



An
Bord
Pleanála

Inspector's Report ABP-319129-24

Development

Modifications to permitted 125 bedroom tourist hostel permitted under Reg. Ref. 3781/23, comprising an additional floor of accommodation resulting in 144 bedrooms and associated amendments to elevations.

Location

6 – 12 Sackville Place and 107A Marlborough Street, Dublin 1

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4887/23

Applicant

A Star Backpackers Limited

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant

A Star Backpackers Limited

Date of Site Inspection

2nd July 2024 and 6th February 2025

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The application site is located in the centre of Dublin city, on the southern side of Sackville Place, proximate to its junction with Marlborough Street. The site has a stated total area of 701 square metres and is vacant following the demolition of the buildings on the site, some of which were previously used for third level education purposes. There is hoarding in place along the site perimeter adjoining Sackville Place. The site has frontage of c. 43 metres in length to Sackville Place.
- 1.2. The site is bounded to the east by a three storey public house at Piper's Corner with frontage onto both Sackville Place and Marlborough Street. The site location map indicates the applicant has a right of way along Williams Lane, which adjoins part of the site to the south. The site backs onto existing buildings located along Lower Abbey Street which are mainly of four storey design. The site is opposite a relatively recently constructed 7 storey hotel with frontage onto Sackville Place and Marlborough Street (Moxy Hotel). The recently re-opened Clery's Department store is located to the north-west of the site. A nine storey hotel fronting onto Earl Place, and located proximate to the subject site, is under construction on a site which previously accommodated a warehouse building used by Clery's.

2.0 Proposed Development

- 2.1 The proposed development consists of amendments to planning application Reg. Ref. No. 3781/23 which permitted demolition of all structures on the site and the construction of a 7-storey (over basement) contemporary tourist hostel to provide 125 no. bedrooms at first to sixth floor levels, a resident's lounge, cafe / bar and separate cafe / retail unit at ground floor level. Other elements of the permitted development include PV panels at roof level, bicycle parking at ground floor and all associated site works and services.
- 2.2 This application proposes the following modifications:
 - Construction of one additional floor of accommodation (494 sqm) resulting in an 8 storey over-basement building.
 - The proposed building height is c 26.4 metres compared with c 23.2 metres permitted under the parent permission, equating to an increase of c 3.2 metres.

- The proposed extension provides for 19 no. bedrooms at the new 7th floor level, increasing the number of bedrooms from 125 to 144, resulting in an increase in bedspaces from 605 to 709. The gross floor area will increase from 4,277 sqm to 4,771 sqm.
- Other than the development of an additional floor it is generally proposed to maintain the permitted design and layout, as per Reg. Ref. No. 3781/23.
- Fenestration to front façade of 4th floor adjusted i.e. set back at an angle.
- 6th floor façade revised to match typical floors below.
- 6th floor no longer to be setback from the northern building line with Sackville Place.
- 7th floor (top floor) will be set back from the building line to the north and south.
- All top floor glazing to Sackville Place is proposed as transparent glazing.

2.3 The application is accompanied by the following documentation:

- Planning Context Report
- Design Statement
- Photomontage Views
- Engineering Report
- Report relating to installation of lifts, electrical and mechanical services
- Operational Waste Management Plan

2.4 I note the appellant provides revised plans, section drawings and an isometric view with the first party appeal demonstrating (i) the setback of the 6th floor by 0.75 m from Sackville Place, (ii) the further setting back of the 7th floor from Sackville Place by c 1.5 m in total. Revised photomontage views are also submitted with the appeal. This revised design necessitates the omission of one bedroom from the 7th floor and the provision of smaller bedrooms on this floor when compared to the original design.

3.0 Planning Authority Decision

3.1.1. On the 30th of January 2024 the planning authority refused permission for the proposed development for one reason as follows:

1. The proposed amendments to the permitted scheme, particularly the proposed extension to the sixth floor in addition to a new seventh floor, would result in a building that would be visually dominant and have undue overbearing impacts on the surrounding streetscape within an Architectural Conservation Area (ACA). The proposed development would therefore significantly detract from the character of the surrounding streetscape particularly onto Sackville Place and adjacent properties in the ACA, by nature of its design, scale and massing. Accordingly, the proposed development would be contrary to Policies BHA7 and Section 11.5.2 of the Dublin City Development Plan 2022-2028, would set an undesirable precedent for similar such development and would be contrary to the proper planning and sustainable development of the area.

3.1.2. Planning Authority Reports

3.1.3. Planning Report

The report of the area planner outlines, inter alia, the nature of the proposal, relevant Development Plan policy, reports received and the planning history of the site. This report reflects the decision to refuse permission. It notes that the proposed development would result in the development of an eight storey over basement building. Concern is expressed in terms of the nature of the proposed design and the local context. It is considered that the proposed additional floor and removal of the associated set back at 6th floor level would result in a building out of proportion with the street which functions as a laneway, rather than a main thoroughfare. Further, it is considered that the development of an additional floor would have an overbearing impact on the streetscape. Reference is made to the Moxy hotel opposite the site where the upper two floors are set back resulting in a building of sufficient height which is not overbearing. An additional floor to the permitted hostel replicating the

permitted elevational treatment is considered to result in a monolithic building at this location. The report concludes that the proposal would negatively impact on the character of the streetscape within the ACA.

3.1.4. **Other Technical Reports**

Air Quality Monitoring and Noise Control Unit: No objection raised. Conditions provided.

Transportation Planning: No change to the car parking or bicycle regime proposed. Grant of permission recommended subject to conditions.

Drainage Division: No objection raised. Developer to comply with conditions relating to surface water management under Reg. Ref. 3781/23.

3.1.5. **Prescribed Bodies Reports**

The planning authority invited The Heritage Council, the Development Applications Unit, An Taisce, An Chomhairle Ealaíon, Fáilte Ireland, Irish Rail, Irish Water (now Uisce Eireann), Transport Infrastructure Ireland (TII) and the National Transport Authority (NTA) to comment on the proposal. No submissions from these bodies were received other than a submission from TII noting that the site falls within an area set out in a Section 49 Levy scheme for Light Rail. The submission requests inclusion of a Section 49 contribution condition should permission be granted.

An Bord Pleanála also sought the views of The Heritage Council on the appeal. No submission was subsequently received.

3.1.6. **Objections/ Observations**

No third party objections or observations were received by the planning authority in relation to the planning application.

4.0 **Planning History**

Appeal site

Planning Authority Reference 3781/23 – Permission granted in October 2023 for demolition of all existing structures on site; construction of a 7-storey (over

basement) contemporary tourist hostel; extension of existing basement footprint towards laneway to the rear; resident's lounge, cafe / bar and separate cafe / retail unit at ground floor; 125 no. bedrooms at first to sixth floor levels; plant and PV panels at roof level, bicycle parking at ground floor and all associated site works and services.

Planning Authority Reference 3689/22 – Permission granted in August 2022 for modifications to Reg. Ref. 3702/20 to facilitate an additional 22 no. bedrooms through internal reconfigurations at 1st to 5th floor levels, relocation of plant and construction of additional floor area at 6th floor level with altered roofline at this level; reconfiguration of street level entrance, foyer and cafe bar layout, revisions to retail unit, ancillary alterations to elevations and associated works.

Planning Authority Reference 3702/20 – Permission granted in March 2021 for a 96 bedroom contemporary tourist hostel in existing and new buildings ranging in height from 6 to 7 storey (over basement).

Planning Authority Reference 2437/20 – Permission refused in June 2020 for a 95 bedroom contemporary tourist hostel in existing and new buildings ranging in height from 6 to 7 storey (over basement). Refusal reason:

1. Having regard to the requirements of the Dublin City Development Plan 2016-2022, the O'Connell Street Area Special Planning Control Scheme and the O'Connell Street Architectural Conservation Area, it is considered that the proposed development, by reason of the overall scale, bulk and massing would present an unduly monolithic building façade to the adjoining streets and be seriously injurious to the visual amenities of the area. Furthermore the development would detract from the overall architectural composition of the neighbouring Protected Structures and would adversely affect the O'Connell Street Architectural Conservation Area. The proposed development would therefore be contrary to Policy CHC4 of the Dublin City

Development Plan 2016-2022 and well as Section 16.2.2.3 and Section 16.10.10 of the Dublin City Development Plan 2016-2022 and if permitted would set an undesirable precedent contrary to the proper planning and sustainable development of this location.

Adjoining site to the east at Piper's Corner, 105-106 Marlborough Street and 5 Sackville Place, Dublin 1

Planning Authority Reference 3546/22 – Permission granted in November 2022 for demolition of the existing three-storey commercial building and the construction of a nine-storey over basement level mixed-use building consisting of 1 no. commercial unit (public house) at ground floor level and a total of 15 no. apartments over eight floors with balconies or terraces to the north, east and south elevations, and a communal roof level terrace area, all over a basement comprising bicycle parking spaces, bin stores, plant room, and stores and ancillary service areas for the commercial unit/public house.

Site opposite the appeal site at Sackville House, Sackville Place, Earl Place and Marlborough Street, Dublin 1

An Bord Pleanála Reference PL29S.246456 / Planning Authority Reference 3919/15 – Permission granted in August 2016 for change of use of Sackville House (4 storey plus basement structure) from retail / commercial and office uses to hotel use and retail / café use, and provision of an additional 3 storeys to provide a 7 storey building with setbacks at 6th and 7th floors. (Moxy Hotel).

Site at former Clery's warehouse building at Nos. 13,14 and 15 Earl Place, Dublin 1 (North-west of the appeal site)

Planning Authority Reference 5479/22 – This is the most recent application lodged in respect of this site. Permission granted on this site for demolition of Clery's warehouse building, and development of a 9 storey over basement hotel (229 bedrooms) and associated restaurant and bar. (Currently under construction).

5.0 Policy and Context

5.1 Development Plan

The appeal site is zoned Z5 – City Centre on zoning map E of the Dublin City Development Plan 2022-2028.

The subject site and adjoining areas are located within a green hatched Architectural Conservation Area (ACA) which pertains to the O'Connell Street ACA adopted in 2001. Section 15.15.2.1 relates to such areas and notes that development in these zones must respect the existing character of the area and enhance the setting and appearance of the streetscape and / or protected features.

There are a number of protected structures in the general vicinity including Clery's Department store (RPS No. 6003) which has primary frontage onto O'Connell Street Lower with secondary frontage onto Sackville Place, to the north east of the site. Other protected structures located to the south of the site and which the site backs on to include Veritas House (RPS No. 1) at 7-8 Abbey Street Lower, Dublin Central Mission at 9c Abbey Street Lower (RPS No. 3) and a public house (RPS No. 2) at No. 9 Abbey Street Lower.

5.1.1. The provisions of the Dublin City Development Plan 2022-2028 relevant to this assessment are as follows:

Chapter 4 – Shape and Structure of the City

Policy SC1 Consolidation of the Inner City

To consolidate and enhance the inner city, promote compact growth and maximise opportunities provided by existing and proposed public transport by linking the critical mass of existing and emerging communities such as Docklands, Heuston Quarter, Grangegorman, Stoneybatter, Smithfield, the Liberties, the North East Inner City and the south and north Georgian cores with each other, and to other regeneration areas.

Policy SC2 City's Character

To develop the city's character by:

- cherishing and enhancing Dublin's renowned streets, civic spaces and squares;

- developing a sustainable network of safe, clean, attractive streets, pedestrian routes and large pedestrian zones lanes and cycleways in order to make the city more coherent and navigable and creating further new streets as part of the public realm when the opportunities arise;
- protecting the grain, scale and vitality of city streets and encouraging the development of appropriate and sustainable building heights to ensure efficient use of resources, services and public transport infrastructure and that protects the heritage and natural assets of the city;
- revitalising the north and south Georgian squares and their environs and realising their residential potential;
- upgrading Dame Street/College Green as part of the Grand Civic Spine;
- promoting the development of Moore Street and the Parnell Quarter as major new cultural and historical attractions for the city.

Chapter 6 - City Economy and Enterprise

Policy CEE26 – Tourism in Dublin

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.

Policy 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

Chapter 11 – Built Heritage and Archaeology

Section 11.5.2 – Architectural Conservation Areas

Policy BHA7 – Architectural Conservation Areas

(a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.

(b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.

(c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA.

Contemporary design which is in harmony with the area will be encouraged.

(d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

(e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.

(f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.

All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease.

Chapter 15 – Development Standards

- Section 15.14.1 relates to Hotels and Aparthotels
- Section 15.14.1.1 relates to Hotel Development

Appendix 3, Table 2: Plot Ratio and Site Coverage

- Indicative Plot Ratio of 2.5-3.0 in Central Area
- Indicative Site Coverage of 60-90% in Central Area
- Policy and guidance regarding building height is set out in Appendix 3.
- When considering building height, regard must be had to the prevailing context within which the site is located and broader consideration must also be given to potential impacts such as overshadowing and overlooking.

Other

- Architectural Conservation Area (ACA) of O'Connell Street and Environs 2001.

- O'Connell Street and Environs Scheme of Special Planning Control 2022.

The purpose of the Scheme is to guide investment towards the creation of a busy thriving commercial area in O'Connell Street and environs, while protecting and enhancing architectural, historical, cultural and civic character of this street and area.

5.2 National Policy / Guidance

The **National Planning Framework** (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 5 aims to develop towns and cities of scale and quality to compete internationally and drive national and regional growth;
- NPO 6 aims to regenerate cities with increased housing and employment;
- NPO 11 outlines a presumption in favour of development that can encourage more people and generate more jobs/activity within existing settlements;
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking

Urban Development and Building Heights Guidelines for Planning Authorities (2018)

These Guidelines expand on the compact development objectives of the NPF and remove the blanket numerical limitations on building height which previously applied under county development plans, including the Dublin City Development Plan 2016- 2022.

5.3 Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European site is South Dublin Bay and River Tolka Estuary SPA located c 2.3 km to the north east.

5.4 EIA Screening

See completed Forms 1 and 2 below. Having regard to the nature of the proposed development comprising extensions / alterations to a permitted tourist hostel development to facilitate an additional 19 hotel bedrooms on a brownfield site, in the city centre and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

The applicant has appealed the decision made by Dublin City Council to refuse permission for the proposed development.

The grounds of appeal may be summarised under the following headings as set out below:

Design, height and scale

- The design incorporating the proposed modifications is consistent with the permitted development and is appropriate in the context of the ACA.
- The submitted Design Statement provides an analysis of the site context and identifies that the immediate area is transitioning to greater scale, as denoted by the Clery's redevelopment (28.1 m in height), the nine storey (29 m in height) Premier Inn at Earl Place and the permitted nine storey development at Piper's Corner immediately adjoining the site.
- Proportions of the building are appropriate for a city centre street and are consistent with adjoining permitted development.
- The city centre is identified as one of the key locations for additional height.
- An analysis of the proposed development is considered in accordance with Table 3 of Appendix 3 of the City Development Plan relating to height, density and scale. Proposed development falls within the prevailing height category of Appendix 3.

Similar development in immediate area

- The proposed development shares several characteristics with the proposed Earl Place Hotel including:
 - Location within the O'Connell Street ACA.
 - Location on a laneway (of lesser width than Sackville Place).
 - Relationship and proximity to principal streets (Earl Street North and Marlborough Street respectively).
 - Relationship to adjoining buildings of lesser scale.
 - Plot size and length of street frontage.
- While the planner's report for the proposal indicates an overall building height of 30.9 m, this relates to an OS datum on the drawings. The building height above street level is 26.34 m (maximum).
- The Earl Place site can accommodate a 9 storey building without causing overbearing effects or detracting from the ACA. Verified views of the proposed development illustrates a similar relationship on Sackville Place.

Assessment by planning authority / Development Plan Policy

- Concern that the planning officer viewed the permitted development in a less favourable light than the planning assessment carried out in 2023 which was complementary in terms of the design and scale of the development.
- Sackville Place is described as 'a laneway or side alley' in the assessment, whereas it was described as a commercial thoroughfare in the previous application relating to this site.
- Sackville Place is an important link street between Luas lines on Marlborough Street and O'Connell Street.
- There is significant footfall on the street from new businesses e.g. Clery's, Earl Place Hotel, Moxy Hotel. The permitted development on the subject site and the adjoining site at Piper's Corner with active frontages will also increase footfall.
- Other than the Moxy Hotel (7 storeys), the assessment does not refer to taller developments constructed / permitted in the same urban context as the proposed development.

- No assessment made in respect of height, density and scale of the proposed development in accordance with Table 3 of the Development Plan.
- No justification is given for concluding that the proposed development would be contrary to ACA policy. No commentary was sought or received from the Conservation Section in respect of the proposal.

Revised proposal for consideration

- Concerns relating to the loss of the 6th floor setback are noted. An option of providing a setback at 6th floor level and a further setback at 7th floor level are illustrated on revised plans, elevations, sections and photomontages submitted with the appeal. These demonstrate that Sackville Place will be more vibrant and pedestrian friendly post redevelopment.
- The setback on the permitted Piper's Corner development occurs at the top of 6 storeys above street level. The setback / shoulder height in this planning application is consistent with the adjoining development at Piper's Corner. The setback in the revised design would be inconsistent with that permitted development and less visually attractive.

The following drawings and documentation are appended to the first party appeal:

- Photomontage Views considering additional setbacks to upper floors
- Drawing No. 20150: 6th floor - Additional Setbacks
- Drawing No. 20151: 7th floor – Additional Setbacks
- Drawing No. 20211 Section EE – Additional Setbacks
- Drawing 20402 Isometric – Additional Setback

6.2 Planning Authority Response

The planning authority request that the decision to refuse permission is upheld. If permission is granted, inclusion of Section 48 and 49 contribution conditions are requested.

6.3 Observations

None received.

7.0 Assessment

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 and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Land-use and nature of proposed development
- Height, scale and design / Impact on the character of the area
- Architectural Conservation Area
- Appropriate Assessment Screening

I note that the applicant has submitted a revised design should the original design proposal be considered unacceptable. I have therefore examined both the design as originally proposed and the amended design received with the first party appeal.

7.1 Land-use and nature of proposed development

- 7.1.1 The proposed development relates to extension of the tourist hostel permitted under Planning Authority Reg. Ref. 3781/23 to provide an additional 19 bedrooms, increasing the total number of hotel bedrooms to 144. To facilitate this, it is proposed to construct an additional floor.
- 7.1.2 The appeal site is located within zoning objective Z5 City Centre - 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.' Hostel (tourist)' and 'Hotel' are permissible uses under the Z5 zoning objective.
- 7.1.3 The plot ratio and site coverage of the permitted development on the site (Reg. Ref. 3781/23 refers) was 6.1 and 100% respectively. The additional floor to the permitted development results in a stated plot ratio of 6.8 (indicative plot ratio in development plan is 2.5 -3.0 for Z5) and a site coverage of 100% (indicative site coverage in development plan is 90% for Z5). The Dublin City Development Plan 2022-2028

notes that a higher plot ratio and site coverage may be permitted in certain circumstances. Having regard to the location of the appeal site within an inner urban area, in very close proximity to existing Luas lines and multiple bus routes and also that the site has the benefit of a previous permission for this tourist hostel development (which is proposed to be amended by this application, the subject of this appeal), it is considered that, in accordance with development plan policy, a higher plot ratio and site coverage is acceptable in this instance.

7.2 Height, scale and design / Impact on character of the area

- 7.2.1 Having regard to the planning authority's refusal reason relating, inter alia, to the design and scale of the proposed development which involves an additional floor to the permitted hotel development to facilitate an 8th storey over basement building, and also to the submitted grounds of appeal, I consider it necessary to assess the height, scale and design of the proposed development.
- 7.2.2 The proposed building height would be c 26.4 m compared to a height of c 23.2 m under Reg. Ref. 3781/23 (height differential of 3.2 m). I note that under Reg. Ref. 3702/20 (a previous application on the site), the permitted building height on this site was c 23.8 m, resulting in a height differential of c 2.6 m between that development and the current proposal.
- 7.2.3 The appellant considers that the height, scale and massing of the proposed development are appropriate at the subject location and in this regard has assessed the proposal against the performance criteria of Table 3 of Appendix 3 of the City Development Plan in terms of height and scale.
- 7.2.4 In terms of integration with the character of the area, the applicant has prepared a Design Statement which includes an analysis of existing and permitted building heights in the immediate and wider areas. Of particular note, in my opinion, are the heights of existing and permitted developments in the immediate area, namely the Clery's redevelopment at O'Connell Street and Sackville Place (c 28.1 m), the permitted hotel at North Earl Street (9 storeys – c 31 m), the Moxxy Hotel (opposite the subject site) at Sackville Place (7 storeys – c 23.6 m) and the permitted development on the adjoining site to the east at Piper's Corner, Sackville Place (9

storeys – c 27.5 m). The Design Statement also includes massing and skyline studies at Sections 2.2 and 2.3.

- 7.2.5 Section 4 of Appendix 3 of the City Development Plan addresses how to achieve sustainable height and density. The proposed development comprises provision of one additional floor to a permitted 7 storey tourist hostel building, which would involve an additional height of c 3.2 m, resulting in an overall height of c 26.4 m at this location. Having regard to existing building heights in the immediate area, as set out in Section 7.2.4 above and as detailed in the Design Statement, and also given the permitted height of the as yet unbuilt development on the immediately adjoining site to the east (Piper's Corner), my view is that the height of the proposed development is not significantly above the immediate prevailing context of the area.
- 7.2.6 Section 3.1 of the Building Height Guidelines, notes that there is a general presumption in favour of increased heights in town and city cores provided they are served by high capacity and frequent transport services.
- 7.2.7 Having regard to the foregoing, it would be useful, in my opinion, to consider the proposed development in terms of Table 3 of Appendix 3 of the Dublin City Development Plan 2022-2028, as it relates to height and scale. Density considerations do not apply in this instance given the non-residential nature of the proposal. I have applied the performance criteria in my assessment in Table 1 below.

Table 1: Performance Criteria in Assessing Proposals for Enhanced Height and Scale

<i>Criteria 1 – To promote development with a sense of place and character</i>	<p>This area of the City is transitioning to one which accommodates higher and larger buildings as evidenced by existing and permitted developments in the immediate area – Section 7.2.4 of this report refers.</p> <p>In my view, the proposed development comprising one additional floor, resulting in an 8 storey over basement</p>
--	--

	<p>building, would not be out of character with the immediate area.</p> <p>Other than the development of an additional floor of accommodation, the design and finishes are not materially different to the permitted development granted permission under Reg. Ref. 3781/23. I do not consider that the proposed development is monolithic in nature. The proposed set-back at top floor level is appropriate and, in my opinion, mitigates overbearing impacts on Sackville Place.</p>
<i>Criteria 2 – To provide appropriate legibility</i>	<p>The subject site constitutes a brownfield infill development site. I consider that the proposed development would make a positive contribution to the legibility of the streetscape and the wider area. Sackville Place is an important pedestrian route connecting Marlborough Street with O’Connell Street. Improvements to the public realm / footpaths adjoining the proposed development will enhance legibility of Sackville Place.</p>
<i>Criteria 3 - To provide appropriate continuity and enclosure of streets and spaces</i>	<p>I consider that the proposed development would accord with the character of the area and would be an appropriate response to a site where the prevailing character and pattern of development in the area is in the</p>

	<p>process of transitioning to higher buildings of larger scale.</p> <p>The proposed height and scale of development would integrate with development in the immediate area, including the permitted 9 storey development at Piper's Corner adjoining the subject site. Similarly, the proposed development is located opposite the Moxy hotel, a building of 7 storeys in height. In my opinion, the proposal would provide appropriate consistency of scale and design at this location.</p> <p>The proposed tourist hostel and retail unit (permitted in the parent permission) provides active ground floor uses generating street level activity, animation and facilitating passive surveillance.</p>
<i>Criteria 4 - To provide well connected, high quality and active public and communal spaces.</i>	<p>Public and communal open spaces are not required given the commercial nature of the proposed development.</p> <p>Public realm improvements will occur along the frontage of the site.</p>
<i>Criteria 5 - To provide high quality, attractive and useable private spaces</i>	<p>Provision of private amenity spaces not required given the commercial nature of the proposal.</p>
<i>Criteria 6 - To promote mix of use and diversity of activities</i>	<p>The proposed development involves modification to a permitted tourist hostel</p>

	which incorporates retail use at ground floor level.
<i>Criteria 7 - To ensure high quality and environmentally sustainable buildings.</i>	Full details submitted with the parent application in this regard. Blue roof system retained.
<i>Criteria 8 - To secure sustainable density, intensity at locations of high accessibility</i>	<p>The proposed development is located in within the inner city where there are a multiplicity of high frequency transport options available. The Marlborough Street Luas stop is located c 40 m from the site, while the O'Connell Street Luas stop is also proximate to the site. Multiplicity of bus services available in the immediate area.</p> <p>No car parking provision is proposed.</p> <p>Active travel is promoted.</p>
<i>Criteria 9 - To protect historic environments from insensitive development</i>	<p>It is noted that there are a number of Protected Structures in the vicinity of the site and that the site is located within the O'Connell Street ACA. Revised and updated photomontages are provided. I do not consider that the proposed modification to the permitted hostel development unduly impacts on any Protected Structure or the ACA (See Section 7.4 below).</p>
<i>Criteria 10 - To ensure appropriate management and maintenance</i>	An updated Operational Waste Management Plan is provided which considers the proposed additional development.

- 7.2.8 I consider that the character of the area is undergoing change and redevelopment as evidenced by a number of buildings of height and scale in the area, in addition to permitted development, not constructed to date (Section 7.2.4 refers). In my opinion, the proposed development in terms of its height, scale and massing would be consistent with the prevailing character of the area and would not significantly detract from the character of the surrounding streetscape and adjacent properties.
- 7.2.9 The skyline and massing studies at Sections 2.2 and 2.3 of the Design Statement demonstrate that the proposed additional floor would not have a significant impact on the prevailing skyline. This is corroborated by the photomontage views submitted whereby the tourist hostel with the proposed additional floor, while visible from nearby locations around the site (Viewpoints 1, 2, 3, 4 and 9 refer), is not visible from locations further afield (Viewpoints 5, 6, 7, 8, 10, 11 and 12 refer).
- 7.2.10 I note that the appellant has submitted revised elevational drawings and plans with the appeal which demonstrate a setback of the 6th floor and a further setback of the 7th floor from Saville Place, should the Board find the original proposal to be unacceptable. Revised photomontages in this regard are also provided.
- 7.2.11 Having examined all the documentation and attachments submitted with the appeal, I consider that the setting back of the 6th floor and the further setting back of the 7th floor appears to exacerbate and accentuate the massing of the building. In my view, the original proposal with the single 7th floor setback is less visually dominant and I would concur with the applicant that the revised design incorporating the 6th floor setback would be visually inconsistent with the permitted adjoining development to the east at Piper's Corner.

7.3 Architectural Conservation Area

- 7.3.1 The subject site is located within the O'Connell Street and Environs ACA 2001. The planning authority raised a concern that the proposed development would result in a building that would have undue overbearing impacts on the surrounding streetscape and adjoining properties in an ACA, particularly at Sackville Place. In this regard, the refusal reason refers to non-compliance with Policy BHA7 – Architectural Conservation Areas and Section 11.5.2.
- 7.3.2 Section 11.5.2 provides general commentary and information relating to ACA's. For instance, it defines, inter alia, what an ACA is, deals with the issue of demolition in

an ACA, and outlines priority ACA projects. It also notes that O'Connell Street and Environs is within an Area of Special Planning and Control (2022) which allows the City Council to specify development objectives that would further strengthen its designation as an ACA. Upon review of Section 11.5.2 of the City Plan, I do not consider that the proposed development would be contrary to that part / section of the Development Plan.

- 7.3.3 Item (a) of Policy BHA7 requires, inter alia, development within or affecting an ACA to protect and enhance the character and appearance of the area and to pose no harm to buildings, spaces, original street patterns and other features which contribute to the ACA. In my view, the proposed development comprising the development of one additional floor to a permitted tourist hostel resulting in an 8 storey over basement building would accord with the prevailing height of this part of the ACA, would not compromise existing buildings, spaces, original street patterns and other features which contribute to the ACA and would not adversely affect the ACA.
- 7.3.4 Item (b) requires that proposals contribute positively to the character and distinctiveness of the area and have full regard to guidance set out in the Character Appraisals and Framework of each ACA. In my opinion, the proposed development contributes to the character of the area and would not conflict with the O'Connell Street and Environs ACA. I note that the planning authority has not cited any specific provisions in the ACA which are not met by the proposal.
- 7.3.5 Item (c) requires that any new development or alteration to a building within an ACA is, inter alia, complementary and / or sympathetic to their context, appropriate in terms of scale, height, mass, building lines and materials. Having regard to my assessment under Section 7.2 of this report, I conclude that the scale, height and massing of the building on foot of one additional floor as proposed would be consistent with the prevailing character of the area and would be appropriate at this location. The building line is adhered to and materials are considered to be of high quality, including stone on the front elevation.
- 7.3.6 Item (d) seeks the retention of all features that contribute to the character of an ACA including boundary walls, railings, paving and street furniture. In this regard I note that permission was secured under Reg. Ref. 3781/23 for demolition of all buildings

on the site and the construction of the proposed tourist hostel. In this context there are no features at the site which would contribute to the ACA.

- 7.3.7 Item (e) seeks to promote sensitive hard and soft landscaping works that contribute to the ACA. The proposal relates to the development of an additional floor of accommodation for the permitted tourist hostel and as such this proposal does not involve landscaping works.
- 7.3.8 Item (f) involves promotion of best practice conservation expertise for works to historic buildings in the ACA. The subject site is vacant and does not relate to a historic building. Further, no trees are located in the public realm proximate to the site.
- 7.3.9 The planning authority's refusal reason considers that the proposed development results in a visually dominant building with undue overbearing impacts on the streetscape within the ACA, thereby detracting from character of the streetscape and adjoining properties in the ACA, which, it is considered would set an undesirable precedent for similar such developments and would be contrary to BHA7. As referenced earlier in this report, the prevailing character of this particular area, and indeed this part of the green-hatched conservation area is transitioning to large developments of height and scale on sites both adjoining and proximate to the proposed development. There is already permission on the appeal site for a tourist hostel of seven storeys in height above basement level and the proposal seeks to build one additional storey to facilitate 19 additional bedrooms, resulting in a height of c 24.6 m, which is below that of the permitted mixed use development to be located on the adjoining site at Piper's Corner. The proposed design and finishes of the extension shall accord with and integrate with those of the permitted hostel (Reg. Ref. 3781/23 refers). The proposed development would be visible from nearby locations and not from more distant settings. In my opinion the proposed amended development would accord with the character of the ACA at this location and while appearing more dominant on its northern side when compared to the permitted development, it would not, in my opinion, appear overly dominant given the prevailing character of this area of the ACA. As such, I consider that the proposed development aligns with Policy BHA7 of the Dublin City Development Plan 2022-2028.

8.0 Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.

The subject site is located on a brownfield site in Dublin City Centre.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Relatively small scale and nature of the proposed development.
- Location-distance from nearest European site and lack of connections.
- Taking into account the determination by the Planning Authority.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site 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 and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission be granted subject to the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022 – 2028, relevant National Guidelines, the Z5 – City Centre zoning of the site, the planning history of the site, the nature, form, scale and design of the proposed extension to the permitted hotel, it is considered that, subject to compliance with the conditions

set out below, the proposed development would not be overly visually dominant, would not have undue overbearing impacts on the surrounding streetscape within the ACA, would not detract from the character of the surrounding streetscape and adjacent properties in the ACA, would comply with Policy BHA7 and Section 11.5.2 of the Dublin City Development Plan 2022-2028, and would not set an undesirable precedent. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall comply with the conditions of planning application register reference number 3781/23, except as otherwise may be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann to provide for service</p>

	<p>connections to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
6.	<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>

7.	<p>The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City Scheme (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.</p>
----	---

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

John Duffy
Planning Inspector
6th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319129-24		
Proposed Development Summary	Modifications to permitted 125 Bedroom tourist hostel permitted under Reg. Ref. 3781/23, comprising an additional floor of accommodation resulting in 144 bedrooms and associated amendments to elevations.		
Development Address	6 – 12 Sackville Place and 107A Marlborough Street, Dublin 1		
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)?			
Yes	X	Class 10 (b) (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended.	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319129-24
Proposed Development Summary	Modifications to permitted 125 bedroom tourist hostel permitted under Reg. Ref. 3781/23, comprising an additional floor of accommodation resulting in 144 bedrooms and associated amendments to elevations.
Development Address	6 – 12 Sackville Place and 107A Marlborough Street, Dublin 1
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Site size is c 701 sqm. The proposal involves modifications to a permitted tourist hostel including the construction of one additional floor of accommodation (19 bedrooms) resulting in an overall 8 storey over basement building with 144 no. bedrooms. Reg. Ref. 3781/23 permitted a 7 storey over basement hostel development comprising 125 bedrooms.</p> <p>The development would not result in the production of significant waste, emissions or pollutants.</p>

Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The subject site is located within the built-up area of Dublin inner city. There is no direct hydrological connection present to any Natura 2000 sites.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no other locally sensitive environmental sensitivities in the vicinity of relevance.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	NO
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	NO
There is a real likelihood of significant effects on the environment.	EIAR required.	NO

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening the need for Appropriate Assessment

Appropriate Assessment :Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises modifications to a permitted 125 bedroom tourist hostel permitted under Reg. Ref. 3781/23, comprising an additional floor of accommodation resulting in 144 bedrooms in total and associated amendments to elevations.

No Appropriate Assessment Screening Report was submitted. The Planning Authority considered that having regard to the nature, size and location of the proposed development and distance from the nearest European Sites, the proposed development, either individually or in combination with other plans or projects would have no significant impacts on any European Sites and, therefore, a Stage 2 Appropriate Assessment would not be required.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA). The nearest European site is South Dublin Bay and River Tolka Estuary SPA located c 2.3 km to the north east. South Dublin Bay SAC is located c 3.5 km to the south-east.

There are no direct natural hydrological connections from the subject site to this SPA.

The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater/drainage. Therefore, there is an indirect pathway to the European sites of Dublin Bay via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

Likely impacts of the project (alone or in combination)

I do not consider that the increased loading from the proposed development would generate any significant demands on the existing municipal sewers for foul water. I acknowledge that there would be a marginal increase in loadings to the sewer and the WWTP, however, upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening.

Having regard to the distance separating the site to the aforementioned Natura 2000 sites there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of any of the SPAs/SACs identified above.

Furthermore, there are no plans or projects which can act in combination with the proposed development which can give rise to significant effect to Natira 2000 sites located within the zone of influence.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

The scale of the development;

The location of the subject site within the urban context of Dublin City Centre;

The lack of any direct connections to the nearest Nature 2000 site; and

Taking into account conclusion of the appropriate assessment screening undertaken by the planning authority.