



An
Bord
Pleanála

Inspector's Report ABP-318037-23

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| Development | Extension comprising additional floor level with penthouse suite to existing hotel. |
| Location | 21 Ship Street Great, Dublin 8. |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 4041/23 |
| Applicant(s) | Wave Point Limited |
| Type of Application | Planning Permission |
| Planning Authority Decision | Refuse permission |
| Type of Appeal | First Party v Decision |
| Appellant(s) | Wave Point Limited |
| Observer(s) | None |
| Date of Site Inspection | 26 th August 2024 |
| Inspector | D. Aspell |

1.0 Site Location and Description

- 1.1. The site is located at No. 21 Ship Street Great, Dublin 8. It generally comprises The Chancery Hotel. The existing hotel is 8-storeys and fronts onto Ship Street Great.
- 1.2. The western side of Ship Street Great is comprised primarily of large, modern, mixed-use buildings. There is a mixed-use office and convention centre building adjacent to the north ('Le Pole Square', 8 storeys). There is an office block to the south ('Le Pole House', 5 storeys). To the rear of the site is a courtyard accessed from Chancery Lane; across the courtyard, to the south and west of the site, is the 6- to 8-storey Radisson hotel.
- 1.3. The eastern side of Ship Street Great comprises a terrace of primarily late-Georgian / early-Victorian 3- and 4-storey buildings. This terrace forms the perimeter of the Dublin Castle complex, which extends to the east.
- 1.4. The site and surrounding buildings, including along Ship Street Great, are not in a conservation area. None of the adjacent buildings, including the period buildings on the opposite side of Ship Street Great are protected structures. There are however a number of protected structures and monuments in the area primarily within and around the Dublin Castle complex.

2.0 Proposed Development

- 2.1. The proposal is for an additional storey to the existing hotel, to be comprised of:
 - 180sqm penthouse suite;
 - 1 no. terrace fronting Ship Street Great and 2 no. terraces to the rear;
 - Relocation of solar panels to screened deck structures, and;
 - Associated changes to elevations and materials.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Dublin City Council issued a notification to refuse permission for 1 no. reason:

- *“Having regard to the height, scale and design of the proposal [sic] additional penthouse, and the sites [sic] proximity to the Protected Structures of Dublin Castle and beyond, the proposal would result in a visually incongruous form of development which fails to integrate or be compatible with its sensitive surroundings and is considered to significantly detract from the setting of Dublin Castle and its attendant grounds. The proposal is therefore considered contrary to policies SC17 Building Height, Policy SC22 Historical Architectural Character and the Z5 objective which is ‘to consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity’. The proposal is therefore considered to seriously injure the amenity of property in the vicinity and as such is contrary to the proper planning and sustainable development of the area”.*

3.2. Planning Authority Reports

3.2.1. Planning report: The planning authority report made the following points:

- Proposal features a gradually undulating roof that reaches a high point of 30m above ground level. There is minimal visual impact in the surrounding area;
- Report states serious concerns regarding the additional level; it may not be visible from the street but will be visible from further viewpoints;
- The building has permission for eight storeys with the two top floors already reading as penthouse levels. The parent permission has undergone numerous alterations and additions with incremental height increases. The new penthouse level will detract from the building and its design;
- A new penthouse level will negatively impact the setting of Dublin Castle and its attendant grounds and therefore is unacceptable and should be refused.

3.2.2. Conservation officer: None received.

3.3. Third Party Observations

3.3.1. None received.

3.4. Prescribed Bodies

An Taisce: Submission stated the development may impact protected structures within the Dublin Castle grounds. The Castle is one of the pre-eminent historic sites in the City and the additional floor would look directly into the Castle grounds. Proposal is not appropriate at this location. The hotel is 8 storeys, and 3- and 4-storey Georgian buildings are on the opposite side of the street. Constructing a 9th storey to the hotel, which has already increased its height above the parent permission Ref. 4376/19, would further throw the historic streetscape off balance and would increase shadow on / decrease light to adjacent property. The submission recommends permission be refused.

Department of Housing, Local Government & Heritage: No response.

Transport Infrastructure Ireland: Section 49 levy.

4.0 Planning History

4.1. Subject site:

Ref. 3331/22: Planning permission granted by the planning authority in 2022 for amendments to the hotel at roof level comprising: solar panels and height adjustment of the two lift overruns.

Ref. 2811/20: Permission granted by the planning authority in 2020 for amendments to the hotel internal layout at basement, lower ground, and ground floor, including related minor changes to north-eastern and south-western elevations.

Ref. 4376/19 (ABP Ref. PL29S.306573): Planning permission granted by the Board in 2020 for alterations to the hotel comprising: an 18sq.m extension and internal re-planning at 5th-floor fronting Ship Street Great to provide 1 bedroom; a 160sq.m extension at 6th-floor to provide 7 additional bedrooms; a new 415sq.m penthouse level at 7th-floor to provide 10 additional bedrooms; provision of terraces to 4 no. bedrooms at 7th-floor fronting Ship Street Great; relocation of plant enclosure from 6th to 7th floor; provision of additional screen space at 7th-floor; and all associated changes to elevations and materials.

Ref. 4326/19: Planning permission granted by the planning authority in 2019 for extension and alteration to the hotel ground floor at the front elevation on Ship Street Great and an increase in area at basement level.

Ref. 3157/18: Planning permission granted by the planning authority in 2018 for: hotel internal alterations and remodelling of external facades, including re-organisation of the 6th floor and with the omission of bedrooms to accommodate enclosed plant areas; elevational changes including the use of pre-dominantly brick cladding, with pressed-metal cladding to the 5th & 6th floors (in lieu of previously proposed render, black zinc, natural zinc, glass panels and aluminium cladding panels); and addition of bedroom terraces overlooking the garden and street at 5th and 6th floors. Appeal Ref. ABP-303197-18 was withdrawn.

Ref. 2701/16 (ABP Ref. PL29S.247947): Planning permission granted by the Board in 2017 to demolish a warehouse and erect a 7-storey 136 no. bedroom hotel. Fifteen conditions were attached including in relation to operational noise (Condition no. 8) and restrictions on further works at roof level (Condition no. 13).

4.2. Nearby sites:

Site adjacent to north ('Le Pole Square'):

Ref. 4223/18: Planning permission granted by the planning authority in 2019 for a 7-storey over basement mixed-use development comprising office and commercial, and amendments to previously granted permission Ref. 4280/16 (ABP Ref. PL29S.248136), including change of use from residential to office; alterations to the commercial development, office and convention centre, exhibition gallery, café/retail unit, café, and office. (ABP. Ref. PL29S.304146 Appeal on contributions).

Ref. 4280/16 (ABP Ref. PL29S.248136): Planning permission granted by the Board in 2017 for a 4 to 6-storey over basement mixed-use development comprising residential and commercial, including a convention centre, exhibition gallery, cafe and 88 apartments, balconies / terraces and communal open space.

Site adjacent to west (Radisson hotel):

Ref. 3235/18 (ABP Ref. PL29S.302454): Planning permission granted by the Board in 2019 for amendments to previously granted permission Reg. Ref 2962/16 (ABP

Ref PL29S.247816) consisting of 140sqm extension at 6th floor level to provide a new presidential suite, support room and north facing terrace; alterations to the 5th floor level relating to 72sqm of bedroom area, and east/west terraces.

Ref. 2962/16 (ABP Ref. PL29S.247816): Permission granted by the Board in 2017 for construction an 8-storey over basement hotel extension providing 103 no. additional bedrooms (total 255 no. bedrooms); east/west/north facing terrace at 5th/6th/7th floor; spa/wellness area at basement, gym & juice bar at ground/mezzanine floor, and bar at 7th floor; modifications to existing hotel to include extension of the function room, ground floor plant room and additional lift.

5.0 Policy Context

5.1. Development Plan

The site is zoned Z5 City Centre in the Dublin City Council City Development Plan 2022 – 2028.

Section 6.5.6 Key Economic Sectors – ‘Tourism, Hotels and Events’. Policy CEE28 ‘Visitor Accommodation’. Sections 15.14.1 ‘Hotels and Aparthotels’ and 15.14.1.1 ‘Hotel Development’.

Policies SC2 ‘City’s Character’, SC5 ‘Urban Design and Architectural Principles’, SC19 High Quality Architecture, SC20 Urban Design, SC21 Architectural Design’, and ‘SC22 ‘Historical Architectural Character’. Section 4.5.5 Urban Design and Architecture. Figure 4-1 ‘Key Views and Prospects’.

Policies SC11 ‘Compact Growth’, SC14 ‘Building Height Strategy’, SC16 ‘Building Height Locations’, and Policy SC17 ‘Building Height’. Policy SC17 makes specific reference to Dublin Castle, stating that: *“All new proposals in the inner city must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas and civic spaces of local and citywide importance.”*

Policies BHA2 ‘Development of Protected Structures’, BHA7 ‘Architectural Conservation Areas’, BHA9 ‘Conservation Areas’, and Section 15.15.2.3 ‘Protected Structures’.

Appendix 3 'Height Strategy', Section 3.0 'Understanding Height and Density – the Strategic Approach' and Section 6.0 'Guidelines for Higher Buildings in Areas of Historic Sensitivity'. Section 3.1 'Height', 'Strategic Approach' states: *“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, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic squares and the canals.*

5.2. National guidelines and strategies

National Planning Framework 2018

Sustainable Residential Development & Compact Settlements 2024

Urban Development and Building Heights Guidelines for Planning Authorities 2018

Architectural Heritage Protection Guidelines 2011

Urban Design Manual – A Best Practice Guide 2009

5.3. Natural Heritage Designations

- 5.3.1. South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC are c.3.7km east.

5.4. Environmental Impact Assessment screening

- 5.4.1. Having regard to the nature and scale of the proposed additional storey to the existing hotel, the location in a serviced area, and to the criteria set out in Schedule 7 of the Planning & Development Regulations 2001, as amended, I consider that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (See Appendix 1, Form 1 & 2).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was received, summarised as follows:

- Appellant seeks that the Board overturn the decision to refuse. The refusal reason is not substantiated by planning policy, guidance or standards;
- The proposed extension provides for the efficient use of a city centre site;
- Only one of the previous 7 no. alteration permissions to the hotel related to increased height. The previously permitted works are largely complete;
- A design rationale is included. The form, setback and materials were chosen to provide a high-quality scheme that complements the building and its context;
- The highest point of the development is no higher than the uppermost floor of the adjacent Le Pole Square development. The height is consistent with recent developments permitted in the area. The planning authority assessment of the adjoining Le Pole Square permission (Ref. 4223/18) did not highlight significant concerns regarding the extent of proposed development or impacts on surrounding protected structures or historic streetscapes;
- The design is a deliberate departure from the standard glass box approach for penthouse levels. The unique folded angular roof is an innovative architectural response to the surroundings. The materials are pre-patinated copper and glass which echo materials traditionally used in the city centre. The roof form breaks up the volume of the additional storey, with the highest point at a central location, reducing the height at either side. The proposal is set back 7.5m from the principle façade, which ensures it cannot be seen from Ship Street Great;
- The visual impact assessment highlights the proposal has very little impact;
- Dublin Castle includes a number of modern structures visible from within the Castle grounds including the Stamping Building. The Chester Beatty library modern extension will form the foreground of any view of the proposal from within the Dublin Castle grounds. The Le Pole Square development has several

setbacks at upper level and screened roof plant. No. 52-57 South Great George's Street forms a backdrop to the structures within the Castle grounds;

- Proposal is consistent with development plan policy SC17 'Building Heights' and with the height of adjoining development;
- Proposal will be visible as part of the roofscape of the city from certain limited locations. The scale of setback minimises visibility. Proposal cannot be seen from the adjoining street;
- The site's historic context and the historical architectural character of the area, informed the carefully designed form and materials proposed;
- Ship Street Great and Dublin Castle contain a mixture of historic and modern buildings of various ages, quality, style and height;
- Proposal has been designed so it is not visible from the nearest protected structure, Ship Street Gate. Whilst the development will be visible from limited viewpoints in Dublin Castle it will not be dominant in the roofscape, but rather one of several modern interventions;
- Proposal will not impact the amenity of the area. There are no residential developments in the immediate area. The hotel is bounded by commercial development. Impact on the adjoining space at Le Pole Square will be minimal having regard to existing height of buildings and proposed set back.

As additional visual impact assessment view is submitted with the appeal.

6.2. Planning Authority Response

6.2.1. Requests the Board uphold decision, and to attach Section 48 and 49 conditions if permission is granted.

6.3. Observations

6.3.1. None received.

7.0 Assessment

- 7.1. Having regard to the foregoing; having examined the application, appeal and planning authority reports; having inspected the area within and around the site; and having regard to relevant adopted development plan policies and objectives, I consider the main issues in this appeal are as those set out in the reason for refusal.
- 7.2. The refusal reason stated the proposal would: be visually incongruous; fail to integrate or be compatible with its sensitive surroundings; significantly detract from the setting of Dublin Castle and its attendant grounds; and would therefore seriously injure the amenity of property in the vicinity.
- 7.3. The site is zoned Z5 'City Centre', where the land use zoning objective is "*To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*". Hotel development is permissible in principle in this zone.
- 7.4. The existing hotel roof is flat and set back from the elevations. The proposed additional storey would be between c.3 - 5m in height, and would be further set back (ie. by c.1-2m from the existing). I characterise the roof as comprising multiple varying planes, which the applicant describes as 'folded' in shape. The height would generally decline toward the sides. The roof would be finished in pre-patinated copper, and the walls would be primarily timber cladding and glass.
- 7.5. Regarding heritage and conservation, the site, the buildings along Ship Street Great, and much of the Dublin Castle complex within c.100-200m of the site is not within a conservation area or Architectural Conservation Area. The nearest protect structure is c.60m to the east, along Stephen Street (No. 68 'Leitrim House'). Within the Dublin Castle complex the closest protected structures are the Coach House (c.75m to the east) and the Ship Street Little entrance gate (c.80m north). The main group of protected structures within the Castle complex, that is, the terrace of buildings adjacent the upper and lower Castle yards), are between c.90 and 190m away.
- 7.6. Regarding visual impact, whilst I consider the submitted visual impact assessment shows the main views from the Dublin Castle complex that would be impacted by the proposal, it omits relevant views from outside the Upper and Lower Castle Yards.

- 7.7. Notwithstanding, due to the relatively narrow street pattern and scale of the buildings in the area, I do not consider the subject building is prominent in the area. Whilst the majority of the eastern elevation is visible from both the north and south along Ship Street Great, the proposed floor would not. I consider the main impacts arise in relation to views from points within the Dublin Castle complex: the eastern side of the Dubh Linn Garden; from outside the Chapel Royal and Stamping Building; from a point adjacent the Coach House and Chester Beatty; and to a lesser extent outside St. Patrick's Hall. Outside the Castle, there are what I would characterise as momentary views of the building upper levels from a small number of viewpoints in the surrounding public realm (that is, from the west, at the Chancery Lane access to Le Pole Square, and from the south, at a point along Stephen Street).
- 7.8. Regarding design, roof levels in the area are primarily pitched, flat/parapet, and stepped, and are of varying heights. Whilst the proposed design is distinct, I do not consider it would be incongruous; this is partly on account of the effect one gets moving through the area of varying roof planes, which I consider the proposal reflects. As such I do not consider the proposal would not be overly striking. It is also aided by the proposed materials, which are well established in the City, as well as the distance of the roof from the points where it would be visible. In addition, having regard to the form, scale, and design of buildings that form the backdrop to the Castle complex, in particular Le Pole Square and the Castle View offices (ie. Dunnes Stores offices on South Great George's Street), I do not consider the proposed additional storey would be of significant additional scale or have a significant detrimental impact in the context of the existing hotel building. I further note that from the Dubh Linn Garden the main Castle complex building in front of the proposed development is itself a modern addition (ie. the Chester Beatty Museum).
- 7.9. Further in this regard, the planning authority planner report stated the new penthouse level will detract from the existing building design. I am not satisfied this is the case. The top two levels of the adjacent Le Pole Square building are progressively set back such that the two buildings would be comparable in form and scale. I consider the proposal provides a distinctive architectural feature which moderates the building scale and plays on the varying roof profiles in the area. In addition, only parts of the building are visible from any perspective. Overall I am satisfied the proposal would not detract significantly from the existing building.

- 7.10. Regarding views, Figure 4-1 of the development plan identifies key views, landmarks and prospects in the City. Whilst the Dublin Castle complex is identified as a local landmark, the proposed development would not be located in a prominent position relative to the identified views and prospects, and I am satisfied it would not interfere significantly with any of the identified views, including in relation to Dublin Castle.

Building height

- 7.11. Below I assess the proposal against the building height requirements of the development plan and Building Height Guidelines.
- 7.12. The existing building is 8 storeys (c.24.7m). The proposal is for one additional storey, bringing the building to 9 storeys (c.30m at maximum). Building height varies in the area, with 3- and 4-storey structures on the eastern side of Ship Street, and a mix of 5 to 8 storeys on the western side. I note that whilst the adjacent Le Pole Square building is 8 storeys, the addition of the proposed 9th storey would leave the subject building only c.0.3m taller. Overall, I do not consider the 9th storey as proposed would conflict significantly with prevailing buildings height and scale in the area.
- 7.13. Development plan Policy SC16 recognises the predominantly low-rise character of the City and the potential and need for increased height in appropriate locations including the City Centre. Appendix 3 states: *"In considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated. ...As a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys... is promoted in the key areas identified below. Greater heights may be considered in certain circumstances depending on the site's location and context and subject to assessment against the performance based criteria set out in Table 3".*
- 7.14. The City Centre is identified as one of the key areas / key locations. Regarding the City Centre Appendix 3 states: *"In general, and in accordance with the Guidelines, a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics, heritage/environmental considerations, and social considerations in respect of sustaining existing inner city residential communities... Proposals for increased height within key sensitive areas of the city including the city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic Georgian core and squares and the canals etc.*

must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3.”

7.15. Appendix 3 states the performance criteria to be used in assessing schemes of enhanced density and scale are set out in Table 3. Table 3 sets out 7 no. objectives and 30 no. performance criteria. I note the appeal addresses each objective in turn.

7.16. Having regard to the proposed development, the existing context, and to the submissions, reports and other information on file, I am satisfied the proposed development meets the relevant requirements of the development plan in this regard, including those set out in Policy SC16, Policy SC17, Appendix 3, and the Table 3 Objectives. For completeness, having regard to the proximity of the site to Dublin Castle, to protected structures within the Castle complex, and to other protected structures in the area, I set out considerations of the proposal against the key performances criteria contained in Objectives 1 and 9 of Table 3 below:

- *Objective 1 To promote development with a sense of place and character:*
The sense of place and character in the area is mixed. West of Ship Street Great the character is that of large, modern, mixed use-blocks. East of Ship Street Great the character is set by the historical context of the Dublin Castle complex. I am satisfied the proposal is consistent with the existing sense of place and character of the site and neighbouring sites west of Ship Street. I am also satisfied the proposal respects and complements the existing urban structure, character, local context, scale, built heritage and related constraints of the Dublin Castle complex. Having regard to the set-back and variance in height and form I am also satisfied the proposal offers sufficient variety in scale and form, has an appropriate transition in scale to the site boundaries, would not be monolithic, and would offer a well-considered design.
- *Objective 9 To protect historic environments from insensitive development:* As set out above, I am satisfied the enhanced density and scale would not adversely impact the character and setting of existing Architectural Conservation Areas, Protected Structures and their curtilage, or National Monuments. The proposal is accompanied by an assessment of neighbouring

sensitives and their capacity to absorb the development proposed, including assessment of key views and vistas related to the historic environment.

- 7.17. For completeness I note the provisions of Appendix 3 Section 6.0 'Guidelines for Higher Buildings in Areas of Historic Sensitivity' in relation to protected structures. I consider that as set out above, given the location, extent, and design of the development, and the height and distances to protected structures in the area, I am satisfied the proposal meets the requirements of the development plan in this regard.
- 7.18. Regarding density, the net density range in units per hectare set out in Appendix 3 Table 1 is not directly applicable to the proposal, and as such the development plan states the performance criteria in Appendix 3 Table 3 should apply, as set out above. Noting the size of buildings west of Ship Street area, I consider the proposal would not be significantly denser than the prevailing context.
- 7.19. Regarding site coverage and plot ratio, the existing site coverage is c.100%. I estimate the existing plot ratio c.1:7. As such the existing development exceeds the development plan indicative upper limits (Table 2 'Indicative Plot Ratio and Site Coverage' of Appendix 3). The proposal would increase the site plot ratio marginally. The development plan states higher plot ratios may be permitted where the site already has a higher plot ratio. Considering the development is of a single additional hotel suite I am satisfied the proposal is acceptable in these regards.
- 7.20. Overall, I am satisfied the proposal complies with development plan requirements in relation to height. I consider the proposal would not be significantly beyond the prevailing height in the area, and would not bring a significant intensification of development. Having regard to the City Centre location, the character, heritage, form and nature of development in the area, including the Dublin Castle complex and protected structures within the complex and surrounding area, I consider the proposal ensures the reasonable protection of existing amenities and character. I also consider the proposal is an appropriately design response that considers the site characteristics and heritage considerations.
- 7.21. Regarding the Building Height Guidelines, and taking account of the submitted application and appeal, and the wider strategic and national policy parameters set out in the National Planning Framework and the Guidelines, I am satisfied the

proposed height, form and scale are acceptable and consistent with the provisions of the Building Height Guidelines, including Specific Planning Policy Requirement 3.

Conclusion

- 7.22. In summary, based on the foregoing, I consider the proposed additional storey would not be visually incongruous, or fail to integrate or be compatible with its surroundings. I do not consider the proposal would significantly detract from the protected structures forming part of Dublin Castle or other nearby protected structures. I am satisfied the proposal would not seriously injure the amenity of the area or be contrary to the proper planning and sustainable development of the area.

8.0 Appropriate Assessment screening

- 8.1. I have considered the proposed hotel extension in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The subject site is not located within or adjacent any European Site designated SAC or SPA. The closest European sites, part of the Natura 2000 Network, are South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC, located c.3.7km from the proposed development. The proposed development is located in a city centre and comprises an additional storey to an existing building. No significant nature conservation concerns were raised as part of the appeal. Having considered the nature, scale and location of the development I am satisfied it can be eliminated from further assessment as there is no conceivable risk to any European Site. The reason for this conclusion is the nature of the additional storey to an existing building and its location in an urban area, served by mains drainage, the distance to any European Sites, and the urban nature of intervening habitats and absence of ecological pathways to any European Site. I conclude that on the basis of objective information the proposed development would not have a likely significant effect on any European Site(s) either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act 2000 as amended is not required.

9.0 Recommendation

- 9.1. I recommend permission be **Granted**, subject to conditions, for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022-2028, including the Z5 zoning objective for the area, Policy CEE28 'Visitor Accommodation', and Policy SC17 'Building Height', and to the existing pattern of development in the area, and to the nature, height and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact the character and heritage of the area, including protected structures within and around Dublin Castle, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity. |
| 2. | Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 24th day of July 2017 under An Bord Pleanála appeal reference number PL 29S.247947, planning register reference number 2701/16, as amended by planning permission register reference numbers |

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| | <p>3157/18, 4326/19, PL29.306573, 2811/20 and 3331/22, and any agreements entered into thereunder.</p> <p>Reason: In the interest of clarity and to ensure that the development is carried out in accordance with the previous permissions.</p> |
| 3. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
| 4. | <p>The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as</p> |

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| | amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission. |
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-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.-

D. Aspell
Inspector
29th August 2024

APPENDIX 1

Form 1

EIA Pre-Screening [EIAR not submitted]

| | | | |
|---|---|---|---|
| An Bord Pleanála Case Reference | | ABP-318037-23 | |
| Proposed Development Summary | | Extension comprising additional floor level with penthouse suite to existing hotel. | |
| Development Address | | 21 Ship Street Great, Dublin 8 | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | | Yes X No |
| 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? | | | |
| Yes | X | Class..... | EIA Mandatory EIAR required |
| No | | | Proceed to Q.3 |
| 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]? | | | |
| | | Threshold | Comment (if relevant) |
| No | | N/A | No EIAR or Preliminary Examination required |
| Yes | X | Class/Threshold..... | Proceed to Q.4 |
| 4. Has Schedule 7A information been submitted? | | | |
| No | X | Preliminary Examination required | |
| Yes | | Screening Determination required | |

Inspector: _____

Date: __ 28/08/2023 __

Form 2
EIA Preliminary Examination

| | | | |
|--|---|-----|---------------------------------|
| An Bord Pleanála Case Reference | ABP-318037-23 | | |
| Development Summary | Extension comprising additional floor level with penthouse suite to existing hotel. | | |
| Examination | | | Yes / No / Uncertain |
| 1. Is the size or nature of the proposed development exceptional in the context of the existing environment? | | | No |
| 2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants? | | | No |
| 3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*? | | | No |
| 4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area? | | | No |
| Comment (if relevant) | | | |
| Conclusion | | | |
| Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **? | | | |
| There is no real likelihood of significant effects on the environment | EIAR not required | Yes | |
| There is significant and realistic doubt in regard to the likelihood of significant effects on the environment | Screening Determination required | No | |
| | Sch 7A information submitted? | | No |
| There is a real likelihood of significant effects on the environment | EIAR is required (Issue notification) | No | |

Inspector _____ **Date:** __ 28/08/2024 _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)