 7.5.2. In accordance with Development Plan Standards, a maximum of 1 car parking space per bedroom would be allowed in this city centre 'Zone 1' location, resulting in a maximum provision of 36 spaces in this case. Bike parking standards recommend 1 space per 10 bedrooms, resulting in a requirement for 15 spaces. I would concur that the 'zero car parking' approach would be consistent with the aims of the Development Plan to promote sustainable transport and that the proposed 26 bike parking spaces are well in excess of requirements.
- 7.5.3. Based on a TRICS analysis of similar city centre hotels, the assessment estimates that the proposed development could generate flows of around 87 inbound vehicles and 87 outbound vehicles per day. However, it contends that volumes are likely to be lower given the superior range of public transport and walking/cycling options available in this case. A total of 2,862 car-parking spaces are identified within 1km of the site and the assessment concludes that this will be more than sufficient.

Mobility Management

- 7.5.4. Taking into account the current modal split for the surrounding area and the current and proposed sustainable transport facilities, a Mobility Management Plan is included with the aim of ensuring that the modal split targets for the year of opening are met and maintained. The assessment concludes that this is entirely viable given

the excellent availability of public transport and soft-mode options for employees and visitors.

Delivery and Drop-off

- 7.5.5. The application proposes that the existing on-street car-parking spaces on Strand Street Little be shared with the needs of the hotel. It is stated that the hotel will generate a relatively small service requirement, resulting in a minimal imposition on the spaces during the 8AM to 7PM daytime period and facilitating the requirements of retail users.

Conclusion

- 7.5.6. Having regard to the above, I consider that the omission of car-parking is appropriate in this case and that the proposed development will be adequately served by existing parking facilities and sustainable transport options.
- 7.5.7. The planning authority appears to accept the principle of the proposed shared parking / loading space but requires further information in relation to detailed drawings and shared usage with other commercial properties in the area. If the Board is minded to grant permission, I am satisfied that the details of these arrangements can be satisfactorily dealt with by condition.

7.6. Demolition of the existing building

- 7.6.1. An Taisce has raised concerns about the demolition of the existing 'Working Men's Club' building on the grounds of streetscape considerations and sustainable development goals regarding the re-use of existing buildings.
- 7.6.2. Having inspected the exterior of this building and the surrounding streetscape, I do not consider that the building is of a particular architectural merit that would necessitate its retention. And while it is indeed a modern building of good condition, I consider that its retention in any meaningful manner would compromise the overall quality and consistency of the design approach.
- 7.6.3. I acknowledge the sustainable development goals and policies regarding the re-use and re-purposing of existing buildings. However, I consider that demolition is justified in this case on the basis of the over-riding need to achieve higher-density compact urban development in well-connected city centre locations such as this.

8.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development, and to the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reason and considerations set out below.

10.0 Reasons and Considerations

Having regard to the city-centre location of the site in close proximity to a wide range of public transport options and facilities, and to the provisions of the Dublin City Council Development Plan 2016-2022; the Urban Development and Building Heights, Guidelines for Planning Authorities (2018); and the National Planning Framework, which seeks to direct new development in cities into built-up serviced areas, and having regard to the pattern and character of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible urban location and would not detract from the mixed-use character of the area or seriously injure the amenities of surrounding properties or the visual amenities of the area, and would be acceptable in terms of pedestrian and traffic safety. Furthermore, and having regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011), the proposed development would not seriously detract from the character or setting of the Capel Street and Environs Architectural Conservation Area, the Liffey Conservation Area, or the Protected Structures in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 providing for the retention of the three apartments in No. 162 Capel Street received by An Bord Pleanála on the 19th day of January, 2021, 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 proposed development shall be amended through the omission of either Level 5 or Level 6 of the proposed building. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and the protection of architectural heritage.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include:

- a) details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste, and
- b) a Construction Traffic Management Plan, which shall be prepared taking account of the Transport Infrastructure Ireland 'Code of engineering practice for works on, near, or adjacent the Luas light rail system', demonstrating that there shall be no adverse impact on the operation and safety of all Luas infrastructure.

Reason: In the interest of public safety and residential amenity.

- 5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

- 6. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health

- 7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

9. Any alterations to the public road or footpath shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the applicant’s expense.

Reason: In the interests of clarity, public safety and amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements: -

(a) a phase of post-demolition archaeological testing shall be carried out in order to inform the nature of archaeological excavation, the requirements of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

(b) an archaeological excavation shall be carried out on the entire site. The excavation shall be conducted in a cutting which extends down to the base of archaeological deposits;

The archaeological excavation shall be carried out prior to commencement of development or at such later date as may be agreed in writing with the planning authority;

(c) satisfactory arrangements for the execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works, shall be agreed with the planning authority.

This archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimised. In this regard, the proposed locations of piled foundations shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be submitted to and agreed in writing with the planning authority in advance of their incorporation within the development;

(d) satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be agreed with the planning authority. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared and submitted to the planning authority within a period of six months or within such extended period as may be agreed with the planning authority.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

14. The loading and set-down requirements associated with the proposed development shall be shared with the on-street parking space in the vicinity of the site. Proposals in this regard shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure a satisfactory parking and delivery arrangements in the interests of pedestrian and traffic safety and convenience.

15. Prior to the commencement of operation of the development, a Mobility Management Plan Co-ordinator shall be appointed, who shall be responsible for the implementation of the measures outlined in section 9.0 of the Traffic Assessment, Mobility Management and Servicing / Deliveries Report submitted to the planning authority on the 22nd day of October , 2020.

Reason: In the interest of encouraging the use of sustainable modes of transport.

16. Wheel tracks shall be incorporated along the side of the staircase to the basement level to facilitate the transport of bicycles.

Reason: In the interest of encouraging the use of bicycles as a sustainable mode of transport.

17. Full details of all external shopfronts and signage, including for the hotel, the café/bar and the retail unit, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission. No adhesive material shall be affixed to the windows and glazing elements.

Reason: In the interests of orderly development and the visual amenities of the area.

18. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, or any statutory provisions amending or replacing them, no further advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags or other projecting elements, other than those agreed in writing with the planning authority prior to the commencement of development, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interests of orderly development and the visual amenities of the area.

19. The proposed café/bar shall not be used for the sale of hot food for the consumption off the premises in the form of a take-away facility.

Reason: To specify the use hereby permitted and in the interest of residential amenity.

20. Public access to and from the street shall be maintained to the ground floor café/bar at all times during opening hours.

Reason: To promote active uses at street level.

21. No external security shutters shall be erected for the hotel, the café/bar, or the retail unit (other than at serviced access points), unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

22. 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 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.

23. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City project (St. Stephen's Green to Broombridge Line), 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, 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 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Stephen Ward
Senior Planning Inspector

16th April 2021