



An
Bord
Pleanála

Inspector's Report

ABP-314298-22

Development	Mixed-use development consisting of the construction of an 11-storey over shared basement hotel building.
Location	Site of c. 0.35 ha on lands at Nos. 31-34 Abbey Street Upper, 42-51 Great Strand Street and bounded by Byrnes Lane, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4009/22
Applicant(s)	Abbey Street Devco Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Frank McDonald
Observer(s)	An Taisce
Date of Site Inspection	23 rd August 2023

Inspector

Lorraine Dockery

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1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.35 hectares is located in Dublin city centre and extends through from 31- 34 Abbey Street Upper and 42-51 Great Strand Street. Buildings on site have previously been demolished and it is currently undeveloped and overgrown. It is stated in the submitted documentation that the basement has been partly excavated as part of the previous grant of permission on the site (3172/18). The site in its current state detracts significantly from the streetscape at this location.
- 1.2. To the west of the subject site along Abbey Street is the Chapter House building, which is a six storey office building with retail on the ground floor and office uses above. Immediately to the east along Abbey Street, construction works are complete on a hostel development, of approximate height to that currently proposed in this appeal. The site has approximately 27m frontage along Abbey Street. The frontage along the south of the site, onto Great Strand Street, is approximately 70 metres in length. At this frontage, the site is bound to the east by an existing single storey building and to the west by a five-storey building which extends to the corner of the millennium walkway.
- 1.3. A public lane from the west, Byrnes Lane, connects with the site. The LUAS line runs in front of the site along its Abbey Street frontage.

2.0 Proposed Development

- 2.1. Construction of an 11-storey (with 9th and 10th floors set back) over shared basement hotel building fronting Abbey Street (comprising 252 no. bedrooms and related hotel facilities) and a 10-storey (with 7th and 9th floors set back) over shared basement aparthotel block fronting Great Strand Street (comprising 222 no. bedrooms and related aparthotel facilities); together with 2 no. retail units at ground floor level.
- 2.2. The development will include vehicular access via Great Strand Street, 30 no. bicycle parking spaces and associated site development works including external public plaza at ground floor level; provision of connection to building for the LUAS Overhead Cable System; signage and 2 no. ESB substations.

- 2.3. The overall development will have a total gross floor area of c. 24,429 sq.m (including shared basement of 1,769 sqm).

Table 1: Key Statistics

Site Area	0.35 hectares
Proposed Use	252 hotel rooms 222 units in aparthotel
Other Uses	2 x Retail- 1540 m ² (Abbey St Upper) + 126m ² (Great Strand St)
Other Works	2 no. ESB substations Public plaza at GF level All associated site development works
Demolition Works	N/A
Height	Max 11 storeys (over basement)
Plot Ratio	6.46
Site Coverage	86%
Parking	0 car parking spaces 30 bicycle spaces
Access	Pedestrian access will be provided from Abbey Street Upper, Great Strand Street and the new public plaza and laneway to the east of the site. Vehicular access will be provided vya Great Strand Street to provide service access

3.0 Planning Authority Decision

3.1. Decision

Grant permission, subject to 23 conditions

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- Reflects decision of the planning authority; recommends grant of permission

3.2.2. Other Technical Reports

Drainage Division: No objections, subject to conditions

Transportation Division: No objections, subject to conditions

Environmental Health Officer: No objections, subject to conditions

Archaeology Division: No objections, subject to conditions

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: No objections, subject to conditions

3.4. **Third Party Observations**

The planning authority received one observation, with grounds similar to those contained in current appeal submission

4.0 **Planning History**

ABP-3011168-21

Permission REFUSED for a strategic housing development at this site consisting of the construction of a Build to Rent residential development comprising 227 no. apartment units, 1 no. retail unit fronting onto Abbey Street Upper, 1 no. retail/café unit fronting onto Great Strand Street and all other associated site excavation, infrastructural and site development works above and below ground.

The reason for refusal related to the range of residential units proposed within the development was such that it is considered that the proposed development would materially contravene the Plan. Notwithstanding Specific Planning Policy Requirement (SPPR) 8 of the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) in relation to build-to-rent developments, the statutory requirements relating to the submission of a material contravention

statement was not been complied with by the applicant in respect of this matter. Accordingly, it is not open to the Board to grant permission in circumstances where the application is in material contravention of the Development Plan and where the statutory requirements referred to above have not been complied with'

ABP 305280-19 (Reg. Ref. 3232/19)

Permission GRANTED on appeal to amend the development permitted under Reg. Ref. 3172/18 for a hotel (application refused by planning authority). The proposal provided for the construction of 2 no. additional floors to the permitted hotel building fronting Abbey Street Upper (resulting in an 11 no. storey building) and extension of the 7th and 8th floor level to the north resulting in an additional 64 no. bedrooms and an overall hotel comprising 303 no. bedrooms and revisions to the facade of the hotel onto Abbey Street Upper. The proposal also provided for the construction of 1 no. additional floor to the permitted aparthotel building fronting Great Strand Street (resulting in a 10 no. storey building) and extension of the 7th and 8th floors to the east resulting in an additional 21 no. bedrooms and an overall aparthotel comprising 277 no. bedrooms.

3039/19

Permission GRANTED amend part of the development permitted under Reg. Ref. 3172/18, to provide for an increase in the permitted basement area providing for additional hotel storage space

2997/19

Permission GRANTED for to amend part of the hotel development permitted under Reg. Ref. 3172/18 to replace permitted stairwell, provide for an increase to the basement storage space and ground floor retail unit and the provision of eight additional hotel bedrooms (one per floor from first to eighth floor level) resulting in an increase in the number of permitted hotel bedrooms from 239 to 247. Development also provides for associated revisions to the facade.

3172/18

Permission GRANTED for the construction of a 9 storey (with 7th and 8th floor level setback) over basement aparthotel fronting Great Strand Street, comprising 269 no. bedrooms and related aparthotel facilities; a 9 storey (with 7th and 8th floor level

setback) over basement hotel fronting Abbey Street Upper, comprising 207 No. bedrooms and related hotel facilities; 2 No. retail units and 2 No. ESB Substations at ground floor level and all other associated site excavation and site development works above and below ground.

Relevant history on adjoining sites

ABP 305853 (Reg. Ref. 3804/19)

Permission GRANTED for demolition of the 3 storey commercial unit, modifications to a previously permitted development (DCC Reg. Ref. 2971/17/ABP Ref. PL29N.249037, DCC Reg. Ref. 2954/18) at 36-36 Abbey Street Upper and Abbey Cottages. The proposed development will result in the increase of the total number of rooms from 127 rooms to 151 rooms. The building will be an 11 storey over 2 basement levels.

Reg. Ref. 2479/20 Jarvis Shopping centre on the opposite side of Abbey Street.

Permission GRANTED for the following (a) the addition of 24 build to rent residential units located at car park levels 3 and 4 on the Jarvis Street and Abbey Street Upper frontages of the building and associated site works. (b) demolish existing retail floor area, storage and car parking area and construct a 6 storey building behind the Mary Street frontage, from first floor upper level to car park level 5 for use as a co-living development with 127 units. (c) construct 3 floors above the roof car park level 5A level for office use at Jarvis Shopping Centre, bounded by Mary Street, Jarvis Street and Abbey Street Upper, Dublin 1.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2022-2028 is the operative City Development Plan.

Zoning- 'Objective Z5' 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'.

Chapter 4 Shape and Structure of the City

Policy SC16 seeks 'To recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre...'

Appendix 3- Height Strategy

Plot Ratio/ Site Coverage for Central Area (as set out in Table 2 of Appendix 3)

- Plot Ratio - 2.5-3.0
- Site Coverage – 60%-90%

Higher plot ratio and site coverage may be permitted in certain circumstances such as:

- Adjoining major public transport corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal.
- To maintain existing streetscape profiles.
- Where a site already has the benefit of a higher plot ratio.
- To facilitate the strategic role of significant institution/employers such as hospitals.

Any development with a plot ratio over 3.0 must be accompanied by a compelling case.

Policy SC11 Compact Growth seeks ‘... to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors...’

Policy CEE8 The City Centre seeks ‘To support the development a vibrant mix of office, retail, tourism related and cultural activities in the city centre and to facilitate the regeneration and development of key potential growth areas...’

Policy CEE26, CEE27 and CEE28 relate to the promotion of tourism and provision of tourism facilities/visitor accommodation.

Lands to the south of great Strand Street are located within a Conservation Area and include a row of protected structures facing onto the Quays.

Reimagining Dublin One Laneways (2018)

Dublin City Council commissioned a laneway improvement strategy, with its aim being to make “Dublin One” laneways safer. For this, a change in perception and image of laneways as places to live, work, socialise and to use as routes is essential.

Section 4.5 of this report deals with Byrne’s Lane. Byrne’s Lane is 90 metres in length and has an average width of 5 metres. It is a pedestrianised cul-de sac which begins at Jervis and runs eastwards across Millennium Walkway. Two gates separate Byrne’s Lane into three parts. The western section is open to the public and ends at the crossing with Millennium Walkway. The strategy sets out short and medium term actions for Byrne’s Lane. It also sets out proposals for the urban block on Abbey Street, both short-term and medium-term actions.

5.2. Natural Heritage Designations

The appeal site is not located in or immediately adjacent to a designated European Site, a Natural Heritage Area (NHA) or a proposed NHA.

5.3. EIA Screening

Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, 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 grounds of the third party appeal may be summarised as follows:

- Contravention of Dublin City Development Plan 2016 in relation to height and plot ratio and section 16.7 of same
- Setting of precedent and precedent created by previous ABP decisions
- Failure to recognise sense of place
- Concerns regarding proposed use

6.2. Applicant Response

- Subject site already benefits from grant of permission for similar mixed-use development; proposal has not been substantially altered in terms of height, scale and massing when compared to permitted development; refines and improves on permitted scheme

- Proposal will contribute in a positive manner to existing streetscape, respecting historic views and referencing emerging urban structure
- In terms of plot ratio and height, both DCC and ABP have previously granted similarly proportioned schemes; plot ratios in plan are indicative and at discretion of planning authority. Height justified in terms of national guidance
- In terms of sense of place, contends that current character/sense of place will be enhanced by proposal; site will be opened up to allow pedestrian access

6.3. Planning Authority Response

- Requests that An Bord Pleanála uphold their decision and that if permission is granted, that the following conditions relating to payment of section 48 contribution; section 49 (Luas Cross City) contribution and payment of bond be applied to any such grant

6.4. Observations

An observation was received from An Taisce, which may be summarised as follows:

- Concerns regarding scale, height and bulk of proposed development, combined with that of immediately adjoining sites
- Significantly negatively affect light levels to adjacent properties, including front rooms of Protected Structures
- Proposal will result in significant shadow, damp and poor light levels; production of undesirable microclimates
- Urban design impacts and impacts on city skyline

6.5. Further Responses

None

7.0 Assessment

- 7.1. I have read all the documentation attached to this file including inter alia, the appeal and the report of the Planning Authority and further response received, and observation received, in addition to having visited the site.
- 7.2. I highlight to the Board that a new City Development Plan has been adopted since the decision of the planning authority issued. I have assessed this appeal based on the current operative Dublin City Development Plan 2022-2028.
- 7.3. In my mind, the main issues relating to this application are:
- Principle of proposed development
 - Height and plot ratio
 - Impacts on amenity
 - Other Matters
- 7.4. The attention of the Board is drawn to the fact that there is quite a protracted planning history on this site, which includes for an extant permission, ABP-305280-19, for the construction of two additional floors to a permitted hotel development (parent permission 3172/18). The maximum height permitted on site is 11 storeys, to a maximum of 34 metres (10 storeys to Great Strand Street). The permitted scheme in total proposed an aparthotel and hotel accessed from Great Strand Street and Abbey Street Upper respectively, providing a total of 580 no. rooms, located around two central courtyard areas. The current appeal provides for a maximum of 11 storeys in height and a total of 474 rooms. The main difference between that permitted and currently proposed relates to the internal layouts and elevational finishes. The footprint, height, scale and massing remain relatively unchanged from that previously permitted on site.

Table 2:

	<u>305280-19</u>	<u>Current Appeal</u>
Height	11 storey	11 storey
Hotel Rooms	303	252
Aparthotel Rooms	277	222
Total Rooms	580	474

Principle of Proposed Development

- 7.5. I note the appeal submission raises concerns in relation to the uses proposed within this current proposal. I highlight to the Board that there is an extant permission on this site for a hotel/aparthotel development (ABP-305280-19), which has almost identical uses to those currently proposed. It is noted that the number of rooms currently proposed is less than that previously permitted on the site.
- 7.6. The site is zoned 'Objective Z5- City Centre' 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." In terms of proposed uses, it is noted that 'hotel', 'off-licence (part)' and 'shop(district)(local)(neighbourhood)(major comparison)' are all 'Permissible Uses' under the zoning matrix, as set out in section 14.7.5 of the operative City Development Plan. 'Aparthotel' has not been referenced in this section but is referenced in conjunction with hotels in other areas of the Plan and also specifically in section 15.14.1.2 of the aforementioned Plan. I have no information before me to believe that there is an over-concentration of hotels or aparthotels within this area, as per section 15.14.1 of the Plan. The planning authority were obviously of the same opinion when granting permission for the subject development. I note policies which support tourism within the city area, including Policy CEE26, CEE27 and CEE28 in this regard. Having regard to the above, I am generally satisfied that the proposal is in compliance with Development Plan policy in this regard and that this is an appropriate use of the site, which would aid in the rejuvenation of this area of the city.

Height and Plot Ratio

- 7.7. The third party appeal raises concerns in relation to the height and plot ratio of the proposed development and their consistency with the City Development Plan that was in place at the time of making the planning authority's decision. Concerns regarding scale, height and bulk were also raised in the observation received. I again highlight to the Board that a new City Development Plan has been adopted in the interim. I again reiterate that I am assessing this current appeal against the recently adopted Dublin City Development Plan 2022-2028.
- 7.8. While the appeal documentation, it is stated that the plot ratio is 6.46 while the development previously permitted on this site (ABP- 305280-19) had a plot ratio of 6.4. The planning authority notes in their assessment of plot ratio, that in a previous application (3172/18), it was considered that on the basis that the proposal was for a development of a vacant site in a city centre location, in addition to it being on a public transport corridor (Luas red line, adjacent to the Jervis stop), and that the proposal would infill two existing gaps in the streetscape at Middle Abbey Street and Great Strand Street, albeit with development of additional height, they considered the proposed scale to be acceptable. They are also satisfied with the proposed plot ratio in this current appeal.
- 7.9. The recently adopted City Development Plan sets out an indicative plot ratio for the central area as being 2.5-3.0 with a site coverage of 60-90% (Table 2, Appendix 3). The stated site coverage in this current appeal is 86%. In terms of plot ratio, I note that it is 'indicative' only which, in my opinion, is such that flexibility is allowable. The Plan states that higher plot ratio may be permitted in certain circumstances such as adjoining major public transport corridors; to facilitate comprehensive re-development in areas in need of urban renewal; to maintain existing streetscape profiles and where a site already has the benefit of a higher plot ratio. The circumstances pertaining to this current site are noted- adjacent to the LUAS line, within the city centre on a vacant site that currently detracts significantly from the streetscape; represents a proposal that would add to the streetscape at this location and importantly, on a site where a similar plot ratio has previously been accepted and permitted. A compelling case has been forward by the first party to justify the plot ratio proposed. I am generally satisfied in this regard.

- 7.10. In terms of building height, I note the concerns raised in both the appeal submission and observation received. I note that a similar height has previously been permitted on this site and was considered acceptable by the Board at that time. A height of 11 storeys has been established on this site. I also note the heights recently permitted within the wider area and consider the proposal to be consistent with same. I again highlight that a new City Development Plan has been adopted since the decision of the planning authority issued and the appeal/observation were received. One of the main differences between the old Plan and that currently in place, is that the blanket numerical values contained in the previous Plan have been omitted. I refer the Board to Appendix 3, Height Strategy of the recently adopted Plan in this regard. The current Plan states that the general principle is to support increased height and higher density schemes in a number of specified areas, including the city centre (Appendix 3, Height Strategy). It further states that in considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated and ...that greater heights may be considered in certain circumstances depending on the site's location and context and subject to assessment against the performance based criteria set out in Table 3.
- 7.11. The City Development Plan identifies 'Key Locations', which in accordance with SPPR 1, are identified as generally suitable and appropriate for accommodating a more intensive form of development, including increased height. In terms of key locations for higher development, the site is located within the City Centre and also along a Public Transport Corridor. The Plan states that in general, and in accordance with the Guidelines, a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics. Proposals for increased height within key sensitive areas of the city including the city centre must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3.
- 7.12. I refer the Board to the operative City Development Plan, in particular Table 3: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale and the 10 no. objectives contained therein. I have assessed the proposal in the context of Table 3 and the 10 no. objectives, see below.

	Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
1	To promote development with a sense of place and character	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • enhance the urban design context- appropriate development of a vacant, under-utilised site • provides appropriate level of enclosure to streets and spaces; generally be within a human scale • provides adequate passive surveillance and generate street-level activity, animation and visual interest
2	To provide appropriate legibility	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • makes a positive contribution to legibility in an area • enhances permeability
3	To provide appropriate continuity and enclosure of streets and spaces	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • enhances the urban design context given the present condition of the site; currently significantly detracts significantly from streetscape • does not produce canyons of excessive scale and overbearing of streets and spaces; height comparable to that existing on nearby sites • generally be within a human scale; provides adequate passive surveillance and generates street-level activity, animation and visual interest
4	To provide well connected, high quality	<p>Considered to achieve this objective</p>

	and active public and communal spaces	<ul style="list-style-type: none"> • integrates into and enhances the public realm and prioritises pedestrians, cyclists- location proximate to public transport; no parking proposed; pedestrian connectivity and cycle parking • provides public plaza at GF level and communal spaces on upper floors • allows for adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year • potential negative microclimatic effects (particularly wind impacts) are avoided • provides for people friendly streets and spaces
5	To provide high quality, attractive and useable private spaces	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • retains reasonable levels of overlooking and privacy in mixed use development • provides quality public plaza at GF level and communal spaces at upper floors which are usable, safe, accessible and inviting
6	To promote mix of use and diversity of activities	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • promote the delivery of mixed use development • contribute positively to the formation of a 'sustainable urban neighbourhood' by the appropriate development of a vacant, infill site
7	To ensure high quality and environmentally sustainable buildings	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • proposed design is of a high quality that will add significantly to the streetscape of the area without compromising the amenity of nearby buildings

8	To secure sustainable density, intensity at locations of high accessibility	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • well served by public transport with high capacity frequent service with good links to other modes of public transport
9	To protect historic environments from insensitive development	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • does not have an adverse impact on the character and setting of existing historic environments
10	To ensure appropriate management and maintenance	<p>Considered to achieve this objective</p> <ul style="list-style-type: none"> • the appropriate management of the proposed development can be dealt with adequately by means of condition

7.13. In addition to the above, I note that the site is located within two identified ‘Key Locations’, which are identified in the City Development Plan as areas for possible greater height (City Centre and Transport Corridor). In addition, the height of the recently constructed building on the adjoining site is noted, which would be comparable to the height proposed in this current application. I also note that there is an extant permission on this site for a development of similar height to that currently proposed and therefore it may be argued that the principle of a building of this height has already been established on this site. In terms of the concerns raised by the appellant with regards to setting of precedent, I note that every application is assessed on its own merits.

7.14. Having regard to all of the above, and in particular noting that a new City Development Plan has been adopted in the interim, I am of the opinion that the height, massing and scale proposed, which includes for plot ratio, is consistent with the policies and objectives of the operative City Development Plan, which includes for Table 3, and is also consistent with what has previously been permitted on this site, in the relatively recent past. I also consider the proposal to be in compliance with national guidance in this regard. I am satisfied in this regard.

Impacts on Amenity

- 7.15. I note that the appellant and observer both raise concerns regarding impacts on the amenity of the area and the contention that the proposal would not lead to the creation of a sense of place at this location. I do not concur with the submissions in this regard. A Townscape and Visual Impact Assessment was submitted with the application, in addition to an Architectural Design Statement and verified photomontages. The Townscape and Visual Impact Assessment examined a total of 11 viewpoints within a 1km radius study area. The visual baseline considered both the existing undeveloped site scenario and the permitted hotel scenario. When considered against existing permitted development in the vicinity, including the permitted hotel/aparthotel development on this site, the magnitude of visual impact was deemed to be imperceptible/neutral for all viewpoints. This is on the basis that the main difference between the permitted and proposed development on site relates to internal layouts as opposed to external visual alterations.
- 7.16. I acknowledge at the outset that there will be a change in outlook as the site moves from its brownfield nature to that accommodating a high density development, such as that proposed. I note that in its current state, the site detracts significantly from the streetscape of both Abbey Street and Great Strand Street. It is considered to be an infill site that has the potential to add significantly to the amenity of the area. I note that the built environment in the vicinity of the site is not subject of an Architectural Conservation Area designation. I note the previous grants of permission on the site, which were of similar design and style to that currently proposed. Good quality materials are proposed. I note that this is an area under much needed rejuvenation, with developments on-going (or recently completed) on the adjoining site and the nearby Arnotts site. Taken together, these developments have the potential to improve the amenity of the area, from a social, economic and urban design viewpoint. I am satisfied that if permitted the proposal will bring a positive improvement to the streetscape at this location and I am satisfied in this regard.

Other Matters

- 7.17. The observation received raises concerns in relation to impacts on residential amenity including the contention that the proposal will significantly negatively affect

light levels to adjacent properties, including front rooms of Protected Structures. I highlight to the Board that the matter of impacts on residential amenity, including loss of light to Protected Structures opposite, was comprehensively assessed in the previous application on the site (ABP-311168-21). I highlight to the Board that this previous application extended to an overall height of 12 storeys (while this application is to 11 storeys). While that application was refused permission on a separate issue, the Board did not refuse permission on grounds of impacts on residential amenity. I refer the Board to this application, in particular section 11.8 of the Inspectors Report. The Protected Structures referenced are a terrace of three structures on Abbey Street (on the northern side of the street). They are not directly opposite the site.

11.8.1 Notwithstanding the comprehensive assessment that was previously undertaken in this regard, I have separately carried out a comprehensive assessment of this matter on this current application. I note that the planning authority have not raised concern in this regard. In designing a new development, I acknowledge that it is important to safeguard the daylight to nearby buildings. The permitted hostel, recently constructed, would serve short-stay visitors only while Chapter House is in office use. I note a number of four-storey over basement house (Protected Structures) on the northern side of Abbey Street facing Chapter House. Their current use is unclear but it would appear to me that they are currently not in residential use. In any event, the four-storey houses opposite Chapter House are, in the main, not immediately opposite the site and their daylight would already be impacted upon by the existing Chapter House. It is therefore acknowledged that currently there is limited residential development within the immediate environs of the Abbey Street frontage. In terms of Great Strand Street, this site is acknowledged to have a more extensive frontage and the street is narrower in width. In my opinion, this is the street with the greatest potential to be impacted upon by the proposed development.

11.8.2 I acknowledge that there may be some impacts on nearby properties as a result of the proposed development, however I consider this level of impact to be acceptable. The proposed development is located on a brownfield site identified for development in a dense, inner city location comprising primarily non-residential uses. Having regard to the scale of development permitted or constructed in the wider area and to planning policy for densification of the urban area, I am of the opinion that the impact

is consistent with emerging trends for development in the area and that the impact of the proposed development on existing buildings in proximity to the application site may be considered to be consistent with an emerging pattern of medium to high density development in the wider area. This is considered reasonable. While there will be some impacts on a small number of windows, on balance, the associated impacts, both individually and cumulatively are considered to be acceptable.

- 11.8.3 Having comprehensively assessed the appeal, I am satisfied with all other elements of the proposal and consider it to be consistent with the proper planning and sustainable development of the area. The planning authority were also satisfied and I note that all internal reports received from the planning authority expressed no objections, subject to conditions.

8.0 Appropriate Assessment Screening

- 8.1. An Appropriate Assessment Screening Report was submitted with the application documentation which concludes that on the basis of objective scientific information the proposed development, individually or in combination with other plans or projects will not have a significant effect on any European site. I refer the Board to the comprehensive assessment undertaken in relation to this matter in ABP-3111168-21. The Board did not raise concern at that time for development of similar scale to that currently under appeal. During the assessment of this current application, the planning authority screened the development for appropriate assessment. They concluded significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. They considered that a full Appropriate Assessment of this project is therefore not required.
- 8.2. I have assessed the information provided in this current appeal. I note that this is a brownfield site, located within an urban environment, approximately 2.5km from the nearest European site. The River Liffey is located approximately 84m from the development site, but there is no direct link to the watercourse from this development site. No Invasive Species listed under the third schedule of SI477 of 2011 were noted on site. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to designated European Sites, and the absence of an

ecological and/ or a hydrological connection, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

9.0 Recommendation

9.1. I recommend that permission is GRANTED, subject to conditions

10.0 Reasons and Considerations

Having regard to the Z5 zoning provision of the Dublin City Development Plan 2022-2028, the site's planning history, the pattern of development and recent permissions in the area and to the nature and scale of the development proposed, it is considered that subject the compliance with the conditions as set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would respect the character and pattern development of the area and would make a positive contribution to the streetscape. 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, 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 permitted aparthotel units shall be used as short stay residential accommodation only, with the maximum length of stay to be two months.

	<p>Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.</p>
3.	<p>All ground floor restaurant/café areas shall generally be accessible to the public during normal opening hours.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
4.	<p>The pedestrian route from Strand Street to Byrne’s Lane shall be open to the public during daytime hours. Prior to occupation of the aparthotel and retail/restaurant units the developer shall submit details for the written agreement of the planning authority of any gates to the pedestrian route, to include opening and closing times of the gates. The gates shall be permitted for a period of three years from the date of the issuing of the written agreement, and shall then be removed unless permission is granted for their retention.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
5.	<p>The 2no. proposed projecting supermarket signs shall be omitted. Details of the remaining proposed signage shall be submitted to the planning authority before the commencement of development for written agreement</p> <p>Reason: In the interest of the visual amenity of the area.</p>
6.	<p>Prior to occupation of the retail/restaurant/cafe units on the site full details of the uses of the ground floor units shall be submitted to the planning authority and written agreement obtained, and the agreed use shall thereafter be the permitted use. In the case of restaurant units, full details of measures for the control of fumes and odours from the premises shall be submitted for agreement.</p> <p>Reason: To clarify the scope of the permission, and in the interests of amenity.</p>

7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed hotel shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>In addition, prior to commencement of development full details, including samples where appropriate, of the treatment of the areas of public realm within the site boundary, including the laneways, Byrne's Lane, Upper Abbey Street and the areas in front of the permitted aparthotel, shall be submitted to the planning authority and written agreement obtained. This shall include full details of the paving materials, seating and street sculptures/lighting.</p> <p>Reason: In the interest of visual amenity and to ensure a high standard of public realm.</p>
8.	<p>Notwithstanding the provisions of the Planning & Development Regulations 2001(As Amended),no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.</p> <p>Reason: In the interests of visual amenity.</p>
9.	<p>The applicant shall ascertain and comply with all requirements of the planning authority in relation to traffic and access matters</p> <p>Reason: In the interests of safety and to ensure a satisfactory standard of development</p>
10.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
11.	<p>The applicant or developer shall enter into water and waste water connection agreement(s) with Uisce Eirreann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

12.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
13.	<p>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.</p>

	Reason: In the interests of visual and residential amenity
14.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
15.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
17.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts</p>

	<p>or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
19.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, 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.</p> <p>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.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lorraine Dockery
Senior Planning Inspector

29th August 2023