



An
Bord
Pleanála

Inspector's Report ABP-318532-23

Development	Protected structure: change of use to hotel with all associated site works.
Location	0.037 Ha. site at Numbers 24 and 25 Frederick Street South, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4441/23
Applicant(s)	24 South Frederick Street Propco Ltd.
Type of Application	Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party
Appellant(s)	24 South Frederick Street Propco Ltd.
Observer(s)	None.
Date of Site Inspection	7 th June 2024.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site refers to the buildings and plots located at Nos. 24 and 25 Frederick Street South, Dublin 2. The combined site measures approximately 390sqm and is located between the junctions of Nassau Street and Setanta Place. Both buildings are Protected Structures (RPS Refs. 2989 and 2990) and date from c.1740. The NIAH states that the buildings form part of a largely unified Georgian terrace lining the northeast side of Frederick Street South and constitute one of the most coherent and intact examples of a group of formerly gable-fronted houses in the city.
- 1.2. The terraced Georgian buildings are two bay and rise to four storeys over basement level, with front lightwells and cruciform roofs. There are extensions to the rear of both properties, some small annexes to the rear of No. 24 and a larger warehouse to the rear of No. 25. All of the buildings within the terrace which adjoin the subject site to the north and south are Protected Structures. To the east the site is bounded by the Setanta Centre and to the west the site is bounded by Frederick Street South and the adjacent four storey terraced building, comprising retail and café/bar at ground floor and what appears to be offices on the upper levels. Both of the subject buildings are in commercial use, including a gallery, yoga studio, retail, offices, and a hair salon. At the time of my site inspection, the top floor of No. 25 appeared to be in residential use.

2.0 Proposed Development

- 2.1. Planning permission is sought to change the use of the buildings to a hotel that would be functionally linked to the Trinity Townhouse Hotel, itself located at Nos. 12, 29, and 30 Frederick Street South, Dublin 2. The proposed development would incorporate the demolition of the rear annexes and warehouse to facilitate a two storey rear extension spanning both properties at lower ground and ground floor level, in addition to internal works to connect both buildings and create 25 no. hotel bedrooms.
- 2.2. The development would also include the replacement of the non-original PVC windows to the rear of the existing properties with sliding sash timber windows, lighting, signage, and all associated works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of the Decision to Refuse Permission was issued by Dublin City Council on 1st November 2023. Permission was refused for the following reasons:

1. Balancing the needs of tourists and the local community is key to preserving the unique charm and vitality of such neighbourhoods. The transformation of this section of the Z5 Zoned vibrant, mixed-use street into a homogeneous row of operationally linked hotels will alter and erode the very character that makes the neighbourhood special, diminish its diversity, and leave long-lasting effects on its identity. The proposed development would therefore be contrary to Policy SC3, would seriously injure the urban character and amenities of the historic city core, would create a precedent for similar type undesirable development, would devalue property in the vicinity and would be contrary to the proper planning and sustainable development of the area.
2. Taking into account the prominent and sensitive location of the subject site, the protected status of the buildings, and having regard to the urban form of the surrounding historic context, it is considered that the proposed hotel use would result in existing and potential residential uses being lost to the residential housing system, meaning less long-term and secure accommodation will be available to the growing number of people who need it. As such the proposal is contrary to Policy QHSN6, QHSN7, QHSN38 and Section 5.1 of the Dublin City Development Plan 2022-2028 which seeks to promote a mixed-use land policy in the city centre including the provision of high quality, sustainable residential development. The proposed development would, therefore, be contrary to the 2022-2028 Dublin City Development Plan, would set an undesirable precedent for similar development and would be contrary to the proper planning and sustainable development of the area.
3. The proposed works to the interior, which comprise the reconfiguration of the floor plans at all levels and intensification of services to accommodate

hotel use, would result in serious injury to the legibility of the historic floor plans and the special architectural character, including the delicate historic fabric of the Protected Structures - which are significant early buildings as identified by the NIAH and the Dublin Civic Trust Early Building's Study. The proposed demolition of the historic warehouse structure to the rear, together with the proposed amalgamation of the historic building plots, would give rise to an unacceptable loss of historic fabric, form, legibility, and features which contribute to the special interest and would therefore cause serious injury to the special architectural character, integrity, setting and curtilage of Protected Structures. The design, form, scale and siting of the proposed extensions do not relate to nor complement the special architectural character of the Protected Structures. Therefore, the proposed development does not relate sensitively to the architectural detail and character of the Protected Structures and their curtilage and would contravene Policies BHA2 a) b) d) e) f) g), BHA6, BHA9 and BHA11 of the Dublin City Council Development Plan 2022-2028, would create an undesirable precedent for similar type development and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- The previous proposal indicated the 2nd floor of No. 25 as residential. It could be argued that two floors to No.25 are laid out with the characteristics of an apartment on each level and photographs contained in the Architectural Heritage Impact Assessment for the previous proposal App Ref: 3484/20 appear to show these upper floors in residential use. There does not appear to be a planning permission for the change of use of these floors from residential use to office use.
- The scale of the extension is more mannerly in terms of scale and mass than the previous proposal, but concerns remain regarding the impact of the proposed rear extension on the Protected Structures and the loss of the historic dividing wall to amalgamate the plots.

- On balance, if the hotel is permitted, the inclusion of a ground floor interconnecting door between No. 24 and 25 Frederick Street South is considered acceptable, pending compliance with best conservation practice.
- The previous decision of the Board is noted but approval would result in five buildings on this street being in hotel use, leading to a homogenous row of hotels, altering the character of the neighbourhood and loss of diversity of uses, cultural erosion, and over reliance on tourism related revenue.
- It is considered that the existing buildings would ideally be converted into a standard residential development, given their city centre location and access to public open space.
- The proposed hotel would not be considered an appropriate use of the building, it would result in the transformation of a vibrant, mixed-use street into a homogeneous row of operationally linked hotels, which would result in an undesirable precedent for similar type development in the area which may then result in the further unacceptable loss of existing and potential long term residential properties in the locality.

3.2.2. **Other Technical Reports**

3.2.3. **Archaeology Section (24.10.2023):** Recommend conditions.

3.2.4. **Conservation Officer (23.10.2023):** An extensive report was provided by the Conservation Officer who raises concerns regarding the proposed demolition and alteration of original and early structural fabric and features, including the widening of original door openings, the creation of new penetrations through spine walls, the creation of new penetrations through party walls to internally amalgamate the two historic townhouses, and the demolition of early structures to the rear. Concerns are also raised regarding the proposed demolition of partition walls within the front of the house.

3.2.5. The Conservation Officer considers that the creation of numerous new openings through historic walls reduces the legibility of the historic floor plan and changes the relationships of spaces within the buildings and is particularly concerned about the proposed demolition of parts of the spine wall to accommodate ensembles on the second floor and works to the chimney breasts.

- 3.2.6. The Conservation Officer is supportive of localised strengthening of joists but is concerned about wholesale strengthening across the building given the age of the structural timbers and the proposed intensification of use within the buildings.
- 3.2.7. Reference is made to Policy BHA6 which states “That there will be a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847.”
- 3.2.8. Further concerns raised include the potential impacts on ceilings and decorative plasterwork, the potential loss of the small perishables cellar, the provision of fire lobbies, works required for vertical fire separation, and the physical implications of providing a misting system for fire suppression.
- 3.2.9. In terms of the rear extension, the reduced scale is welcomed but the amalgamation of the plots is not supported, and it is considered that the historic boundary wall should be retained. Concerns are also raised that timber screening (at plant room level) is not an appropriate material in the context of the sensitive Protected Structures.
- 3.2.10. The existing warehouse to the rear is considered to be of architectural interest. The non-inclusion of the rear site structures in the listing on the NIAH is not a reflection on their significance but rather the recording methodology of the NIAH.
- 3.2.11. The Conservation Officer states that they prefer that Protected Structures and historic buildings in the city centre be brought into long-term residential use, and that the proposed change of use to hotel may result in an intensification of the use and wear and tear of the building that could, over time, result in extensive depreciation of the fabric, and have a potentially serious negative impact on the fabric of the Protected Structures. Serious concerns are also raised to the perceived homogenisation of use along Frederick Street South.
- 3.2.12. **Drainage Division (18.09.2023):** Recommend Further Information to secure a Basement Impact Assessment, flood mitigation measures, revised drainage layout.
- 3.2.13. **Environmental Health Officer:** Recommend conditions regarding Construction Management Plan, noise, and air quality.
- 3.2.14. **Transportation Planning (16.10.2023):** Further Information is recommended to address cycle parking and supporting facilities.

3.3. Prescribed Bodies

- 3.3.1. **Transport Infrastructure Ireland (27.09.2023):** The proposed development falls within an area set out in a Section 49 Levy scheme for Light Rail and request a condition to apply the Levy in the event that permission is granted, and the development is not considered exempt.

3.4. Third Party Observations

- 3.4.1. An observation in the form of a sworn affidavit was submitted to Dubin City Council by Janyce Condon who resides in the top floor apartment of No. 25 Frederick Street South. The affidavit was filed by Bryan F. Fox and Co. Solicitors of 46 North Circular Road, Dublin 7, and can be summarised as follows:

- Objection on the basis that the development would be inconsistent with Ms. Condon's rights as a tenant.
- Ms Condon was provided with a Licence Agreement for a serviced office which is a sham agreement and does not reflect the nature of the agreement between the parties or the true use of the premises and is intended to avoid the requirements of the Residential Tenancy Act, 2004.
- Ms Condon is a tenant under a tenancy agreement and lawfully occupies the premises as a tenant under a Part 4 tenancy.
- The residential element of the property has been concealed on both the current and previous applications.
- The proposal would remove seven businesses and two apartments without replacing them and would not enhance the life of the street at street level.
- The street is too heavily trafficked, and the pavements are too narrow. The development would result in increased traffic, drop-offs, and set downs.
- The buildings are the last few remaining Huguenot homes with corner fireplaces and cruciform roofs and as such require more protection.

4.0 Planning History

4.1. ABP Ref. 311780/Planning Authority Ref. 3484/20: The Board refused permission in April 2023 for the change of use to a hotel to include modification, demolition and construction of an extension and all ancillary site works. Permission was refused for the following reason:

1. Having regard to the special architectural heritage interest of the existing Georgian townhouses on the narrow plots at a prominent central city location, and which are included on the record of protected structures, it is considered that the proposed rear extension would constitute a visually obtrusive form of development due to its design, form, scale, height, and proportions, and would represent an overdevelopment of the subject site which would adversely affect the character and setting of the protected structures. The proposed development would be contrary to Policy BHA 2(d) of the Dublin City Development Plan 2022- 2028, would set an undesirable precedent for similar development, and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.1.1. On this application the initial submission was for a two storey rear extension with significant internal alterations required to incorporate fire lobbies. At Further Information stage a misting system was proposed that removed the need for fire lobbies and reduced the level of internal intervention to the Protected Structures, but the scale of the rear extension increased to part three/part four storeys, which was considered unacceptable.

4.1.2. The Board noted that while the changes made at Further Information stage, such as the provision of a misting system, went a considerable way to addressing concerns regarding the internal changes to the Protected Structures, it was not considered appropriate to amend the development by condition, by merging different elements of the two versions of the proposed development, i.e. the originally proposed two storey extension and the misting system proposed at Further Information stage.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The site is zoned Z5, the stated objective of which is 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Hotels are a permissible use on Z5 lands and the zoning objective states that in the interests of promoting a mixed-use city, it may not be appropriate to allow an overconcentration of hotel uses in a particular area. Therefore, where significant city centre sites are being redeveloped, an element of residential, and other uses as appropriate, should be provided to complement the predominant office use in the interests of encouraging sustainable, mixed-use development.
- 5.1.2. Chapter 3: Climate Action contains the Council's policies and objectives for addressing the challenges of climate change through mitigation and adaptation.
- 5.1.3. Chapter 4: Shape and Structure of the City, sets out the Council's strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to, and prioritised in, the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport.
- SC3: Mixed Use Development promotes a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential.
- 5.1.4. Chapter 5: Quality Housing and Sustainable Neighbourhoods, seeks the provision of quality, adaptable homes in sustainable locations that meet the needs of communities and the changing dynamics of the city. The delivery of quality homes and sustainable communities in the compact city is a key issue for citizens and ensuring that Dublin remains competitive as a place to live and invest in. The relevant policies from this chapter include:
- QHSN7: Upper Floors seeks to resist and where the opportunity arises, to reverse the loss of residential use on upper floors and actively support proposals that retain or bring upper floors into residential use in order to

revitalise the social and physical fabric of the city through measures such as the Living City Initiative

5.1.5. Chapter 6: City and Enterprise is of relevance. This chapter recognises that Dublin is an international city and gateway to the European Union for many businesses. The city region contributes significantly to Ireland's economy and is a major economic driver for the country. Policies of specific relevance from this chapter are:

- CEE8: The City Centre - To support the development a vibrant mix of office, retail, tourism related and cultural activities in the city centre and to facilitate the regeneration and development of key potential growth areas such as the Diageo lands, the St. James's Healthcare Campus and Environs and the TU Dublin campus at Grangegorman.
- CEE26: Tourism in Dublin
 - i. To promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the appropriate, balanced provision of tourism facilities and visitor attractions.
 - ii. To promote and enhance Dublin as a world class tourist destination for leisure, culture, business, and student visitors and to promote Dublin as a setting for conventions and cultural events.
 - iii. To improve the accessibility of tourism infrastructure to recognise the access needs of all visitors to our city.
- CEE28: Visitor Accommodation - To consider applications for additional hotel, tourist hostel and aparthotel development having regard to:
 - The existing character of the area in which the development is proposed including local amenities and facilities.
 - 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 of any proposed development.

- the existing and proposed type of existing visitor accommodation i.e. Hotel Classification/Rating, Hostel Accommodation, Family Accommodation, Alternative Accommodation etc., in the vicinity of any proposed development.
- the impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre including residential, social, cultural and economic functions.
- the need to prevent an unacceptable intensification of activity, particularly in predominantly residential areas.
- 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 – see also Chapter 12, Objective CUO38.

5.1.6. Chapter 8: Sustainable Movement and Transport, seeks to promote ease of movement within and around the city and an increased shift towards sustainable modes of travel and an increased focus on public realm and healthy placemaking, while tackling congestion and reducing transport related CO2 emissions.

5.1.7. Chapter 11: Built Heritage and Archaeology, recognises that the city's heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city's character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city. The Development Plan plays a key role in valuing and safeguarding built heritage and archaeology for future generations. The plan guides decision-making through policies and objectives and the implementation of national legislation to conserve, protect and enhance our built heritage and archaeology. Relevant policies from this chapter include:

- BHA2: Development of Protected Structures - Development of Protected Structures That development will conserve and enhance protected structures and their curtilage and will:
 - a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage

Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

- b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
 - c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
 - d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
 - e) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.
 - f) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
 - g) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
 - h) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
 - i) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.
 - j) Have regard to ecological considerations for example, protection of species such as bats.
- BHA6: Buildings on Historic Maps - There will be a presumption against the demolition or substantial loss of any building or other structure which appears on historic maps up to and including the Ordnance Survey of Dublin City, 1847.

A conservation report shall be submitted with the application and there will be a presumption against the demolition or substantial loss of the building or structure, unless demonstrated in the submitted conservation report that it has little or no special interest or merit having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

5.1.8. Chapter 15: Development Standards contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they contribute to the achievement of the core strategy and related policies and objectives. Sections of this chapter that are of specific relevance include:

- 15.14.1: Hotels and Aparthotels - 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.
- 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.
- In all instances, where the planning authority deems there to be an overconcentration of such facilities in an area, the applicant will be requested to submit a report indicating all existing and proposed hotel and aparthotel developments within a 1km catchment providing a justification that the development will not undermine the principles of achieving a balanced pattern of development in the area, and demonstrating that the proposed development fully complies with the criteria set out in Policy CEE28 and in Section 15.14.1.1 and 15.14.1.2 below.
- 15.14.1.1: Hotel Development

5.2. Section 28 Ministerial Guidelines

5.2.1. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Architectural Heritage Protection – Guidelines for Planning Authorities (2011) - This guidance is a material consideration in the determination of applications and sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principle of minimum intervention (Para.7.7.1) and emphasises that additions and other interventions to protected structures should be sympathetic to the earlier structure and of quality in themselves and should not cause damage to the fabric of the structure, whether in the long or short term (7.2.2).

5.3. Natural Heritage Designations

5.3.1. The site is an urban brownfield site and is not located within any designated site. The nearest European Sites are as follows:

- South Dublin Bay and River Tolka Estuary SPA (site code 004024), 2.9km to the east.
- South Dublin Bay SAC (site code 00210) 2.9km to the east.
- North Dublin Bay SAC (Site Code 000206), 5.3km to the north east.
- North Bull Island SPA (Site Code 004006), 5.3km to the north east.

5.4. EIA Screening

5.4.1. See completed Form 2 on file. 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 of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First Party appeal has been submitted by Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin 14, for and on behalf of the Applicant, 24 South Frederick Street Propco Limited of 29 The Rise, Mount Merrion, County Dublin.

The submission is accompanied by a report from Dr Jason Bolton. The grounds of appeal can be summarised as follows:

Overprovision of Hotels

- The development would not result in a homogenous row of hotels due to the wide range of uses provided on the street. The previous appeal considered the provision of a hotel to be acceptable in principle and that the location was appropriate, with a dynamic range of uses maintained.
- Other large office/commercial developments have been approved on the street (ABP-242784) and it is unclear how this development did not contribute to homogenisation, but a 25-no. bedroom hotel would.
- Trinity Townhouse operates within a Protected Structure and as such the only way to expand is to purchase other buildings. The right to expand the business should not be stymied.
- The development would not lead to an overconcentration of hotels and would not contravene SC3 of the CDP which is a policy rather than an objective where the aim is to 'promote' residential rather than 'require' it. The development plan needs to be considered as a whole. The development would not undermine this policy.
- The Council do not have any prescriptive guidance to determine what constitutes an overconcentration of hotels or tourist related accommodation and therefore no empirical basis on which to assess these applications. This is contrary to Section 7.15 of the Development Management Guidelines.
- There is an inconsistency in how, when, and where the Council considers the perceived issue of overconcentration. There are example applications and permissions granted by both the Council and the Board where either overconcentration received no consideration or assessment, or no overconcentration study was required, indicating no concerns with the provision of hotel accommodation in the city centre.
- The proposed hotel is much smaller than the average Dublin hotel and provides an offering that differentiates itself from much of the rest of the

market, allowing the character of the protected Structures to be understood and appreciated by the public.

- An overconcentration study has been undertaken measuring hotels within 1km of the site in accordance with the development plan to demonstrate that there would not be an overconcentration. There are very few hotels in the immediate vicinity of the subject site.
- There is no established metric for measuring or determining what constitutes overconcentration and there will never be uniformity of distribution of any use or activity across a city region, especially in its centre.
- Hotels are expected to be more numerous in city centres due to locational characteristics including visitor attractions, restaurants/bars, shopping, and public transport, all of which are more concentrated in city centres.
- Reducing or limiting the number of hotels in the city core is contrary to the existing pattern and scale of development and will place increased pressure on public transport infrastructure and would undermine goals with respect to tourism and the city's attractions.
- CBRE Irish Hotel Market Report 2023 states that there is some evidence to suggest that Dublin is undersupplied with hotel rooms compared to similar sized European cities.
- The proposal is for 25 hotel rooms which are necessary to ensure the viability of a small but high-quality hotel business and will ensure that a historic structure is refurbished and maintained.

Impact on Housing

- There is no residential use permitted or authorised by the Applicant at the subject site. The buildings are subject to commercial lease agreements and commercial rates have continually been paid for the full extent of the buildings.
- Legal correspondence has been issued by the Applicant regarding the unauthorised residential use for which no change of use was secured.

- This issue has previously been dealt with by the Board where the potential loss of existing or future residential on site was not considered to be significant.

Impact on Protected Structures

- Aspects of the third reason for refusal disregard the previous considerations of the Board who accepted the demolition of the rear warehouse structures and the amalgamation of the plots.
- The proposed development directly responds to the clear direction provided by the Board by incorporating the elements favoured by the Board, such as the misting system, simplified layout, and the reduced scale of the rear extension.
- The proposed internal alterations result in minimal interventions, are supported by Dr Jason Bolton, and were previously accepted by the Board's Inspector.
- The risk of wear and tear and the introduction of ensembles would be the same as if the proposal was for residential occupancy, which would also require kitchen facilities on each floor. This point was also previously accepted by the Board.
- The warehouse is a later commercial addition to what was originally a Georgian residential building. It does not share the same architectural heritage characteristics of other early warehouses, does not contribute to the architectural heritage of the Protected Structure, and was cut off from warehouse/retail use when the stable lane was removed and built on.
- The scale of the rear extension has been reduced significantly and is now only at lower ground and ground floor level. The extension would be lower than the retaining wall of the Setanta Centre and would not be visible from the surrounding area.
- Appraisals by Christine Casey, The Dublin Civic Trust and the NIAH highlight the importance of the Georgian terrace, and none consider that the later clutter to the rear contributors to the heritage value of the PS.

- No special features or decorative elements are proposed for demolition and detailed photography of the entire interior of the building could be conditioned.
- Penetrations in the Party Wall would be limited to a doorway at ground floor and 3rd floor and the buildings would still read as separate.
- The provision of two bedrooms on each floor was preferred by the Conservation officer on the previous application. The development retains the principal layout and the positioning of ensembles was a compromise and limited to rear rooms at 2nd and 3rd floor level.
- Services use existing runs where feasible, new services would be required for ensembles and this will be identified during floor strengthening and placed for minimum intervention. It was not possible to carry out detailed investigations/opening up due to the active use of the building.
- The development intends to retain all existing ceilings in both buildings and does not propose any interventions to ceilings where historic decorative plasterwork services. Ceilings will be investigated during floor strengthening works and this will allow for the identification of defects or repair needs.
- The Fire Strategy has been designed to include minimal intervention and the altered door referred to by the Conservation officer could be retained on site and reused.
- The new extension can easily be read as a later addition with clear differentiation from the PS. Replacement windows would be historically accurate.
- No method statements were provided for surviving historic decorative details as they are to be retained as found.
- The original plot boundary was earlier removed and there is no surviving historic party wall between the plots.
- The Conservation Officer has inappropriately reworded Policy 11.1.5.3 of the Development Plan to state “proposal for amalgamation between protected structures (**and in this case historic building plots**) which would

comprise the original plan form will be considered unacceptable where they adversely affect the historic integrity and special interest of the structure. Breaches between party walls will not be considered acceptable in sensitive parts of the protected structures". Text in bold inserted by CO. The Applicant argues that this policy is limited and restricted to the interior of the Protected Structure and not the historic plot boundary.

6.2. Planning Authority Response

6.2.1. The Planning Authority request that the Board uphold the decision to refuse permission and request the following conditions in the event that planning permission is granted:

- Payment of Section 48 and Section 49 development contributions.

6.3. Observations

6.3.1. None.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

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

- Principle of Development
- Impact on Housing
- Heritage
- Other Matters

7.2. Principle of Development

- 7.2.1. The core issue in the first reason for refusal is that the proposed change of use would transform the street into a homogeneous row of operationally linked hotels and that this would erode the character of the street, reduce diversity, and have long lasting effects on its identity. The Planning Authority consider that this would be contrary to Policy SC3 of the CDP and that it would injure the character and amenities of the historic city core, as well as devaluing property in the vicinity.
- 7.2.2. The appeal site is Zoned Z5, the objective of which is to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity. Hotel use is permissible on Z5 land, but I note that the zoning objective seeks to protect against an overconcentration of hotel uses in a particular area. In land use terms, I am therefore satisfied that the proposed use is acceptable in principle, subject to it not resulting in an overconcentration of hotel use.
- 7.2.3. Section 15.14.1 of the CDP states that there will be a general presumption against an overconcentration of hotels/aparthotels and requires Applicants to submit a report indicating all existing and proposed hotel and aparthotel developments within a 1km catchment as well as a justification that the development would not undermine the principles of achieving a balanced pattern of development in the area, in addition to demonstrating compliance with other policy requirements.
- 7.2.4. Policy SC3 promotes a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential. The Planning Authority have expressed a clear preference that the building be converted to residential use.
- 7.2.5. The Applicant has provided an overconcentration study that measures hotel provision within 1km of the appeal site in accordance with the development plan in order to demonstrate that there would not be an overconcentration of hotel use. I note that the CDP does not provide any quantitative threshold by which overconcentration of use is to be measured, nor have the Planning Authority indicated what parameters are being used to determine what constitutes overconcentration.
- 7.2.6. Section 15.14.1 of the CDP states that Dublin City Council will carry out an analysis of the supply and demand for tourism related accommodation in the Dublin City area, but no information on this analysis has been provided as part of the appeal. Pending the

outcome of this study, the Planning Authority will consider hotels on a case by case basis, having regard to the location of the site and existing hotel provision in the area.

- 7.2.7. In my view, the Planning Authority have not demonstrated that there would be an overconcentration of hotels in this location. I concur with the Applicant that hotels are generally more numerous in city centres due to locational characteristics, and I consider the provision of a hotel in close proximity to high frequency public transport and the various visitor attractions and services of the city centre to be appropriate and acceptable.
- 7.2.8. In my opinion, the proposed change of use to enable the provision of an additional 25 hotel rooms linked to the existing Trinity Townhouse Hotel would not have a damaging effect on Frederick Street South. I do not consider that the proposal would lead to the homogenisation of the street, an overconcentration of hotels, or an adverse impact on the diversity and character of the locality. Nor do I consider that the development would result in the devaluation of property in the vicinity. In my view, there would remain a varied mix of uses on the street, including offices, retail, cafés, restaurant, wine bar, and a gallery, and I am satisfied that the proposed reception and breakfast room at ground floor would provide an acceptable level of activity and animation on the street frontage.
- 7.2.9. I am therefore satisfied that the development would be in compliance with the CDP with regards to the Z5 zoning objective and would not be contrary to Policy SC3 or the provisions of Section 15.14.1. For that reason, I consider that the first reason for refusal should be set aside, and that the principle of development would be entirely acceptable.

7.3. Impact on Housing

- 7.3.1. The Planning Authority have indicated that the second and third floor of No. 25 could be in residential use based on a sworn affidavit provided in response to the planning application in addition to information submitted as part of the previous application. The Planning Authority therefore consider that the proposed hotel use would result in the loss of existing and potential residential uses, resulting in less long term and secure accommodation being made available.
- 7.3.2. During my site inspection I had access to all upper floors in both buildings which were in commercial use with the exception of the top floor of No. 25 which appeared to be

in residential use. The Planning Authority have stated that there is no record of planning permission for a change of use from residential to office.

- 7.3.3. On the other hand, the Applicant states that there is no residential use permitted or authorised at the subject site and confirms that the buildings are subject to commercial lease agreements and that commercial rates have continually been paid for the full extent of the buildings. I also note that the affidavit submitted to the Planning Authority states that the occupant of the top floor of No. 25 was provided with a Licence Agreement for a serviced office. The Applicant further states that they have issued legal correspondence regarding the unauthorised residential use for which no change of use was secured.
- 7.3.4. Whilst there is clearly ambiguity as to the authorised planning use of the top floor of No. 25, enforcement is a matter for Dublin City Council as opposed to the Board. In any event, the loss of a single residential unit, whether authorised or not, is not significant in my opinion, notwithstanding the provisions of Policy QHSN7, and I do not consider that the development would have any significant impact on either the existing or future provision of housing in Dublin City.

7.4. Heritage

- 7.4.1. The third reason for refusal relates to the Planning Authority's concerns regarding the works to the interior of the Protected Structure, the demolition of the existing rear warehouse, the amalgamation of the plots, and the inappropriate design, form, scale, and siting of the proposed rear extension. The Planning Authority have expressed a preference for the building to be converted to residential use and have raised concerns regarding the intensification of services to accommodate the proposed hotel and the resultant impact on the historic floorplans, character, and fabric of the building.

Internal Works

- 7.4.2. In my opinion, the internal alterations proposed for both buildings are acceptable. Many of the walls being proposed for demolition appear to be non-original partition walls and where original fabric is proposed for removal, the level of intervention would be minimal in my view. Whilst I agree that the loss of the 1737 original door at basement level is unfortunate, I would not consider the loss to be so significant as to warrant refusal of the application and I note that the Applicant has offered to retain the door and re-use it on site. I am satisfied that the proposed internal works would not

harm the character, setting or heritage value of the Protected Structures and I also consider that the historic floorplans would remain largely readable, particularly on the upper levels.

- 7.4.3. The proposal to replace PVCu windows with traditional timber sash windows would be a benefit of the proposed development and works to strengthen weakened joists is welcomed in the interests of the ongoing long-term maintenance and management of the Protected Structures. Furthermore, none of the decorative ceilings are proposed for removal and the specific concern raised by the Planning Authority regarding the potential loss of a small perishables cellar in the basement has been addressed, with the small, vaulted cellar being retained.
- 7.4.4. I note that the Applicant argues that a similar level of internal intervention would be required to convert the property to residential use, and I agree as this would likely be a more intense level of intervention due to the need to provide kitchens. Although I acknowledge the Conservation Officer's concerns that no detailed Method Statements have been provided for the proposed works, I accept the fact that invasive investigations and opening up of walls, floors and ceilings would be difficult to undertake given the ongoing commercial use of the buildings. In any event, I am fully satisfied that detailed Conservation Method Statements could be secured by condition.

Demolition of Warehouse and Amalgamation of Plots

- 7.4.5. The Conservation Officer considers the warehouse to the rear to be of architectural interest and states that its demolition would be injurious to the character of the Protected Structure. The Applicant's Architectural Heritage Impact Assessment makes reference to previous studies undertaken by Christine Casey, the Dublin Civic Trust, and the NIAH, noting that the description of the Protected Structures makes no reference to the warehouse or rear annexes. The Conservation Officer on the other hand states that the non-inclusion of the rear site structures in the listing on the NIAH is not a reflection on their significance but rather the recording methodology of the NIAH.
- 7.4.6. The Applicant acknowledges that some warehouses are of heritage value as a result of their contribution to the streetscape/urban grain, or as a result of their experimentation and innovation in design, function or technology, but that the

warehouse on the appeal site does not share any of these special architectural heritage characteristics.

- 7.4.7. Noting the location of the warehouse and annexes to the rear, in an area that is not highly visible from surrounding public areas, I would question the overall contribution they make to the character and setting of the Protected Structures. In my opinion, the rear annexes and warehouse are not of any significant architectural or heritage value, either on their own or as part of the Protected Structures and I have no objections to their removal.
- 7.4.8. The amalgamation of the plots would be achieved through limited new openings in the internal party wall, in addition to the removal of the rear warehouse which currently marks the plot boundary between Nos. 24 and 25. The interventions in the internal party wall are very limited and would not have any measurable impact on the legibility of the buildings as 'separate' structures, nor would the works have any significant impact on their heritage value. Likewise, and as set out previously, I have no objections to the removal of the warehouse to the rear which will amalgamate the rear plot.

Proposed Rear Extension

- 7.4.9. The proposed extension would be two storeys in height, located at lower ground and ground floor level. The extension would occupy the full width and depth of the rear plot. The limited height of the extension, 6.3m from lower ground level to parapet level, is such that it would remain suitably subservient to the Protected Structures and would not be visible from within the adjacent rear plots to the north and south, or from within the Setanta Centre to the rear as the parapet of the extension would sit well below the boundary wall. Two courtyard areas are provided where the extension meets the Protected Structures, which to some extent limits the amount of original fabric affected by the interface of the proposed extension.
- 7.4.10. Despite the depth and width of the proposed extension, which in effect occupies the entirety of the rear plot, I am satisfied that the scale, massing, and detailed design of the proposed extension would be acceptable on this site, having regard to the limited height of the extension and its location at lower ground floor/ground floor level, which significantly reduces its visibility from within adjacent plots and public areas and reduces its direct impact on the rear façade of the Protected Structures. Whilst I accept the Conservation Officer's concern that timber would not be an appropriate material,

this is limited to the screening enclosure for the misting water tank system, and I am satisfied that a condition requiring all external materials to be agreed with the Planning Authority, would allow a suitable compromise to be reached on the matter.

7.5. Other Matters

- 7.5.1. I note that both the Drainage Division and the Transportation Planning Division recommended Further Information be submitted. I am satisfied that these requests can be suitably fulfilled and addressed by way of conditions. In terms of staff cycle parking and changing/showering facilities, I am satisfied that it would be acceptable for provision to be made for the sharing of facilities with the Trinity Townhouse Hotel, given the limited size of the proposed hotel and the linked operation proposed.
- 7.5.2. I note the request for a Basement Impact Assessment. However, the proposal is for further excavation of the existing lower ground floor area and in this instance, I do not consider that a full Basement Impact Assessment would be warranted given the existing site conditions and extent of excavation proposed at existing lower ground floor level. I am therefore satisfied that this can also be appropriately managed by condition.

8.0 AA Screening

Compliance with Article 6(3) of the Habitats Directive

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 8.1.2. The application is accompanied by Stage 1 AA Screening Report prepared by Enviroguide Consulting dated September 2023. It was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.
- 8.1.3. The conclusion of the report is that the development, either alone or in combination with other plans and projects, poses no risk of likely significant effects on Natura 2000 sites and, therefore, does not require progression to Stage 2 Appropriate Assessment.

- 8.1.4. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment- Test of likely significant effects

- 8.1.5. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.1.6. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 8.1.7. The Applicant provides a description of the project in Section 1.3.2 of the Screening Report and is as described in Section 2 above. In summary, the development would comprise a change of use to a hotel alongside the demolition of the existing rear annexes, construction of a two storey rear extension (lower ground and ground), and internal alterations to the Protected Structures to provide 25 hotel rooms.
- 8.1.8. The site location is described in Section 1.3.1 of the Screening Report as well as Section 1 of this report. The site comprises two terraced, four storey Protected Structures
- 8.1.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- 8.1.10. Construction Phase:
- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.
 - Surface water run-off containing silt, sediments and/or other pollutants into the public combined sewer network.

- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the construction phase comprising soils and construction wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity; and
- Increased human presence and activity as a result of construction activity.

8.1.11. Operational Phase:

- Surface water drainage from the site of the proposed development.
- Foul water from the proposed development.
- Increased lighting at the site and in the vicinity emitted from the proposed development; and
- Increased human presence and activity at the site and in the vicinity as a result of the proposed development.

Submissions and Observations

8.1.12. None received.

European Sites

8.1.13. The development site is not located in or immediately adjacent to a European site.

The following sites are noted:

- South Dublin Bay and River Tolka Estuary SPA (site code 004024), 2.9km to the east.
- South Dublin Bay SAC (site code 00210), 2.9km to the east.
- North Dublin Bay SAC (Site Code 000206), 5.3km to the north east.
- North Bull Island SPA (Site Code 004006), 5.3km to the north east.

8.1.14. Qualifying interests and conservation objectives for each of the sites are listed on the National Parks and Wildlife Services (NPWS) website (www.npws.ie), the overall aim

being to maintain or restore the favourable conservation condition of the identified qualifying interests.

Identification of Likely Effects

- 8.1.15. The site is a serviced, urban, brownfield site that benefits from existing connections to municipal water supply and sewage systems. There are no watercourses in the immediate vicinity of the site although I note that the River Liffey is located approximately 0.5km to the north.
- 8.1.16. There is therefore a weak hydrological link between the subject site and the four named coastal sites via the public drainage system and the Ringsend WWTP, where wastewater from the proposed development would be treated. However, having regard to the ongoing upgrade works at Ringsend WWTP to increase capacity, the insignificant additional loading proposed by the development, the distance between the subject site and the European sites of Dublin Bay, and the dilution and dispersal levels of Dublin Bay, I am satisfied that, there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on the designated sites in view of their qualifying interests and conservation objectives.
- 8.1.17. In combination effects are addressed in Section 4.3.1 of the Screening Report. It takes into consideration a number of plans and projects in the vicinity. It concludes that there will not be any in combination effects on the European sites discussed.

Mitigation Measures

- 8.1.18. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise. The measures to be employed at construction stage are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.

Screening Determination

- 8.1.19. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the

project, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on European Site Nos. 000210, 004024, 000206, 004006 or any other European site, in view of the sites' Conservation Objectives and Stage II Appropriate Assessment (and submission of a NIS) is not, therefore, required.

9.0 Recommendation

- 9.1. From my assessment above, I consider that the Board should grant planning permission for the proposed development based on the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the Z5 zoning objective, where hotel use is a permissible use, it is considered that the proposal would not result in an overconcentration of hotel uses in the immediate area and that Frederick Street South would maintain a suitable range of uses for its city centre location. Whilst the planning status of the residential unit in No. 25 is unclear, it is not considered that the loss of a single unit to be significant in the context of the provision of residential use in the wider city centre nor is it considered that it would have any significant implications for future residential provision. The proposed rear extension is of an acceptable scale, massing, and detailed design, and the loss of the rear annexes and warehouse would not be detrimental to the character or setting of the Protected Structures.
- 10.2. The level of internal works proposed to the Protected Structure are considered to be proportionate to the proposed use and would not have any significant adverse material impact on the legibility or heritage value of the Protected Structures. The works to replace non original PVCu windows with more traditional timber fittings is welcomed and would be a benefit of the proposal. It is considered that subject to the conditions set out below, the proposed development would be in accordance with the development objective with regard to the nature and range of uses, would not seriously injure the integrity and setting of the existing Protected Structures or the visual amenities and architectural character of the Conservation Area within which the site is located and would be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars lodged with the planning authority on 7th September 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The applicant shall provide for and shall submit and agree in writing with the planning authority the following requirements prior to the commencement of development.
 - (a) A full photographic survey of the existing building, both internal and external.
 - (b) Details of the reuse on site of the original door proposed for removal at basement level.
 - (c) A record of all surviving historic fabric to be repaired and retained to include doors, architraves, windows and linings, plaster ceilings and cornices, timber floorboards and other floor finishes, and all other historic fabric.
 - (d) Full details of all proposed joist strengthening works.
 - (e) Details of the range and extent of repointing/cleaning/repair works to brick, stonework and render on all facades.
 - (f) Details of historic features of interest encountered during the works an inspection by the Conservation Officer as required.
 - (g) Details of openings within the existing internal party walls.
 - (h) A detailed Conservation Method Statement prepared by a suitably qualified Conservation Architect to cover all proposed works including demolition, construction, repair and refurbishment.

Reason: To ensure that the integrity of this protected structure is maintained with works being carried out in accordance with best historic building conservation practice.

3. The applicant shall comply with the following requirements to the satisfaction of the planning authority:

(a) The proposed development shall be carried out under the direction of suitably qualified Conservation Architect in accordance with the recommendations within: Architectural Heritage Protection: Guidelines for Planning Authorities issued by The Department of the Environment, Heritage and Local Government in 2005.

(b) All permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or surviving historic fabric and shall be carried by experienced conservators to the highest conservation standards and historic fabric shall be protected throughout the construction stage. Any fabric identified for repair off site shall be recorded prior to removal, catalogued and numbered to allow for re-instatement.

Reason: In the interest of clarity and best historic building conservation practice.

4. The Developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation, prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

Reason: In the interest of sustainable waste management.

6. Hours of construction shall be confined to the hours of 0800 and 1800 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

Reason: In the interest of the protection of the amenities of the area.

7. Details of materials, colours and textures of all external finishes which shall include the provision of samples for the proposed new roof shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. The applicant shall obtain water and waste-water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, details of basement impact mitigation measures, and details of flood risk management/mitigation (for the lower ground accommodation) shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), no additional development shall take place above roof level of the new extension, including air handling equipment, storage tanks, ducts or other external plant other than those already shown on the drawings submitted with the application, unless authorised by a prior grant of planning permission.

Reason: In the interest of clarity and best historic building conservation practice.

11. Details of the proposed signage, size, materials, method of illumination if any proposed, shall be submitted to the planning authority for their written agreement prior to commencement of development, any additional signage shall be the subject of a separate planning application.

Reason: In the interest of visual amenity and residential amenities.

12. Details of the provision of staff cycle parking and associated changing/showering facilities shall be submitted to and approved in writing by the Planning Authority.

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

13. Prior to the commencement of the development, a fully detailed Servicing Management Plan shall be submitted to and agreed in writing with the planning

authority. The implementation of the measures provided for in the plan shall be managed, monitored and reviewed by the operator of the development.

Reason: In the interest of pedestrian and vehicular safety and convenience.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound including areas identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of parking arrangements for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

15. The developer shall pay to the planning authority a financial contribution in respect of The LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

16. The Developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the

Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Terence McLellan
Senior Planning Inspector

28th June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318532-23			
Proposed Development Summary	Protected structure: change of use to hotel with all associated site works.			
Development Address	Numbers 24 and 25 Frederick Street South, Dublin 2			
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	No further action required	
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			EIA Mandatory EIAR required	
No	X		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)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 10 (iv) - Urban development which would involve an area greater than 2 hectares in the case of a business district.		Proceed to Q.4

		Class 12 (c) - hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-318532-23	
Proposed Development Summary	Protected structure: change of use to hotel with all associated site works.	
Development Address	Numbers 24 and 25 Frederick Street South, Dublin 2.	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for a hotel, in an area that is characterised by a range of city centre commercial uses in addition to residential. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants.</p>	No.
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the</p>	<p>The size of the development would not be exceptional in the context of the existing environment.</p>	No.

<p>context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>	
<p>Location of the Development</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 development would be located in a serviced area and would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impacts on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and the development would not have any significant adverse impact or effect on the adjacent Conservation Area or the character, setting, or heritage value of the subject Protected Structures.</p>	<p>No.</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____