



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315379-22

#### Development

Internal demolition and refurbishment of hotel from ground floor to fourth floor level. Extension by 2 stories with a height of 29.2m and a green roof of 239.4-sq.m. is provided at roof top level. Amendments to front elevation, removal of balcony railings and signage and construction of an ESB switch room. Internally the development will include front of house, bike store and bin storage area as well as associated back of house facilities including linen store. The development includes all associated site development and site excavation works above and below ground.

#### Location

Dublin Central Inn, No. 95-98 Talbot Street, Dublin 1, D01 HR68.

#### Planning Authority

Dublin City Council North.

#### Planning Authority Reg. Ref. No.

4939/22.

#### Applicant

Ahmer Khan.

**Type of Application** Planning Permission.

**Planning Authority Decision** Refused.

**Type of Appeal** First Party.

**Appellant(s)** Ahmer Khan.

**Observer(s)** Yorkdale Limited.

**Date of Site Inspection** 9<sup>th</sup> day of September, 2023.

**Inspector** Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. No.s 95 to 98 Talbot Street, the irregular shaped appeal site has a stated site area of 900.74m<sup>2</sup>. It is located on the southern side of Talbot Street, circa 73m to the east of Talbot Street's junction with Marlborough Street and Earl Street North as well as circa 146m to the west of its junction with Gardiner Street Lower (R802) in Dublin's city centre.
- 1.2. The site contains a four-storey 20<sup>th</sup> Century much altered and extended building that is primarily in use as a 60-bedroom hotel ('Dublin Central Inn'). The main access to the Dublin Central Inn for its patrons is centrally located on the Talbot Street frontage of No.s 95 to 98 Talbot Street. With the hotel use occupying and comprising of the upper floor levels, parts of the rear of the building as well as the hard stand area to the rear.
- 1.3. The Talbot Street frontage of No.s 95 to 98 is also comprised of a number of commercial units, i.e., Units No. 97 (TUI Travel) and 95a (Dall'Italia Pastabar). These together with the yard area to the rear are indicated in the submitted drawings as being in the applicant's ownership. Whereas Unit 95 (Ella's Heaven); Unit 96 (Dublin Goldsmiths) and Unit 97a ('GSM Workshop') are indicated as being in separate ownership and falling outside the scope of this subject planning application. The shop frontage of these units is varied in their style, character, and quality. The frontage over of them however is coherent in its appearance consisting of red brick punctuated by PVC windows that include lower guardrails and a mansard shaped roof over.
- 1.4. No. 95 to 98 Talbot Street has a zero setback from the public domain which at this point contains a pedestrian pathway whose width has been restricted to accommodate a loading/unloading bay. There are also light standards and street trees present along the adjoining stretch of public domain.
- 1.5. Talbot Street is a busy thoroughfare that provides connectivity from O'Connell Street Station via Gardiner Street Lower towards O'Connell Street which lies in close proximity to the west of the site via the attractive in period quality streetscape of Earl Street North. It accommodates one-way vehicle traffic that flows in a westerly direction to where it meets Marlborough Street and Earl Street North junction. To the west of this junction Earl Street North is comprised of a pedestrianised public domain that links to O'Connell Street (Note: circa 86m to the west of the site). With the view from the

public domain bounding the site westwards including the Spire on O'Connell Street and part of the northern side of the GPO.

- 1.6. Bounding the eastern side of the site there is a 3-storey much altered in appearance period building that contains a restaurant use ('The Wooden Whisk') at ground floor level (Note: No. 94 Talbot Street). Bounding the western side of the site there is a three-storey period in appearance building that is occupied by 'Carrolls' gift shop at ground floor level (Note: No.s 98/99 Talbot Street). The western boundary of the site which extends in a southerly direction is irregularly shaped due to it including roughly midway along its length a 2-storey annex that indents into the historical plot of No. 99 Talbot Street.
- 1.7. The neighbouring buildings on the southern side of Talbot Street consist of a mixture of mainly period architectural styles and built forms. The predominant building height is three and four storeys. With the ground floor level containing a variety of commercial and retail uses.
- 1.8. Of note No. 93 Talbot Street, the neighbouring building to the east, is listed as a building of regional interest and architectural interest in the NIAH Survey (NIAH Ref. No. 50010217).
- 1.9. Further, the majority of buildings on the northern side of Talbot Street are listed in the NIAH Survey and with many of these buildings designated Protected Structures.
- 1.10. Of particular note in the site's immediate visual setting is Talbot House (No. 9 Talbot Street) which is located on the opposite side of the street (Note: RPS No. 7982 and NIAH Ref. No. 50010207). This building is rated in the NIAH as 'Regional' in its importance with its special interest being listed as 'Architectural', 'Artistic', 'Scientific, Social'. This building was designed by Jacob H. Owen and is a notable symmetrical terraced eleven-bay three-storey building over exposed basement with the original building dating to 1842. It is a key period of architectural merit that survives on the Georgian streetscape of Talbot Street.
- 1.11. The rear elevation of No. 95 to 98 Talbot Street consists of a number of additions of varying height, volume and scale with the main four storey element largely following the rear building line of the adjoining properties to the east and west. The lower height rear additions are attached to the main four storey rear elevation and rear projection. These extend the width of the plot. The rear elevation opens onto a gated area of

hard stand that appears to provide emergency fire escape, car parking and waste storage. Access to this area is via Marlborough Place with the boundary that adjoins this laneway containing a metal vehicle gate and a timber pedestrian gate. This cul-de-sac lane contains double yellow lines on either side with the lane having a mixed-use character and terminating to the south alongside the Irish Life Centre.

- 1.12. No. 4 Marlborough Place adjoins the site on its rear western side. It contains a two-storey brick period character warehouse building. Adjoining the site to the south is the aforementioned Irish Life Centre complex.
- 1.13. The site is accessible to a number of public transport links including Dublin Bus Stops, Connolly Station, the Luas Red & Green Line as well as Tara Street Station being in the vicinity. At the time of inspection, the rear yard area was also in use as car parking.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the internal demolition and refurbishment of the existing hotel from ground floor to fourth floor level and extension by 2 No. floors to provide an overall 7-storey hotel development of c. 29.2m in height consisting of 162 bedrooms (c.5,224m<sup>2</sup> GFA) over existing ground floor commercial development. The proposed development will include amendments to the front elevation including new shop front (excluding the shopfront at No. 95 Talbot Street), removal of existing balcony railings and provision of new signage. Internally the proposed development would include front of house, bike store, bin storage area as well as associated back of house facilities including, linen store, staff rooms, changing areas and associated uses. The development would also include an ESB Switch Room of 19.1m<sup>2</sup> and LV Room of 14.0m<sup>2</sup> at ground floor level and 323.6m<sup>2</sup> of plant at 7<sup>th</sup> floor level. A green roof of 239.4m<sup>2</sup> is proposed at roof top level and the development includes all associated site development, site excavation works above and below ground.
- 2.2. This application is accompanied by but not limited to the following documents:
  - Application Report
  - Hotel Demand Assessment
  - Architectural Design Statement
  - Engineering Services Report

- Outline Construction Management Plan
- Traffic and Transport Statement
- Preliminary Travel Plan
- Noise Report
- Operational Waste Management Plan
- Photomontages
- Townscape and Visual Impact Assessment
- Daylight and Sunlight Analysis
- Fire Safety Review (Note: Sets out a cumulative occupancy of the 324)
- Written Consent for the making of this application

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. By Order dated 22<sup>nd</sup> day of November, 2022, Dublin City Council issued a notification of decision to **refuse** planning permission. The two stated reasons read:

- “1. *Having regard to the height, bulk and design of this hotel scheme along Talbot Street; its setting within the historic streetscape of Talbot Street; its proximity to an important Protected Structure and to the O’Connell Street Architectural Conservation Area, it is considered that the proposed development would result in an incongruous and overbearing form of development along this street and along Marlborough Place, which would significantly detract from the setting and character of Talbot Street and Marlborough Place. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan (2016-22), would set an undesirable precedent for similar developments in the area and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the number of additional bedrooms proposed and the limited in-house hotel resident facilities it is considered that the proposed development*

*will not provide an acceptable standard of accommodation for the intended occupiers of the premises. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan (2016-22), would set an undesirable precedent for similar developments in the city centre and would therefore be contrary to the proper planning and sustainable development of the area.”*

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planning Authority's Planning Officer's report is the basis of their decision. It includes the following comments:

- Principle of the proposed development is acceptable.
- It is not accepted that the magnitude of the visual change would be medium.
- The proposed development would represent an incongruous intervention in its streetscape scene, especially in the context of 'Talbot House'.
- At seven storeys the proposed building is a floor higher than that permitted at No. 3 Marlborough Place Talbot Streets elevation (Note: P.A. Ref. No. 2588/20). In addition, the proposed plant at roof level would further add to the height.
- The proposed development would give rise to overdevelopment of the site.
- Keeping the Talbot Street façade which is of no architectural merit is questioned.
- The additional floor levels include no setback to reduce the buildings visual impact.
- The examples cited as reference relate to architecturally significant and historic buildings. This proposal is not comparable to them.
- It is accepted that no undue daylight, sunlight and overshadow impacts would arise from the proposed development on properties in its vicinity.
- The proposed hotel is not laid out in a traditional hotel manner.
- The restaurant use is not shown in the submitted drawings.
- The standard of accommodation for the intended occupiers of a hotel of this size is inadequate.

- The proposed layout includes five storey atriums with over thirteen bedrooms on each of the five floors overlooking them. The level of light entering these bedrooms is also a concern.
- No AA or EIAR issues arise.
- Concludes with a recommendation of refusal.

### 3.2.2. Other Technical Reports

**Drainage:** No objection, subject to standard safeguards.

**Environmental Health Officer:** No objection, subject to standard safeguards.

**Transportation:** No objection, subject to standard safeguards.

**Archaeology:** This report concludes with a request for **additional information** which reads:

*“The applicant shall consult with the City Archaeologist in preparing an Archaeological Assessment, as outlines in Section 3.6 of the Framework and Principles for the protection of the archaeological heritage (1999).”*

This report also includes the following comments:

- Site is located within the ‘Zone of Archaeological Interest for the Recorded Monument’ DU018-020.
- Site is also located within the ‘Zone of Archaeological Interest’ as defined in the Development Plan for which consultation with the City Archaeologist and archaeological assessment is required prior to a planning application being lodged.
- Site is located adjacent to a Recorded Monument and Place sub-constraint DU018-020498 which represents a bowling green depicted on Rocque’s map of 1756.
- The construction of the extension to the rear of the extant buildings may impact on subsurface archaeological material. There has been no consultation with the City Archaeologist nor has an archaeological impact assessment been carried out.

### 3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland (TII):** The proposed development falls within the area for an adopted Section 49 Supplementary Contribution Scheme – Luas Cross

City (St. Stephen's Green to Broombridge Line) and is not exempt from the payment of this contribution. Additionally, the site falls within an area for which a Section 49 levy is applicable for Light Rail and is not exempt from this levy.

### 3.4. Third Party Observations

- 3.4.1. A Third-Party Observation was received from the operator of 'Ella's Heaven', a café/restaurant that at the time of inspection was operating from one of the ground floor level retail units. Their submission indicates that they object to the demolition of the subject building and to the closing of their recently opened business.

## 4.0 Planning History

### 4.1. Site

- **P.A. Ref. No. 4247/17 (No. 95 Talbot Street):** On the 16<sup>th</sup> day of January, 2018, permission was **granted** subject to conditions for change of use from retail shop to coffee shop and for new signage, new window, and entrance doorway to shop front.
- **P.A. Ref. No. 2872/13 (Unit 5 of No. 95-98 Talbot Street):** On the 20<sup>th</sup> day of August, 2013, permission was **refused** for a development consisting of: 1) The change of use of the existing ground floor retail (41.2m<sup>2</sup>) for a takeout café/deli shop for the sale of soups and prepared hot and cold food consisting of salads and pre-cooked meats; 2) A new projecting non illuminated shopfront sign of 0.625m x 0.625m; and 3) A new non-illuminated fascia shopfront sign of 2.0m x 0.625m. The single stated reason for refusal included the proposal's non-compliance with the provisions of the Development Plan for the type of land uses deemed permissible on Category 2 Retail Street.
- **P.A. Ref. No. 1039/05 (No. 95-98 Talbot Street):** On the 22<sup>nd</sup> day of February, 2005, permission was **refused** for: (a) the retention of existing replacement windows at first and second floor level for 98-99 Talbot Street; and, (b) the retention of the existing double sided projecting sign. This application was made subsequent to the requirements of Condition No. 2 of P.A. Ref. No. 6059/03. The first reason for refusal related to the considerations that the pvc top opening windows were out of character with Nos. 98/99 Talbot Street, both 19th century buildings which retain much of their

original character. The second reason related to the adverse impact the signage would have on the visual amenities.

- **P.A. Ref. No. 2673/98 (No's. 98-102 Talbot Street, Talbot Lane and No. 4 Marlborough Place):** On the 6<sup>th</sup> day of January, 1999, permission was **granted** subject to conditions for a mixed use development at No's 98-102 Talbot Street and 4 Marlborough Place, Dublin 1, consisting of 4 No. 1 bedroom apartments, 3 No. 2 bedroom apartments, 1 No. 3 bedroom apartment and 8 No. guest bedrooms at first, second and third floor levels with new mansard roof, door openings in party wall at second and third floor level between Nos. 95-97 (Talbot Guest House) and No. 98-99 Talbot Street, linking guest bedrooms to the adjoining guest house, kitchen extension to restaurant, first floor, No. 100-101 Talbot Street, toilet and store extension, first floor, No. 4 Marlborough Place, change of use from office to guest bedrooms at second floor, No. 98-99 Talbot Street, change of use ground floor from theatrical storage to retail and 3 No. car parking bays at No. 4 Marlborough Place. New shopfronts to Nos. 101 and 102 Talbot Street, minor adjustments to shopfronts at 98-99 and 100 Talbot Street, elevational changes to 98-102 Talbot Street, Talbot Lane and 4 Marlborough Place.

#### 4.2. In the Vicinity

- **P.A. Ref. No. 3147/24: O'Shea's Hotel, No. 19 Talbot Street (Protected Structure):** Currently with the Planning Authority is a planning application which consists of: (i) works at ground floor level to include the demolition of the rear return and construction of new rear return to provide 3 no. new bedrooms, new stairwell and new external courtyard; (ii) revision of first floor layout and extension of first floor to provide 5 no. new bedrooms and new stairwell; (iii) provision of three-storey extension atop non-original two-storey rear element to provide 12 no. additional bedrooms; and, (iv) all ancillary works, from basement to fourth floor level, necessary to facilitate the development. The cumulative works will increase the number of hotel bedrooms from 34 to 54 no. The subject property is a protected structure (RPS No. 7991). I note that this application was lodged with the Planning Authority on the 6<sup>th</sup> day of February, 2024.

- **P.A. Ref No. 5335/22 – No. 55-56 Talbot Street:** On the 3<sup>rd</sup> day of February, 2023, the Planning Authority **granted** permission for a development that included but

was not limited to the demolition of the roof and attic space and the construction of over two additional levels facing and set back from Talbot Street, resulting in a building of five storey including ground floor level. Of note Condition No. 12 reads:

*“No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission. Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.”*

I also note previous to this application that permission was **granted** on the 8<sup>th</sup> day of December, 2022, at No. 55-56 Talbot Street for a development that included alterations and modifications to the existing building consisting of but not limited to the demolition of the roof and attic space and the construction of over two additional levels facing, and set back from Talbot Street, (Note: P.A. Ref. No. 0374/22 (SHEC)).

- **P.A. Ref. 3622/21 - Blocks 3A and 3B of the Irish Life Centre (and their associated garden areas) at the Irish Life Centre, 1 Abbey Street Lower:** On the 10<sup>th</sup> day of March, 2022, planning permission was **granted** for a development consisting of The proposed development comprises an overall increase in floorspace of c.6,686m<sup>2</sup> (from c.21,330m<sup>2</sup> to c.28,016m<sup>2</sup>) and includes but is not limited to an increase in height of Block 3A, from c.34.3m to c.38.5m and of Block 3B from c.24.3m to 31.3m (both measured from the existing podium to parapet) with plant enclosures and garden areas at roof levels.

Of note Block 3A is the highest block at the Irish Life Centre, directly behind the main plaza 'Chariot of Life' sculpture and water feature as viewed from Abbey Street Lower. Block 3B is behind (to the north) of Block 3A and both blocks are linked. Blocks 3A and 3B are bordered to the west by internal gardens and other blocks within the Irish Life Centre, to the east by Beresford Lane, to the north by other blocks within the Irish Life Centre, by Talbot Mall and by other properties facing onto Talbot Street and to the south by the Irish Life Plaza and beyond it by Abbey Street Lower.

Of further note the proposed development was permitted subject to the amendments set out in the applicant's further information response and Condition No. 5 also restricted any additional development above roof level, unless authorised by a prior grant of Planning Permission. The stated reason for this condition is in the interest of

safeguarding the amenities of surrounding occupiers and the visual amenities of the area in general.

- **ABP-308551-20 (P.A. Ref. No. 2582/20) Bounding part of the eastern boundary of the site is the Talbot Mall site, Talbot Street:** On the 15<sup>th</sup> day of March, 2021, the Board **granted** permission for a development consisting of the conversion of the existing Talbot Mall into a supermarket with ancillary bakery and part off-licence sales area together with all associated site works and services.
- **P.A. Ref. No. 2636/17 – No. 79/80, Talbot Street, Dublin 1:** On the 23<sup>rd</sup> day of August, 2017, permission was **granted** for a development consisting of the demolition of existing buildings, change of use from shop to new five storey over basement 44-bedroom hotel.

## 5.0 Policy Context

### 5.1. Local Policy Context

- 5.1.1. The **Dublin City Development Plan, 2022-2028**, is the operative plan, under which the site forms part of a larger parcel of land zoned 'City Centre - Z5'. The stated objective for 'Z5' zoned land is: *"to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity"*.
- 5.1.2. According to Section 14.7.5 of the Development Plan: *"the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development (see also Chapters 6, 7, and 15 for policies, objectives, and standards). 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. As a balance, and in recognition of the growing residential communities in the city centre, adequate noise reduction measures must be incorporated into development, especially mixed-use development, and regard should be given to the hours of operation"* and *"ideally, a mix of uses should occur both vertically through the floors of buildings as well as horizontally along the street frontage. A general mix of uses, e.g., retail, commercial, residential, will be desirable throughout the area and*

*active, vibrant ground floor uses promoted*". In addition, it indicates that 'hotel' land uses are permissible on 'Z5' zoned land.

5.1.3. Section 15.14 of the Development Plan deals with commercial development/miscellaneous development on the matter of 'hotels' and 'aparthotels'. It states: *"to ensure a balance is achieved between the requirement to provide for adequate levels of visitor accommodation and other uses in the city such as residential, social, cultural and economic uses, there will be a general presumption against an overconcentration of hotels and aparthotels"*; and, that: *"pending the outcome of an analysis of the supply and demand for tourism related accommodation in the Dublin City area (to be carried out by Dublin City Council), hotels and aparthotels will be considered on a case by case basis having regard to the location of the site and existing hotel provision in the area"*.

5.1.4. Policy CEE28 of the Development Plan sets out the Planning Authority considerations for hotel developments. They are:

- The existing character of the area.
- The existing and proposed mix of uses (including existing levels of visitor accommodation, i.e., existing and permitted hotel, aparthotel, Bed and Breakfast, short-term letting and student accommodation uses) in the vicinity.
- The existing and proposed type of existing visitor accommodation.
- The impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre.
- The need to prevent an unacceptable intensification of activity.
- The opportunity presented to provide high quality, designed for purpose spaces that can generate activity at street level and accommodate evening and night-time activities with reference made to Chapter 12 and Development Plan Objective CUO38.

5.1.5. Section 15.14.1.1 on the matter of hotel developments states that: *"hotel developments are encouraged to provide for publicly accessible facilities such as café, restaurant and bar uses to generate activity at street level throughout the day and night. Hotels are also encouraged to provide a mix of publicly accessible uses vertically throughout the building such as roof terrace restaurant and bars to further generate activity"*. Additionally, it states: *"hotel development should also be*

*accompanied by operational management plans that demonstrate how the hotel will be serviced and traffic / drop off managed. All loading, waste collection and servicing must be provided off road in a designated loading area where feasible. Pick up and drop off services can be accommodated on street subject to adequate space being provided. Hotel room size and layout should be designed and to ensure a high level of amenity is obtained to accommodate both short and long stay durations. Adequate provision should also be provided for the storage of laundry facilities and materials”.*

- 5.1.6. Policy CUO39 of the Development Plan is relevant. It states out in relation to hotels that exceed 100 bedrooms that the Planning Authority will: *“encourage the opportunity presented by new larger developments, including a requirement for all new large hotels\* and aparthotels\*, within the city to provide high quality, designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performances/theatre/music/dance venues, and/or for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening and night-time uses”.*
- 5.1.7. Section 15.5 of the Development Plan sets out Site Characteristics and Design Parameters for new developments.
- 5.1.8. Chapter 11 of the Development Plan deals with Built Heritage.
- 5.1.9. Appendix 3 of the Development Plan sets out the height strategy for the city.

## 5.2. Local – Other

- Shopfront Design Guide, 2001.

## 5.3. Regional Policy

- ***Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019:*** The primary statutory objective of the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Authority 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. RPO 6.18 is of relevance as it seeks to *“support the preparation and implementation of local authority tourism strategies and diaspora strategies. All tourism strategies and plans should include*

*clear monitoring protocols to monitor the ongoing effect of tourism on sensitive features with particular focus on natural and built heritage assets”.*

#### 5.4. National Policy and Guidelines

- **Project Ireland 2040 - National Planning Framework (NPF)**, 2018-2040, is the Government’s high-level strategic plan for shaping the future growth and development of the country to the year 2040 and within this framework Dublin is identified as one of five cities to support significant population and employment growth.

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 policy objectives that articulate the delivery of compact urban growth, including the following:

- 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.

- **Urban Development and Building Heights Guidelines for Planning Authorities**, (2018): The Guidelines highlight the need for a development plan to place more focus in terms of planning policy and implementation on reusing previously developed brownfield land building up urban infill sites. It notes that increasing building height is a significant component in making the optimum use of the capacity of sites in urban locations where transport employment, services and retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable the proper consideration of development proposals for increased building height linked with the achievement of greater density of development.

- **Architectural Heritage Protection Guidelines for Planning Authorities**, 2011: Section 1.1 of the Guidelines state: *“our architectural heritage is a unique resource, an irreplaceable expression of the richness and diversity of our past. Structures and places can, over time, acquire character and special interest through their intrinsic quality, continued existence and familiarity. The built heritage consists not only of great*

*artistic achievements, but also of the everyday works of craftsmen. In a changing world, these structures have a cultural significance which we may recognise for the first time only when individual structures are lost or threatened. As we enjoy this inheritance, we should ensure it is conserved in order to pass it on to our successors”.*

- **Climate Action Plan, 2023:** This plan refers to the need to reduce car parking, both for developments and on-street. Alternative construction materials should be substituted for high carbon products.
- **National Sustainable Mobility Policy, 2022:** This policy document aims to support this modal shift between now and 2030, through infrastructure and service improvements, as well as demand management and behavioural change measures. This is with a view to encouraging healthier mobility choices, relieving traffic congestion, improving urban environments and helping to tackle the climate crisis. It also takes account of Ireland's commitment to a 51% reduction in our carbon emissions by 2030 and to reach net zero by 2050.
- **Places for People – the National Policy on Architecture, 2022:** This document provides national policy on architecture and outlines ways to promote and embed quality in architecture and the built and natural environment over the coming years in Ireland.

## 5.5. Natural Heritage Designations

- 5.5.1. The site does not form part of or adjoin a Natura 2000 site. The nearest such sites are the Special Protection Area of South Dublin Bay and River Tolka Estuary (Site Code: 004024) which is located c2.1km to the north east of the site and the South Dublin Bay SAC (Site Code: 000210) which is located c3.4km to the south east as the bird would fly.

## 5.6. EIA Screening

- 5.6.1. See completed Appendix 1 Form 1 attached to this report.
- 5.6.2. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood significant effects on the environment arising from the proposed development.

5.6.3. Conclusion: EIA is not required.

## **6.0 The Appeal**

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

6.1.1. The First Party's grounds of appeal can be summarised as follows:

- The Board is sought to overturn the Planning Authority's decision.
- The proposed building height is not inconsistent with other buildings in this area and there are multiple development proposals for the North Inner-City area which include vertical extensions or propose structures of increased height which have been granted permission by the City Council.
- The Sunlight & Daylight Report supports that the building would be appropriately scaled in its resulting height and mass.
- The proposed development would contribute positively to a varied streetscape.
- There are a multitude of amenities within a 1km radius of the site and modern city centre hotel accommodation tend to provide a different offer.
- Should the Board consider that amendments are needed to deal with the Planning Authority's reasons for refusal an alternative design option provides further mitigation measures that significantly alter the layout and nature of the proposed development. The alterations are detailed as consisting of:
  - Setback of the 7<sup>th</sup> floor Talbot Street and redesign of this frontage.
  - Reduction in total number of hotel bedrooms to 158.
  - Redesigned ground floor plan increases the front of house space by 193.6m<sup>2</sup> to 293m<sup>2</sup>.
- An additional design option also puts forward a recessed fifth-floor level that would result in an amended internal layout of 25 no. guest bedrooms including 2 no. accessible guest bedrooms at this level.

### **6.2. Planning Authority Response**

- 6.2.1. Should the Board be minded to grant permission it is requested that Section 48, Section 49 Luas X City and Bond Conditions be imposed.

### 6.3. **Observations**

- 6.3.1. The Third-Party Observation can be summarised as follows:

- The appellant's appeal submission makes changes that, if permitted, have the potential to impact the future redevelopment potential of their property, i.e., No. 98/99 Talbot Street.
- Concern is raised in relation to the glazing included in the western boundary of the upper levels. This would directly adjoin their property adversely impacting upon any future additions or alterations above second floor level.
- The design of the uncovered external void would also further impact the future redevelopment potential for their property.
- New developments should be cognisant of surrounding buildings.

### 6.4. **Further Responses**

- 6.4.1. This response seeks to address the Third Party's concerns by way of including a revised design option for the Boards consideration. This consists of a setback of the 7<sup>th</sup> floor level fronting Talbot Street, a redesign of this frontage and the removal of glazing from the north-west corner of the upper floor levels.

## 7.0 **Assessment**

### 7.1. **Introduction**

- 7.1.1. I have carried out an inspection of the site and its setting, carried out an examination of all documentation on file, including *inter alia*, the First Party appeal, the response of the Planning Authority and the Third-Party Observation received by the Board together with had regard to all relevant planning policy provisions. From this examination it is my considered opinion that the main issues in this appeal case relate to the Planning Authority's given reasons for refusal alongside the potential future redevelopment concerns raised by the Third Party for their adjoining property.

7.1.2. I also note to the Board that Dublin City Council have adopted the Dublin City Development Plan, 2022-2028, since they issued their decision in relation to the proposed development sought under this subject planning application. I therefore propose to assess this appeal case based on this current operative plan and under the following broad headings:

- Principle of Proposed Development
- Amenity Impact
- Quality of Hotel Accommodation
- Other Matters Arising
- Appropriate Assessment

7.1.3. I consider that there is also an outstanding issue in relation to the potential for subsurface archaeology to be present below the hard stand to the rear which also requires comment prior to commencing my assessment below. Outside of this issue I consider that the proposed development in general gives rise to no other substantive concerns that could not be overcome by way of standard conditions appropriate to this site's location.

7.1.4. I consider the issue of subsurface archaeology to be a **new issue** in the context of this appeal case as I note that it is not an issue raised by the Parties in this appeal case. Notwithstanding this fact, as a precaution I note that the City Archaeologist in their report in relation to the proposed development concluded with a request for additional information. This was not sought as the Planning Authority was minded to refuse planning permission for the proposed development on other substantive grounds. In this regard the City Archaeologist sought consultation with them and the preparation of an Archaeological Assessment of the proposed development for them to make an informed evaluation of the proposed development in relation to potential of the site to still contain subsurface archaeology. Their request was based on a number of factors. Firstly, the site being located within the 'Zone of Archaeological Interest for the Recorded Monument' DU018-020; secondly, the site is located within the 'Zone of Archaeological Interest' as defined in the Development Plan and for which such consultation and assessment is required as part of a planning application; through to

thirdly the site is located adjacent to a Recorded Monument and Place sub-constraint DU018-020498.

- 7.1.5. To this I note that Policy BHA26 of the current Development Plan sets out that consultation is to be had with the City Archaeologist and the preparation of an archaeological assessment prior to a planning application being lodged in such archaeologically sensitive locations. This is the same requirement as under the previous Development Plan.
- 7.1.6. Therefore, should the Board be minded to grant permission for the proposed development I consider that it is appropriate and reasonable that at a minimum a requirement by way of condition be included for consultation with the City Archaeologist and the preparation of an Archaeological Assessment for their written agreement prior to the commencement of development. Alongside this as a further precaution a condition be imposed requiring archaeological testing and appropriate supervision of all below ground excavation, demolition and construction works given the location of the site within a zone of archaeological potential in what is a historic location within Dublin's city centre.
- 7.1.7. In relation to these requirements, I consider that the site in its current state is not one that is suitable for subsurface archaeological investigation before permission is granted. With this conclusion based on the fact that this is not a vacant brownfield site, and it accommodates existing buildings as well as use of its hard stand area to the rear. However, this fact does not in my view preclude consultation with the City Archaeologist and/or the preparation of a preliminary archaeological assessment in compliance with the Development Plan requirements for new developments at this type of sensitive to change location.
- 7.1.8. I also consider that the potential for nuisances to arise during the demolition, construction, and operational phases of the proposed development, if permitted, can be appropriately dealt with by way of standard conditions. Moreover, there is adequate capacity in the public infrastructure to meet the needs generated by the proposed intensification of development sought, i.e., the increase in hotel bedrooms from c60 to 162 and the increased site coverage to 92.09%, subject to safeguards.
- 7.1.9. Prior to the commencement of my assessment, I also note to the Board that the First Party Appellant has submitted revised design options with both their appeal

submission and as part of their response to the Third-Party Observers submission to the Board.

- 7.1.10. In this regard, the appellant's preference as set out in their appeal submission is that the Board consider their original proposal as submitted to the Planning Authority on the 28<sup>th</sup> day of September, 2022. However, they indicate a willingness for the consideration of their revised design options should the Board share the Planning Authority's concerns in relation to the proposed development. With the final design option put forward on the 22<sup>nd</sup> day of February, 2023. This final revised design option essentially consists of the setback of the 7<sup>th</sup> floor at Talbot Street resulting in 158 bedrooms, a redesigned ground floor plan which includes an additional 193.6m<sup>2</sup> of front of house space thus increasing the front of house from 99m<sup>2</sup> to 293m<sup>2</sup>, a substantial redesign of the Talbot Street façade and the removal of glazing from the Talbot Street frontage from the north western corner and its replacement with a blank gable wall as part of safeguarding the Third Party's property of No. 98/99 Talbot Street.
- 7.1.11. I am satisfied that the final design option would not give rise to any new issues for the adjoining properties to the east and south alongside I am cognisant that the adjoining property owner of No. 98/99 Talbot Street and the Planning Authority have been given adequate opportunity to comment upon the amended design. Further the setback of the 7<sup>th</sup> floor level would reduce the mass of the proposed upper floor levels and thus result in less overshadowing arising.
- 7.1.12. In relation to the submission of revised design options for a proposed development, it is not an uncommon practice in the appeal process for the Board to receive these from an applicant. Particularly in the case of First Party Appeals. Notwithstanding, my primary concern in relation to the scope of amendments put forward by the First Party is that whilst they give rise to a modest reduction in mass, scale, and volume of the resulting end building's overall built form they would give rise to a materially different outcome for the existing Talbot Street frontage from that originally proposed in the original application submitted to the Planning Authority.
- 7.1.13. On this point I note to the Board that the public notices set out that the proposed development consists of:

*“amendments to the front elevation including new shop front (excluding the shopfront at No. 95), removal of existing balcony railings and new signage” and “extension by 2 no. floors to provide an overall 7-storey hotel development of c. 29.2m in height”.*

Whereas the changes sought include substantially different elevational treatment addressing Talbot Street from ground to the upper additional floor levels proposed.

7.1.14. In relation to these more extensive elevational changes, I consider that it is also not clear from the documentation provided that these changes can be made without more extensive demolition than that which is indicated in the submitted drawings. In tandem I am not convinced that what is remaining of the building as depicted in the submitted drawings is structurally sound to accommodate the further scope of design changes proposed. Further, these changes also are in the context of a principal façade that addresses a historic streetscape scene. With many buildings within the immediate visual context designated as Protected Structures. The most significant of which is the Protected Structure of Talbot House on the opposite side of Talbot Street. The Talbot Street frontage also forms part of a visual setting whereby it is visible from nearby Architectural Conservation Areas and Conservation Areas, including O’Connell Street ACA. With the existing frontage above ground floor level with its brick finish, similar parapet height and similar verticality in its solid to void treatment echoing the many surviving period terrace buildings that address either side of Talbot Street.

7.1.15. Having regard to these concerns I raise caution to the Board that the level of change could be considered to go beyond that a lay person could reasonably envisage from the public notice descriptions setting out the nature, scope and extent of development sought under this application.

7.1.16. For these reasons and for clarity my assessment below is based on the proposed development as submitted to the Planning Authority on the 28<sup>th</sup> day of September, 2022, and where mention is made to the revised design option, the option I refer to is the final one proposed on the 22<sup>nd</sup> day of February, 2023.

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

7.2.1. The appeal site forms part of a larger parcel of land in the historic centre of Dublin City that is zoned ‘Z5’ under the Development Plan. The land use zoning objective for such land as provided for under Section 14.7.5 of the Development Plan seeks to consolidate and facilitate the development of the central area and to identify, reinforce,

strengthen, and protect its civic design character as well as dignity. Alongside the strategy for the development of the central area Dublin city is to provide a dynamic mix of uses which interact with each other through to sustain the vitality of the inner city both by day and night.

- 7.2.2. The appeal site in its existing state contains a mixed-use building that contains a number of commercial units at ground floor level and a 60-bedroom hotel. This existing mix of land uses is consistent with the land uses listed as permissible under Section 14.7.5 of the Development Plan and they sit comfortably with the variety of land uses within this central city setting.
- 7.2.3. The proposed development seeks to maintain the general mixed-use character of No. 95 to 98 Talbot Street but seeks to increase the provision of hotel bedrooms to 162. This would be achieved by way of internal demolition, refurbishment, and significant extension of floor area to the rear and upwards to an overall maximum height of 7 floors (Note: 29.2m in height). As said the land uses are established on site and are uses that are listed as permissible under Section 14.7.5 of the Development Plan. With Section 15.1 of the Development Plan encouraging the rejuvenation of urban areas by way of reutilising existing buildings and brownfield sites including by way of increased height subject to compliance with qualitative assessments. This approach is also encouraged by the National Planning Framework under NPO 6, 13 and 35 as well as RSES under RPO 4.3 and 5.4, subject also to qualitative safeguards.
- 7.2.4. Further, I note to the Board that there is no information on file that would support that there is an over-concentration of hotel bedrooms within this area of Dublin's city centre nor does the Planning Authority in their determination of this application or the Third-Party Observer raise this as issue in relation to this proposed development.
- 7.2.5. Moreover, the Development Plan contains a number of policies that seek to support the tourism sector with these including Policies CEE8, CEE26 and in relation to hotels Policy CEE28.
- 7.2.6. Additionally, the existing building on site is of no architectural or other merit internally or externally to warrant its protection and the site is centrally located where it is highly accessible from different modes of public transport. As such the proposed development, including the removal of existing car parking to the rear of the site to utilise this central city serviced site more efficiently is not inconsistent with local

through to national planning policy provisions including the Climate Action Plan, 2023 and the National Sustainable Mobility Policy, 2022, subject to safeguards. With the safeguards including for example that appropriate arrangements be made for deliveries, collections, and the like within its immediate environs without adversely impacting upon traffic flow and road users of both Talbot Street, Marlborough Place as well as Talbot Lane.

- 7.2.7. In summary, I consider that the proposed development, is a sustainable location to meet the demands for short-stay accommodation in Dublin's city centre, subject to qualitative safeguards particularly in respect of design and amenity and I therefore consider that it is acceptable in principle.

### **7.3. Amenity Impact**

- 7.3.1. The first reason given by the Planning Authority in their decision to refuse permission for the proposed development raised concerns over the height, bulk, and design of the proposed development, particularly in the context of Talbot Street. In relation to the Talbot Street itself it considered that it is a historic streetscape scene that included a number of Protected Structures and with the site also being in proximity to the O'Connell Street Architectural Conservation Area. In this context the Planning Authority considered that the proposed development would result in an incongruous and overbearing form of development.
- 7.3.2. It was also considered by the Planning Authority in this first reason for refusal that the proposed development would be visual incongruity and overbearing from Marlborough Place.
- 7.3.3. It was therefore considered that the proposed development would significantly detract from the amenities of these streetscape scenes in terms of their setting and character.
- 7.3.4. Further concern was raised by the Planning Authority as part of this first reason for refusal was that, if permitted, the proposed development would give rise to an undesirable precedent for other similar developments.
- 7.3.5. For these reasons the Planning Authority considered that the proposed development would be contrary to the provisions of the Dublin City Development Plan, 2016-2022, and would in turn be contrary to the proper planning and sustainable development of the area. As said the 2016-2022 Development Plan has since been superseded.

- 7.3.6. I am cognisant that local through to national planning policy provisions are generally supportive of additional height as part of achieving more compact and sustainable urban development at appropriate locations.
- 7.3.7. For example, 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 appeal site's city centre location. Being in close proximity to Connolly Station, Luas Line Stops, Busáras, public / private operated bus service stops through Dublinbike Stations, I consider that, in principle, increased height at such a highly accessible and well-connected city centre location is acceptable, subject to safeguards.
- 7.3.8. In relation to the Sustainable Residential Development and Compact Settlement Under Section 3.4.2 it also recognises that historic environments historic environments can be particularly sensitive to change. It sets out that new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character including historic character. Under Chapter 4 it states that: *"the height, scale and massing of development in particular should respond positively to and enhance the established pattern of development (including streets and spaces)"* and that: *"the urban structure of new development should strengthen the overall urban structure and create opportunities for new linkages where possible"*.
- 7.3.9. The Architectural Heritage Guidelines under Section 13.8 on the matter of development affecting the setting of a Protected Structure or an Architectural Conservation Area, sets out that in dealing with applications for works outside of the curtilage and attendant grounds of a protected structure or outside an ACA which have the potential to impact upon their character, similar consideration should be given as for proposed development within the attendant grounds.
- 7.3.10. In addition, Section 13.8.2 states that: *"new development both adjacent to, and at a distance from, a protected structure can affect its character and special interest and impact on it in a variety of ways. The proposed development may"..."take the form of a new structure within the attendant grounds of the protected structure. A new*

*development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure directly about the protected structure”.*

7.3.11. I further note, under Section 13.8.3 it states: *“large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA”.*

7.3.12. At a local planning context level, Appendix 3 of the Development Plan sets out that at strategic level it recognises that Dublin City has an intrinsic quality as a predominantly low-rise city in terms of its building height. It states that: *“there is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. In particular, development proposals must be sensitive to the historic city centre”.* It goes on to state that: *“it is important to protect the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city and create opportunities for place making and identity”.* In keeping with this the Development Plan identifies opportunities for where height will be promoted on sites under Section 4, subject to the performance criteria set out in Tables 3 and 4 being demonstrated.

7.3.13. In relation to Section 4, a key location is identified as the city centre and in such areas in accordance with the Building Height Guidelines the default height of 6-storeys is promoted but this is subject to site specific characteristics, heritage, environmental and other considerations. In relation to increased height in sensitive city areas it states that such applications: *“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”.*

7.3.14. The proposed development sought under this application effectively seeks to increase the existing building’s height which has a four-storey parapet height addressing Talbot Street to 6 storeys and 7storeys in relation to Marlborough Place.

7.3.15. The immediate Talbot streetscape context is one where the adjoining and prevailing pattern of buildings that address Talbot Street are 3 to 4 storeys in height. With these buildings mainly forming a highly coherent period terrace groups that display a high level of building uniformity in terms of their architectural style, detailing, parapet height,

solid to void ratios through to a coherent palette of materials. There is however some variety observable to these buildings that reflect the mix of different commercial through to retail uses at ground floor level addressing the public domain of Talbot Street.

- 7.3.16. The submitted drawings show that the existing building on site has a parapet height of 17.3m with these drawings also indicating that this raises to between 19.8m and 21m to the rear as a result of the mansard shape roof and plant. There are also projections that exceed this in terms of telecommunication type structures and the like that break above the roofline.
- 7.3.17. In terms of the adjoining properties on Talbot Street the contextual drawings show that the existing buildings height sits above that of the existing adjoining buildings to the east and west. Both of these adjoining buildings have a three-storey height and similar ridge heights to one another. With the drawings indicating that the adjoining building to the west, i.e., No. 99 Talbot Street, has a ridge height of 16.2m. To the rear the adjoining building of No. 4 Marlborough Place sits below these heights.
- 7.3.18. As said the proposed development seeks to provide two additional floor levels addressing Talbot Street. With this elevation having a given height of 24.1m and with this height consistent along its 25.5m Talbot Street frontage width.
- 7.3.19. I also note that the additional height sits above the parapet level and is not setback from the existing parapet. The latter is a design approach taken on other examples where additional height has been provided above that of the historic 3 to 4 storey parapet height that as said predominantly characterise Talbot Street's streetscape scene as well as the wider visual setting including North Earl Street, Marlborough Street through to Gardiner Street Lower.
- 7.3.20. Towards the southern portion of the site the additional building height rises to a seven-storey (Note: 29.2m) built form with a separation in the form of a 5-storey atrium which is proposed in between it and the Talbot Street six storey element. This is a significant departure from the existing Marlborough Place streetscape context in both height and mass of what is a highly uniform roofline and skyline. With the rear elevation of the building falling to a maximum height of 12.5m along its length and width addressing the hard stand yard area. As such the additional height of buildings from the centre to

the rear of the site ranges from between 16.7m to 29.2m given that the additions extend towards the side and rear boundaries of the site.

- 7.3.21. The recently adopted City Development Plan sets out an indicative plot ratio for the central area as being 2.5-3.0 with an indicative site coverage of 60-90% (Note: Table 2, Appendix 3).
- 7.3.22. The stated site coverage in this current appeal is 92.09% and the stated plot ratio is 4.14.
- 7.3.23. In terms of plot ratio and site coverage I note that both values set out in the Development Plan are 'indicative' only which, in my opinion, can be interpreted that flexibility is allowable subject to safeguards.
- 7.3.24. Further, the Development Plan states that higher plot ratio may be permitted in certain circumstances such as adjoining major public transport corridors through to maintaining existing streetscape profiles and where a site already has the benefit of a higher plot ratio.
- 7.3.25. Of concern the proposed six storey and seven storey additions sought are at variance with the existing predominant streetscape profile of terrace buildings fronting either side of Talbot Street and within the visual setting of this historic streetscape scene. It is also significantly different to the lower profile buildings that front onto the narrow and restricted in width of the adjoining stretch of the Marlborough Place cul-de-sac lane.
- 7.3.26. Of further note in relation to site coverage proposed is that the Development Plan sets out that it is a control for the purposes of preventing the adverse effects of over development. Thereby, safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. It is therefore a tool that is particularly relevant in urban locations where open space and car parking standards may be relaxed.
- 7.3.27. In this regard I raise a concern that the sunlight and daylight penetration for hotel bedroom windows addressing the restricted in width with an east west orientated five storey atrium space are dependent upon the adjoining properties on either side not being developed above their existing height. As such development would have the potential to diminish the level of sunlight and daylight to these windows significantly throughout the year further diminishing their internal amenity. With I note there is over 13 bedrooms on each of the five storeys addressing atrium space, with the width being

circa 3.35m and with centrally placed link also resulting in overshadowing of these hotel bedroom windows.

7.3.28. In terms of building height, I consider that this is of particular concern having regards to the Planning Authority's first given reason for refusal and having regard to the site occupying a terrace infill location that fronts onto the historic streetscape scene of Talbot Street and Marlborough Place.

7.3.29. I also again reiterate that a new City Development Plan has been adopted since the decision of the Planning Authority issued. With one of the main differences between the previous Development Plan and that currently in place, is that the blanket numerical values contained in the previous Plan have been omitted, with Appendix 3 setting out the Height Strategy for Dublin city.

7.3.30. The current Development Plan under Appendix 3 indicates that the general principle is to support increased height and as said promotes a default position of 6 storeys for the city centre, but this is subject to site specific characteristics, heritage/environmental considerations, and social considerations. It further indicates that in considering locations for greater height, that 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 locational context and subject to assessment against the performance-based criteria for assessing proposals for enhanced height, density, and scale which is set out in its accompanying Table 3. Thus, an assessment of the proposed development against the 10 no. objectives of Table 3 is necessary. This is provided in the Table 1 below:

**Table 1**

	Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
1.	To promote development with a sense of place and character	<p><b>Considered not to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>The proposed part 6 and part 7-storey building height fails to respect and/or complement existing and established surrounding urban structure. It is at odds with the predominant 3 to 4 storey parapet height of buildings that address both sides of Talbot Street. The additional height of the proposed additions would be highly visible as a standalone addition that would sit above the parapet height, roofline, and skyline of buildings on either side of it on Talbot Street and within its historic low rise urbanscape.</li> </ul>

		<ul style="list-style-type: none"> <li>The proposed design concept by seeking to retain a frontage above ground floor level largely as is results in a missed opportunity to provide a more qualitative architectural design response and concept for No.s 95 to 98 Talbot Street. This together with the additional height, mass and volume which is out of character with the mainly Georgian period building stock would result in a building that is not light weight in its appearance and would ultimately result in a mismatch of architectural resolution for the site which would be detrimental to the visual character and intrinsic qualities of both Talbot Street and Marlborough Place. But also, in an urbanscape setting where departures of building height, mass and scale where more recently been permitted result in more qualitative architectural responses that have added interest and built solutions appropriate of their time.</li> </ul>
2)	To provide appropriate legibility	<p><b>Considered not to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>The proposed additions that would give rise to a 7 storey in height overall building when taken together with the overall width, depth and massing would diminish and be at odds with the highly coherent roofline and skyline legibility of Talbot Street and its overall low rise urbanscape. The additional height proposed would particularly break the parapet legibility of Talbot Street which is characterised by its 3 and four storey height of its terrace building stock. The additional height fronting onto the Talbot Street elevation at a mid-terrace location would result in a jagged protrusion of the roofline and skyline in a manner that would erode this surviving highly legible Georgian historic streetscape scene. A scene which includes several Protected Structures in the immediate visual setting of the site, including Talbot House opposite, as well as the historic urbanscape that inform nearby Architectural Conservation Areas and Conservation Areas.</li> </ul>
3)	To provide appropriate continuity and enclosure of streets and spaces	<p><b>Considered not to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>Given that Talbot Street has a predominant three to four storey parapet height the additional six and rising to seven storey height proposed would not be respectful of the harmony that exists in the enclosure of its streetscape scene. This is due to the proposed additional height being a significant departure from adjoining and neighbouring buildings that define either side of Talbot Street. The additional height would also significantly project above buildings that align Marlborough Place. Overall, the proposed development because of its height, massing and volume would result in an overbearing and visually dominant new addition that would break the enclosure and continuity of buildings that address the streetscape scenes of Talbot Street and Marlborough Place. But also, it would be highly visible from beyond these streetscape scenes due to the low-rise nature together with the building to space relationship that characterise the surrounding urbanscape setting.</li> </ul>
4)	To provide well connected, high quality and active public and communal spaces	<p><b>Considered not to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>This site is of restricted size which limits the provision of any communal space, particularly given the site coverage proposed and the maintenance of a zero setback from the public domain of Talbot Street and the green roof is of no design quality nor is there any details to suggest that it would give rise to high quality useable open space for patrons of the hotel and/or staff or would it be of any substantive other merit, i.e., SuDS and/or biodiversity.</li> </ul>

		<ul style="list-style-type: none"> <li>• The central five storey atrium serving the upper levels of the proposed additional floors is highly dependent on the adjoining properties to the east and west not being developed due to its general east west axis, its limited width and the central link which further compromises light penetration to this space.</li> <li>• The proposed development does not seek to prioritise cycle parking at a scale that is reflective of the quantum of commercial/retail and hotel bedroom spaces that would arise from the proposed development of No.s 95 to 98 Talbot Street cumulatively (Appendix 5 – Cycle Parking Standards).</li> <li>• The proposed development does not seek to provide any independent loading/unloading facilities including on the less trafficked Marlborough Place to mitigate the loss of any car parking/loading facilities that currently exists to the rear of No.s 95 to 98 for its existing mix of uses.</li> </ul> <p>As such the proposed intensification of development sought is dependent upon kerbside parking on Talbot Street where it is highly in demand given that most properties have no independent access to the rear of their properties, and they have zero setback of their frontage.</p> <p>I am not therefore convinced that the proposed intensification of hotel bedrooms would not give rise to an unfair additional burden on the existing kerbside loading space and in turn that it would not disenfranchise other businesses along this stretch of Talbot Street in terms of access to kerbside loading in their vicinity.</p>
5)	To provide high quality, attractive and useable private spaces	<p><b>Considered not to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>• The proposed green roof is not designed to provide any amenity value for patrons or staff of the hotel. It also lacks details.</li> <li>• The central five storey atrium space is dependent upon the adjoining blocks to the east and west not being developed. Even if these adjoining blocks are not built upwards like is proposed in this application the proposed atrium space is also of a limited width (Note: 3.35m) and the bedroom windows addressing this atrium are likely to still be significantly overshadowed for significant durations during most months of the year.</li> <li>• Though this is a hotel development and customers of the hotel are likely to be predominantly short stay there would be a high degree of overlooking between the hotel bedrooms addressing the central five storey atrium with over 13 bedrooms on each of these floors impacted and with a width of c3.35m between windows.</li> </ul>
6)	To promote mix of use and diversity of activities	<p><b>Considered to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>• The cumulative development that would result at No.s 95 to 98 Talbot Street would result in a mixed use with additional short stay accommodation capacity which would contribute to the vitality and vibrancy of this central city highly accessible location which is close to key shopping streets as well as employment hubs in turn having the potential to positively contribute to the formation of a 'sustainable urban neighbourhood'.</li> </ul>
7)	To ensure high quality and environmentally	<p><b>Considered not to achieve this objective</b> due to the following:</p>

	sustainable buildings	<ul style="list-style-type: none"> <li>The proposed additions and resulting built form would result in poor natural daylight, ventilation and privacy to the hotel bedrooms facing into the central five storey atrium space. These bedrooms are also likely to be compromised by heavy overshadowing and would likely to be heavily reliant on artificial ventilation systems due to the limited distance between opposing windows addressing the atrium space.</li> <li>Despite the reuse of part of the external and internal building fabric there is limited evidence to support that the proposed development would incorporate robust use of sustainable technologies as well as would be energy efficient and/or a climate resilient.</li> <li>The proposed development, if permitted, as set out in the accompanying drawings submitted with this application would compromise the future redevelopment potential of the adjoining sites to the east and west because of the positioning, axis, and orientation of the atrium space.</li> </ul>
8)	To secure sustainable density, intensity at locations of high accessibility	<p><b>Considered to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>The site is located in a central city location with high accessibility to various modes of public transport that include high-capacity and high frequency service with good links to other modes of privately provided bus transportation that provides connectivity to the outskirts of Dublin city, its hinterland, and other settlements throughout the country.</li> </ul>
9)	To protect historic environments from insensitive development	<p><b>Considered not to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>If permitted the proposed development would have an adverse impact on the character and setting of Talbot Streets historic streetscape scene. In particular, the visual setting of Protected Structures including Talbot House opposite and other period Georgian terraces in its immediate vicinity that are afforded similar protection. Additionally, the seven-storey height would be visually at odds with the three and four storeys mainly period in character terrace buildings that predominates Talbot Street and visual setting of nearby ACA's including O'Connell Street and Earl Street North.</li> <li>There is a lack of archaeological assessment with this application to provide assurance that the proposed development would not give rise to any undue impact on yet to be discovered sub surface archaeological heritage of interest.</li> </ul>
10)	To ensure appropriate management and maintenance	<p><b>Considered to achieve this objective</b> due to the following:</p> <ul style="list-style-type: none"> <li>The management of the proposed development can be appropriately dealt with adequately by means of standard conditions and safeguards.</li> </ul>

7.3.31. As set out in Table 1 above, the proposed development overall does not meet all or most of Table 3's performance-based criteria for the assessment of buildings of additional height, density, and scale. With the principal concern that consistently arises in the assessment of the proposed development against the ten objectives is

the concern that the proposed seven storey height, mass and scale would be at odds with the character and visual harmony of its historic streetscape scenes and sensitive to change urbanscape. Additionally, the ability of this setting to accommodate the additional height, mass and scale against Protected Structures, Architectural Conservation Area and Conservation Area's visual settings is also a substantive concern that in my view requires further examination.

- 7.3.32. I also note that Section 5 of Appendix 3 of the Development Plan considers taller buildings are generally considered as substantially taller than their surroundings and they cause change to the skyline which I consider is the case with this proposal. This section of the Development Plan acknowledges that appropriately located tall buildings can contribute to the development of sustainable neighbourhoods particularly in terms of optimising the capacity of sites which are well connected to public transport as well as have access to services and amenities.
- 7.3.33. It also acknowledges that conversely, they can be detrimental to the character of an area where they are unsuitable and therefore it is essential that taller buildings are directed to locations that can positively absorb their built form without significant adverse impacts including in areas where there is protection given to sensitive urban character and city's heritage assets.
- 7.3.34. It further sets out that all proposals for taller buildings are required to demonstrate that they accord with the performance criteria set out under Table 4. This proposal for the reasons set out above and in the following sections does not.
- 7.3.35. In particular as discussed it would not make a positive contribution to its built environment, it is not of any exemplar of architectural or sustainability quality, its roofscape does not positively contribute to the skyline of this low-rise city centre area, it does not provide any transition in scale with lower in height buildings adjoining it through to it does not positively contribute to the character of this areas 'sense of place'. Overall, it would not contribute in a meaningful way to the legibility of the city and contribute positively to the skyline in a manner that could be considered to accord with the performance criteria set out under this section of Appendix 3 or the performance criteria set out under Table 4.
- 7.3.36. In relation to the built heritage concerns commented on above to this I note that the Talbot Street streetscape scene is one where its visual attributes is contributed to by

the surviving coherence and harmony of its mainly Georgian three to four storey parapet height and modest inconspicuous roof structures over buildings, the strong coherence of horizontal and verticality in its solid to void treatments through to the consistency of its palette of materials.

- 7.3.37. In this context I consider that the overall height of No. 99 Talbot Street, the adjoining property to the west, is representative of the significant and material difference in height proposed under this application and as amended by the revised design option put forward with the appellants final response to the Board.
- 7.3.38. In this context the proposed additional height would range from 7.9m in terms of the Talbot Street frontage to 13m when compared with the seven-storey element proposed.
- 7.3.39. The height of No. 99 Talbot Street appears to not be dissimilar to the three-storey parapet height to Talbot House opposite. With Talbot House being in my view one of the most notable period buildings addressing Talbot Street that is afforded Protected Structure designation and is situated directly opposite the Talbot Street frontage of the site.
- 7.3.40. Moreover, it is not dissimilar in its height to most of the adjoining and neighbouring building to the west and east of the site on the southern side of Talbot Street or indeed the group of Georgian period terrace's buildings on the opposite side of Talbot Street that are also afforded Protected Structure designations.
- 7.3.41. Further there is little variation in terms of the three and four storey height along Talbot Street along its length on either side from where it meets Earl Street North to the west and Gardiner Street Lower to the east. With the streetscape scenes beyond this also similarly characterised by their coherent low rise three to four storey heights that echo this part of the city's surviving Georgian design and layout.
- 7.3.42. It is also of note that this visual setting which includes Earl Street North, O'Connell Street and Marlborough Street are afforded protection as Architectural Conservation Areas. Moreover, O'Connell Street, Earl Street North and Marlborough Street also form part of a designated Conservation Area.
- 7.3.43. From these view points and the westerly view from Talbot Street's junction with Gardiner Street Lower the streetscape is characterised by the coherence and harmony

of its mainly period building stock and their low rise three to four storey's building height and overall built forms. With this historic building stock having a strong sense of verticality in its solid to void treatment and also a strong horizontal harmony by way of the harmony that arises in terms of parapet height and not highly visually conspicuous roof structures.

- 7.3.44. Exceptions to this is the modest setback of Talbot House, however, this three-storey stone period building has a pronounced strong parapet horizontal banding along its Talbot Street frontage with this and its height harmoniously sitting alongside other surviving less opulent mainly Georgian terrace buildings and with its stone enclosure of its modest setback from the street adding visual but harmonious interest to a streetscape scene that is otherwise fronted by buildings with zero setback from the public domain.
- 7.3.45. Other exceptions include the modern insertions of the adjoining Irish Life Centre complex of buildings and space. With the Irish Life building where it fronts Talbot Street to the east of the site though being of a more modern architectural addition notwithstanding, maintaining a strong parapet height and horizontal banding that marries in with adjoining and neighbouring properties. In particular, the adjoining period property of No. 93 Talbot Street that is listed in the NIAH as being a building rated as regional in importance and of architectural interest and the grey colour banding echoes the stone colouration of Talbot House in its vicinity. The roof structure over the Irish Life Centre's Talbot Street frontage includes a setback roof structure with small dormers. These reflect the strong verticality that exists among buildings that front either side of Talbot Street solid to void treatments as well as the provision of less conspicuous visually additions above parapet height.
- 7.3.46. A further exception is the modern insertion at No. 11 Talbot Street opposite the Irish Life Centre Talbot Street frontage. This building is a storey higher than buildings adjoining and neighbouring it to the east and west. It is also a single storey and/or two storeys higher than the three to four storeys in height building stock that characteristically fronts the northern side of Talbot Street. With its six-storey height provided at a setback from its mainly five storey and part four storey Talbot Street frontage.

- 7.3.47. In this context the additional six storey Talbot Street frontage and the seven-storey built form would in my view be a standalone highly visible and legible built projection that would sit prominently above that of adjoining and neighbouring buildings in its mid terrace low rise central city location.
- 7.3.48. Similarly, the additional height which rises to seven storeys towards the middle and rear of the site is further at odds and out of character with buildings addressing the modest in width cul-de-sac lane of Marlborough Place to the rear.
- 7.3.49. In both streetscape scenes in my view be the additional height, mass, volume, and scale would be a visually abrupt and jarring addition that would effectively break the consistency of the roofline as well as skyline in which Protected Structures, like Talbot House and the adjoining and neighbouring Georgian period terraces are visually appreciated in. Also, the urbanscape scene in which the nearby ACAs and CAs are also appreciated from and as part of.
- 7.3.50. Moreover, the revised design option does not overcome in any meaningful way this adverse visual and built heritage diminishment of streetscape scene, Protected Structure, ACAs and CAs character and settings.
- 7.3.51. In relation to areas of historic sensitivity, I refer the Board to Section 6 of the Height Strategy. This sets out that there are several environmental sensitivities in the city which contribute to its overall quality, uniqueness, and identity. In this regard it sets out that developments of significant height and scale are generally not considered appropriate in historic settings including in the Georgian core through to the setting of Protected Structure(s) and/or ACAs. In these sensitive to change environments it considers that the addition of buildings of additionally height can be inappropriate.
- 7.3.52. In this case I note that this appeal site forms part of the Dublin city's Georgian core as set out in Figure 11-2 of the Development Plan.
- 7.3.53. I also note that Policy BHA2 of the Development Plan seeks to provide a measure of protection for buildings included in the RPS as Protected Structure. Including seeking to ensure that any development affecting a Protected Structures setting is sensitively sited and designed as well as is appropriate in terms of its scale, mass, height. I am not satisfied that the additional height, mass, scale, and volume through to treatment of the Talbot Street façade could be considered consistent with this Development Plan policy.

- 7.3.54. Moreover, I note that Policy BHA7 of the Development Plan provides protection for designated Architectural Conservation Areas including their setting. Stating that it is a policy of the City Council to ensure: *“that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass”* and that *“it protects and enhances the ACA”*. Like is the case for Protected Structures within the visual setting of the site I am not satisfied that the proposed design, height, mass, scale and volume of the additions and alterations sought would sit comfortably within the visual setting of nearby ACA’s, including that which includes O’Connell Street and Earl Street North with the additional height creating a skyline and roofline imbalance in views towards these ACAs. With the Spire and the GPO being visible as one observes these ACA’s in a westerly direction from the public domain of the adjoining stretch of Talbot Street.
- 7.3.55. In terms of the design quality, I do not consider the architectural design of the additional floors as originally sought or as reworked in the submitted revised façade treatment of the final amended design option submitted would result in a building that could be considered as a high-quality architectural response and feature to the streetscape scene of Talbot Street and Marlborough Place.
- 7.3.56. I also consider that there is a lack of clarity that the shopfronts of the units outside of the applicant’s legal control would be amended as part of the proposed development if permission were to be granted. With the submitted drawings only indicating that amendments would be made to the units at ground floor level in the applicant’s control.
- 7.3.57. On this point in the absence of a coherent response for the ground floor level of No.s 95 to 98 Talbot Street the overall frontage has the potential to be visually disjointed. In such circumstance this would further add to the visual inappropriateness of the overall design resolution and its ability to sit in a respectful manner as a uniform and coherent address to the historic streetscape scene of Talbot Street.
- 7.3.58. I also concur with the Planning Authority that there is no merit in maintaining and reworking a façade treatment that is of little if any architectural merit as opposed to providing a more qualitative architectural response that has the ability to be a feature that could positively add to both the streetscape scene of Talbot Street but also to create a positive response to the restricted in width Marlborough Place lane where

heavy overpowering built forms would be oppressive on this restricted in width cul-de-sac lane. As opposed to providing a light weight response that addressed this lane positively as part of encouraging in time a more active vibrant and vital public domain.

7.3.59. I also raise a concern that the additional height, mass, and scale would give rise to additional overshadowing of the public domain of Talbot Street. In turn this would in my view further add to the visual diminishment of streetscape scene and visual incongruity raised in terms of the resulting built form. Moreover, further overshadowing of the public domain would result in a less attractive space with the shadows cast also impacting on the appreciation of Protected Structures like Talbot House and its adjoining as well as neighbouring Georgian terrace buildings.

7.3.60. My final comment relates to the First Party's contention that there is precedent for additional height buildings within this setting and provides a more of examples which I have noted alongside my detailed examination of the planning history of the surrounding urbane landscape in which this site is located. I do not concur with them that these are positive precedents that would in any way overcome any of the substantive visual amenity concerns raised in my assessment above. I also consider that in many cases where additional height or taller buildings have been permitted that in recent times these have related to higher quality architecturally resolved design solutions that are site appropriate. I therefore consider that they have no bearing on the proposed development which relates to a site with its own unique constraints and latent potential. Alongside there has been significant changes in local through to national planning policy provisions since the examples cited have been determined.

7.3.61. Conclusion

7.3.62. Having reviewed the drawings and images submitted, including the Townscape and Visual Assessment submitted with the planning application, as well as the revised design options put forward as part of the appeal by the First Party, I consider that the additional height, mass, scale and volume of the additions as well as alterations sought would be inconsistent with the visual attributes and qualities of Talbot Street's streetscape scene, including its consistent low scale three to four storey roofline and skyline that includes a number of Protected Structures as well as extends to encompass views towards nearby ACAs and Conservation Areas. It would also result

in a visually abrupt insertion at a mid-terrace location that would disrupt the consistency and enclosure of either side of Talbot Street.

- 7.3.63. Altogether I consider that the proposed development would diminish the visual harmony and unity of this surviving Georgian streetscape scene which provides a highly coherent important visual back drop against which several Protected Structures and the ACA of O'Connell Street as well as Earl Street North can be appreciated against.
- 7.3.64. Most notably in my view the three storey highly notable period building of Talbot House opposite and its adjoining group of Georgian terrace buildings to its immediate east west (Note: No.s 1 to 8 Talbot Street and No. 10 Talbot Street), which are similarly designated Protected Structures, against which the additional height would be visually overpowering, at odds with and would result in an unsympathetic visual imbalance of buildings, containment and enclosure of their streetscape scene.
- 7.3.65. It would also be out of context with No. 93 Talbot Street, another surviving Georgian period building which is listed in NIAH as being of Architectural interest and rated of Regional Importance (Reg. No. 50010217) and is in close proximity to the east of the Talbot Street frontage.
- 7.3.66. Moreover, it would not result in a coherent or high quality architectural built response that is commensurate with its location and this locations sensitivity to change.
- 7.3.67. For these reasons I consider that the proposed development, in particular its design, its seven-storey overall height, mass, scale, and volume, would be contrary to the circumstances where the Height Strategy as set out under Appendix 3 of the Development Plan deems buildings of additional height may be deemed appropriate.
- 7.3.68. I also consider that despite the site occupying a site that is in a central city location well served by high frequency multimodal public transport, a type of location that Section 2.8 of the Urban Development and Building Height Guidelines for Planning Authorities, would be generally supportive of, notwithstanding, they do not prescribe high buildings in all situations including in historic environments that are sensitive to such new insertions. With Section 3.2 of these guidelines requiring such proposals to positively respond to the overall built environment as part of contributing to the urban neighbourhood and streetscape.

7.3.69. For the reasons set out in the assessment above the proposed development is not consistent with this.

7.3.70. This is due to the proposed developments visual incongruity and lack of harmony with the built attributes of what is a highly consistent historic urban neighbourhood and streetscape scene. Together with the resulting buildings inability to be appreciable as a light weight building of significant architectural merit that could sit comfortably within the constraints of this setting in a positive manner.

7.3.71. As such I do not consider that the proposed development would meet the design tests within the Urban Development and Building Height Guidelines for Planning Authorities to warrant a variance from the Development Plans Height Strategy as provided under Appendix 3 of the Development Plan.

7.3.72. I also consider that the proposed development, if permitted, would give rise to an undesirable precedent for other similar developments which cumulatively would erode the character and qualities of this historic urbanscape setting.

7.3.73. For these reasons, the proposed development would be contrary to the proper planning and sustainable development of the area.

#### **7.4. Quality of Hotel Accommodation**

7.4.1. The Planning Authority's second reason for refusal raises concerns with regards to the number of additional bedrooms proposed and what they consider to be the limited in-house hotel resident's facilities. In their view the in-house facilities and amenities are not of an acceptable standard of accommodation for the intended occupiers of the premises. For this reason, they considered that the proposed development be contrary to the provisions of the Dublin City Development Plan, 2016-2022, would set an undesirable precedent for similar developments in the city, and would therefore be contrary to the proper planning and sustainable development of the area.

7.4.2. The First Party in their appeal submission refutes that this is the case and contend that there are a multitude of amenities within a 1km radius of the site. They further contend that modern city centre hotel accommodation tends to provide a different offer to that of a traditional hotel. The Third Party in this appeal case raise no issues on this matter.

- 7.4.3. As set out previously in this report above since the Planning Authority determined this application the Development Plan has been superseded by the Dublin City Development Plan, 2022-2028. The new Development Plan sets out several provisions for the consideration of hotel developments with this including but not limited to Policy CEE28.
- 7.4.4. This policy sets out that the Planning Authority will have regard to several considerations in their assessment of hotel developments.
- 7.4.5. In this regard I note that the hotel use is an established use, albeit at a much lesser scale than that now sought under this application, alongside hotel land use is one that is permissible on 'Z5' zoned land and as previously discussed no issue has been raised or evidence to support that this location has an oversupply of hotel bedrooms.
- 7.4.6. I consider that the existing hotel forms part of the current character and varied mixture of land uses in this city centre location. I further consider that subject to safeguards the impact of additional short stay accommodation could potentially further add to the vibrancy and vitality of this city centre location as well as contribute to the evening and night time activities currently present along Talbot Street in a manner that accords with the considerations of Policy CEE28.
- 7.4.7. In relation to Section 15.14.1.1 of the Development Plan hotel developments are encouraged to provide for publicly accessible facilities such as café, restaurant and bar uses to generate activity at street level throughout the day and night.
- 7.4.8. Of concern, the submitted documentation accompanying this application indicates a modest front of house area of 99.2m<sup>2</sup>, none of the commercial units at ground floor level of No. 95 to 98 Talbot Street either within the applicant's ownership or outside of the applicant's ownership would be integrated with the hotel use. As such the restaurant and café uses that currently occupy No. 95 and 95A are independent from the hotel and outside the scope of this application.
- 7.4.9. Of further concern the restaurant facility proposed at second floor level is not shown in the submitted drawings. Nor is it shown in any of the amended design options provided by the First Party.
- 7.4.10. I acknowledge that the final amended design option does show an increased front of house area but does not indicate any publicly accessible facilities or amenities that

would be provided therein for patrons of the hotel or indeed would have the potential to generate any footfall from the public domain, particularly from Talbot Street.

- 7.4.11. Moreover, the front of house area is largely comprised of space setback from the ground floor frontage and as such would create little activation of the streetscape scene of Talbot Street. Nor would it result in any meaningful activation of Marlborough Place either.
- 7.4.12. I also note that the aforementioned section of the Development Plan sets out that hotels are encouraged to provide a mix of publicly accessible uses vertically throughout the building. The provision of publicly accessible uses vertically throughout the refurbish and significantly extended hotel sought is not proposed either in the design as submitted with the planning application and/or in the amended design options put forward by the First Party in their submissions to the Board.
- 7.4.13. Of further concern this section of the Development Plan sets out that hotel developments should be accompanied by operational management plans that demonstrate how the hotel will be serviced and traffic / drop off managed.
- 7.4.14. Whilst I acknowledge that this application is accompanied by a document titled 'Traffic & Transportation Station' which at Section 4 comments on this matter. It does not support that any assessment for the servicing of the development by way of utilising the existing service/loading bays along the frontage on Talbot Street in an urban grain whereby most buildings addressing either side of this street are dependent upon these publicly provided kerbside spaces similarly for servicing, deliveries and the like would not result in an unsustainable additional demand and burden on them. In turn diminishing the availability of kerbside loading for other premises fronting Talbot Street in its vicinity.
- 7.4.15. With the hotel in its existing situation having the benefit of a large area of hard stand to the rear of existing buildings and accessible with this space accessible from the lightly trafficked Marlborough Place, a lane which at this point is in proximity to its cul-de-sac end.
- 7.4.16. I am not satisfied based on the information provided that the applicant has provided evidence-based assurance that the servicing, traffic /drop offs, loading, waste collection and the like of the significantly enlarged in bedspace hotel can all be accommodated from this already heavily in demand kerbside loading bay adjoining its

Talbot Street public domain frontage. As well as in a streetscape scene that has a heavy pedestrian presence and is one where excessive vehicle traffic could diminish the visual and functional amenities as well as character of Talbot Street.

7.4.17. In addition, Policy CUO39 of the Development Plan is also of relevance in my view to the proposed development. This is because the proposed development seeks to increase the number of bedrooms from 60 to 162 and a lesser number of 158 should the Board consider the final design amended option preferable.

7.4.18. This particular Development Plan policy sets out that where hotels exceed 100 bedrooms that the Planning Authority will: *“encourage the opportunity presented by new larger developments, including a requirement for all new large hotels\* and aparthotels\*, within the city to provide high quality, designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performances/theatre/music/dance venues, and/or for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening and night-time uses”*.

7.4.19. It is therefore a concern that the design and layout of the hotel as amended under this proposal does not demonstrate opportunities for the accommodation of evening and night time uses accessible for its patrons and members of the public given that if permitted it would exceed the 100-bedroom spaces threshold.

7.4.20. Overall, the hotel that would arise from the proposed development would be one that is not designed or laid out to provide patron or publicly accessible facilities or amenities that would capture its locational potential to add to the vibrancy and vitality of Talbot Street or indeed Marlborough Place through the day time into the evening and night time hours. As such it would give rise to a lost opportunity to add to the richness of uses within a city scene after standard business hours.

7.4.21. Of additional concern Section 15.14.1.1 of the Development Plan requires hotel room sizes and layouts to be designed to ensure a high level of amenity is obtained to accommodate both short and long stay durations.

7.4.22. This I have raised as a concern in the previous section of this assessment in terms of the hotel bedrooms that would face into the restricted in width five storey upper atrium space proposed. A space that is likely to result in the over thirteen hotel bedrooms at each of the levels addressing this atrium space being overshadowed for significant

duration during many months of the year and also dependent upon the buildings on either side not being built upwards vertically. Moreover, there is limited width between these opposing windows (Note: circa 3.35m) and it is therefore likely that given the width of the site that the modulation of the building on either side of the atrium space would result in not only limited natural ventilation particularly in the case of if the adjoining properties were built upwards. But also, the proximity of these windows is such for noise abatement it is likely that these windows would largely remain shut. As such there would be a heavy reliance on artificial ventilation of these bedrooms.

7.4.23. Further, the green roof areas proposed is not indicated to be available for any amenity use or is it indicated that it would be designed to provide some level of SuDS drainage through to add to the biodiversity by way of being meaningfully planted and maintained.

7.4.24. In terms of bicycle parking provision, I also raise a concern that the proposed 16 cycle spaces and with these provided at basement level within the hotel building may not be adequate to meet the cumulative use that would arise for No.s 95 to 98 Talbot Street. In this regard no sundry provision is proposed within the site area for other commercial units separate from the hotel use at No.s 95 to 98 Talbot Street but in the applicant's ownership at ground floor level. I am not therefore satisfied that the 16-cycle parking space proposed, together with the lack of any associated facilities with them, i.e., changing areas and the like, are adequate or compliant with the standards set out under Section 3.1 and Table 1 of Appendix 5 of the Development Plan.

7.4.25. My final concern relates to the fact that Appendix 15 of the Development Plan defines hotel as: *"a building, or part thereof, where sleeping accommodation, meals and other refreshments and entertainment, conference facilities, etc., are available to residents and non-residents, and where there is a minimum of twenty rooms en-suite. Function rooms may also be incorporated as part of the use"*. The proposed development, if permitted, would not meet this definition of a hotel land use and it would result in a significant number of short stay bedrooms that are heavily dependent on amenities outside of it to meet all the meals, refreshment through to entertainment needs of those staying in its bedroom accommodation.

7.4.26. Conclusion

7.4.27. Having regards to the above, I consider that the Planning Authority's second reason for refusal is of merit and that the proposed development would, if permitted, give rise to a hotel of 162 bedrooms, that would be contrary to the provisions of Section 15.14. and Policy CUO39 of the Development Plan and as a result would give rise to a substandard hotel that fails to meet the said Plans definition of this type of short stay accommodation. The proposed development for this reason would be contrary to the proper planning and sustainable development of the area.

## 8.0 Other Matters Arising

### 8.1. Extent of Demolition

- 8.1.1. Having examined the public notices and the planning application form I raise concerns that the extent of demolition that is sought for the subject premises as indicated in the submitted documentation, in particular, the suite of architectural drawings setting out this component of the proposed development. The proposed development as described in the public notices and the planning application form is given as comprising of the internal demolition and refurbishment of the existing hotel. Yet very little would remain of the original structure that is *in situ* as part of the works proposed.
- 8.1.2. Of further concern Section 10 of the Planning Application form sets out that no floor area would be demolished as part of carrying out the proposed development if it were to be permitted. This conflicts with what is depicted in the submitted drawings. Further, there is no structural survey to support that the extent of works to the building including the remodelling of the Talbot Street frontage can be carried out if it were to be accepted the extent of built fabric that would remain.
- 8.1.3. I am cognisant that the Development Management Guidelines state that: "*the purpose of the notices, that is, the newspaper notice (Article 18 of the Planning Regulations) and the site notice (Article 19), is to inform the public of the proposed development and alert them as to its nature and extent*" (Note: Section 3.4). It also states that the public notices: "*should give "a brief description" of the nature and extent of a proposed development*".
- 8.1.4. I am also cognisant that it is the role of the Planning Authority to validate a planning application form, in this case, I raise a concern should the Board be minded to grant permission for the proposed development sought under this application, that the extent

of demolition of the subject premises is significant and material in facilitating the nature and extent of development sought. Yet this component of the development is not alluded to in the description of the development as provided for in the public notices and planning application form. I am not therefore satisfied that the public notices in this case achieved their statutory purpose and I consider a **new issue** in the context of this appeal.

## **8.2. Telecommunications and Plant**

- 8.2.1. I raise it as an issue that the existing situation of the subject site is that there are several telecommunication antennae, masts and other structures attached to and projecting above the upper elevations as well as at roof level of the subject building. The documentation provided with this application does not clarify the presence, the nature and extent of such attachments to the subject premises in its existing state. Nor does it provide any clarity on their decommissioning and the proposed development as depicted in the suite of drawings provided not showing the attachment of any such structures should permission for the proposed development be granted as proposed.
- 8.2.2. Having examined the planning history of the site it is unclear whether these structures have the benefit of permission and/or are of a nature and type of development that could be considered to be exempted development. I am however cognisant that concerns in relation to whether the existing telecommunications structures on the subject premises are unauthorised or not is enforcement matter for the Planning Authority to examine as they see fit.
- 8.2.3. I am also cognisant from the examination of recent planning permissions in the vicinity and in 'Z5' zoned land that conditions have been imposed to minimise plant, telecommunications and other equipment, associated cables as well as fixings at roof level and within the context of permitted building envelopes.
- 8.2.4. Such conditions accord with the provisions of the Development Plan which seek that such structures are concealed within the building envelope where feasible or designed in such a manner and sited to minimise their visual impact.
- 8.2.5. For example, Section 15.18.5 of the Development Plan in terms of locations for telecommunications and digital connectivity infrastructure does not identify city centre as a preferable location for their provision but instead direct such developments to

industrial estates or on lands zoned for industrial/employment uses. Where provided on tall buildings it advocates that their provision is subject to visual amenity considerations and should be designed having regard to the specific location. Similarly, Section 15.18.6, on the matter of plant machinery also seeks for their visual impact to be minimised and that for them to be discreet and unobtrusive.

- 8.2.6. Should the Board be minded to grant permission I recommend that it include an appropriately worded condition that restricts the provision of additional structures ranging from plant, telecommunications, equipment, cables, and other fixings. This is based on ensuring that the proposed development accords with local planning provisions which seeks to restrict such additional structures to buildings outside of that which are permitted by way of a grant of permission and in the interest of safeguarding the visual amenities of the site's visually sensitive to change setting.

**8.2.7. Contributions**

The subject development is liable to pay development contribution under Section 48 of the Planning and Development Act 2000, as amended.

The proposed development also falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen's Green to Broombridge Line) under Section 49 of the Planning and Development Act, as amended.

I therefore recommend the Board should it be minded to grant permission that it includes conditions for the payment of these levies alongside the Bond condition recommended by the Planning Authority.

**8.2.8. Adjoining Properties**

Given the nature, scale and extent of the proposed development as well as its juxtaposition to adjoining properties outside of the applicants legal interest should the Board be minded to grant permission I recommend that as a precaution it include an advisory note to the applicant setting out the provisions of Section 34(13) of the Planning and Development Act, 2000, as amended. This states that: '*a person shall not be entitled solely by reason of a permission under this section to carry out any development*' and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.

## **9.0 Appropriate Assessment**

- 9.1. The proposed development as sought under this application involves an upgrade and extension to an existing mixed use building to provide additional hotel bedrooms on a brownfield city centre site of 900.74m<sup>2</sup>. It is proposed to connect to the existing surface water and wastewater network serving the area. The wider area is predominantly composed of built upon land and artificial surfaces with a mixture of land uses present of varying scale and intensity of use that reflect its central city location.
- 9.2. Having regard to the nature, scale and extent of the proposed development sought under this application, the information provided on file, 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 that is sought would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **10.0 Recommendation**

- 10.1. Having regards to the above I consider that the proposed development which consists of the internal demolition and refurbishment of an existing building accommodating hotel use from ground floor to fourth floor level together with the extension of this building by 2 stories with a height of 29.2m and amendments to front elevation together with all associated site works and services would as a result of the additional height, depth, mass and scale would be highly prominent in its historic urban setting. Though sitting outside of an Architectural Conservation Area and Conservation Area the site and the proposed development thereon would be highly visible and more obvious as part of the historic streetscape scene of Talbot Street which is visible from such designated areas as well as part of the visual curtilage of a number of Protected Structures in the vicinity of the site including Talbot House opposite. The proposed development would visually disrupt in an adverse manner the rhythm, harmony, and sense of enclosure of Talbot Street's streetscape. It would also be visually overbearing and out of context with the streetscape scene of Marlborough Place to the rear. I also consider that the design and layout is one that is dependent upon adjoining sites not being developed to a similar height. In these circumstances the proposed development, in particular its additional height, depth, mass and would be

inappropriate. It would detract from the streetscape and the character of the area in a manner that is contrary to the provisions of the Dublin City Development Plan, 2022-2028, and that has the potential to give rise to undesirable precedent for other similar developments. The proposed development would for these reasons be contrary to the proper planning and sustainable development of the area.

- 10.2. I therefore recommend that the proposed development be **refused** permission for the following reasons and considerations.

## 11.0 Reasons and Considerations

1. Having regard to the design, height, scale, massing and volume of the proposed development and its relationship with adjoining and neighbouring buildings in the immediate vicinity it is considered that the proposed development fails to comply with both the provisions of the Dublin City Development Plan 2022-2028, in particular the Height Strategy set out in Appendix 3, including Table 3 and Section 6 as well as the provisions of the Urban Development and Building Height Guidelines for Planning Authorities 2018 in which there is a requirement for taller buildings to make a positive response to the overall built environment as part of contributing to the urban neighbourhood and streetscape.

In this case it is considered that the proposed development would fail to adequately respect and complement the prevailing character and three to four storey height of the mainly Georgian period buildings along both sides of Talbot Street and as a consequence it would result in an abrupt transition in building height, mass, scale and volume that would fail to appropriately address or make a positive contribution to the containment or enclosure of this streetscape scene or that of Marlborough Place.

It would also fall short in terms of the quality of architectural design resolution that is required in this sensitive to change historic central city urbanscape including in the context of buildings and collections of buildings and spaces that are afforded specific protection by way of their designations as Protected Structures and Architectural Conservation Areas under Policy BHA2 and BHA7 of the Dublin City Development Plan, 2022-2028.

In this regard particular concern is raised for Talbot House and the group of Georgian terrace buildings in its vicinity as well as the Architectural Conservation Areas of O'Connell Street and Earl Street North. The proposed development in their context would constitute a visually discordant feature that would be detrimental to the distinctive architectural and historic character of their visual setting. In turn, the proposed development would not be consistent with the locational circumstances provided for in the Development Plan's Height Strategy or the Urban Development and Building Height Guidelines for Planning Authorities, 2018, where taller buildings may be deemed appropriate in city centre locations. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the significant number of additional hotel bedrooms as well as the limited in-house hotel resident facilities and amenities proposed it is considered that the proposed development would not provide an acceptable standard of accommodation for the intended occupiers of a hotel premises of this size or would the resulting hotel use be one that could be considered consistent with the requirements of Section 15.14, Policy CEE28, Policy CU039 as well as the definition given for this type of land use under Appendix 15 of the Dublin City Development Plan, 2022-2028. The proposed development would set an undesirable precedent for similar developments in the city centre and would therefore be contrary to the proper planning and sustainable development of the area.
3. It is considered that the design, height, mass, scale, and volume of the proposed development would constitute an excessive scale of development in Dublin city's Georgian core that would not be compatible with its surroundings and that could potentially unduly impact upon any latent potential for future development and/or redevelopment of adjoining properties, particularly those bounding the site to the east and west on Talbot Street. The proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.

*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.*

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Patricia-Marie Young  
Planning Inspector - 28<sup>th</sup> day of February, 2024.

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-315379-22		
<b>Proposed Development Summary</b>	Internal demolition and refurbishment of hotel from ground floor to fourth floor level. Extension by 2 stories with a height of 29.2m and a green roof of 239.4sqm is provided at roof top level. Amendments to front elevation, removal of balcony railings and signage and construction of an ESB switch room. Internally the development will include front of house, bike store and bin storage area as well as associated back of house facilities including linen store. The development includes all associated site development and site excavation works above and below ground.		
<b>Development Address</b>	'Dublin Central Inn', No.s 95-98, Talbot Street, Dublin 1.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (That is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required.
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (If relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class 12 specifically relates to tourism and leisure. Class 12(c) relates to holiday villages which would consist of more than 100	Proceed to Q.4

		<p>holiday homes outside built-up areas, hotel complexes outside built-up areas which would have an area of c.20 hectares or more or an accommodation capacity of 300 bedrooms. The subject site is located within a built-up area and does not exceed the 300 bedrooms.</p> <p>Therefore, the provisions under Class 12(c) would not apply in this instance.</p> <p>Additionally, Class 10(b)(iv) also does not apply in this instance.</p>		
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2 - Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-315379-22	
<b>Proposed Development Summary</b>	Internal demolition and refurbishment of hotel from ground floor to fourth floor level. Extension by 2 stories with a height of 29.2m and a green roof of 239.4sqm is provided at roof top level. Amendments to front elevation, removal of balcony railings and signage and construction of an ESB switch room. Internally the development will include front of house, bike store and bin storage area as well as associated back of house facilities including linen store. The development includes all associated site development and site excavation works above and below ground.	
<b>Development Address</b>	Dublin Central Inn, No. 95-98, Talbot Street, Dublin 1.	
<p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	It is consistent with the nature of development that is deemed to be permissible on land zoned 'Z5' in Dublin's city centre under the Dublin City Development Plan, 2022-2028, with this land use zoning reflecting the dynamic mixture of uses present and that can positively contribute to such locations. The nature of the proposed development is not exceptional with the existing environment which includes existing hotel developments that have in the past been extended.	No.
<p>Will the development result in the production of any significant waste, emissions, or pollutants?</p>	The proposed development would produce standard expected waste, emissions/pollutants that correlate with its nature and extent during demolition, construction, and operational stages. The waste, emissions and/or pollutants are not significant having regard to the nature and the extent of the proposed development in a built-up inner-city area and can be appropriately managed by standard best practice measures and controls.	No.
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	The proposed development would generally be consistent with the size of development within an urban setting where there denser more compact development is encouraged and where plot sizes are generally small through to medium in size where plots have included amalgamation like in the case of No.s 95 to 98 Talbot Street. In this context the size of the proposed development having regard to the character of the surrounding area and the sizes of development present it is not considered	No.

Are there significant cumulative considerations having regard to other existing and/or permitted projects?	<p>to be exceptional in its size, nature, and extent. Though the 7-storey height would be out of character with the prevailing height along Talbot Street and when taken together with the mass, scale and volume of the proposed building would be a scale of development that is denser than that which characterises this historic setting.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments arising from the proposed development if permitted. The surrounding context is a central city urbanscape where most developments have been completed and where change have been permitted these projects have related to small and medium sized urban city previously developed brownfield and infill sites that have been factored into the relevant assessment documents.</p>	No.
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The proposed development relates to a brownfield site located in a built-up serviced inner city urban area with no connectivity between it and the nearest Natura 2000 site or any other such sites.</p> <p>Given the nature of the proposed development, the characteristics of the site, its surroundings through to the nature and extent of development between it and the nearest significant environmentally sensitive area, it would not have the potential to significantly affect significant environmental sensitivities in the area.</p>	<p>No.</p> <p>No.</p>
<b>Conclusion</b>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p> <p>This conclusion is based on best scientific data, locational factors, the nature of development sought, the history of the site and its setting, the lateral separation distance between the site and nearest Natura 2000 site through to the lack of any evidence for connectivity between it</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p>N/A.</p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p>N/A.</p>

and any other such sites through to the site's serviced central city location.		
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**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(Only where Schedule 7A information or EIAR required).