



An
Bord
Pleanála

Inspector's Report ABP-315255-22

Development	Demolition, and construction of 111-bedroom hotel.
Location	The Swan Centre, Rathmines Road Lower, Rathmines, Dublin 6.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4832/22
Applicant(s)	Sawbridge Ltd.
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Decision
Appellant(s)	Sawbridge Ltd.
Observer(s)	Belgrave Residents Associations Rathgar Residents' Association
Date of Site Inspection	8 th February 2024
Inspector	D. Aspell

1.0 Site Location and Description

- 1.1. The site forms part of the Swan Centre, Rathmines. The Swan Centre is a large shopping centre located generally between Rathmines Road Lower, Castlewood Avenue and Castlewood Terrace.
- 1.2. The Centre has shop frontages along Rathmines Road and Castlewood Avenue. The adjoining buildings are predominantly retail and commercial, as is most of the immediate area.
- 1.3. The part of the shopping centre which is the subject of the appeal addresses Rathmines Road Lower. It is comprised generally of a 2-storey pitched roof structure with retail units at ground and first floor. There is a large glass skylight on the roof.
- 1.4. The remainder of the shopping centre on Rathmines Road is mainly 2-storey or equivalent, rising to 4-storeys equivalent to the rear. Along Castlewood Avenue the Centre is mainly single storey, rising to 3- and 4-storeys behind.
- 1.5. There are vehicular accesses to the customer basement car park from Rathmines Road and Castlewood Terrace. There are two service yards to the rear, both of which are accessed from Castlewood Terrace.
- 1.6. The immediate area varies in terms of built form, however buildings on this part of Rathmines Road Lower and Castlewood Avenue are predominantly 2-storeys, with some 3 and 3.5-storey structures.
- 1.7. I note there is a terrace of townhouses called Newington Terrace to the south-east of the site. This terrace is accessed from Castlewood Terrace but is located within the Swan Centre complex.

2.0 Proposed Development

- 2.1. The development proposed at application stage can be summarised as follows:
 - Demolition of existing glazed pitched roof over shopping centre;
 - Change of use of 1 no. ground floor retail unit to hotel reception;
 - Change of use of 2 no. 1st floor retail units to hotel storage & staff facilities;
 - Construction of a hotel, metal-clad fire escape stair and plant room enclosure;

- Re-clad front facade on Rathmines Road Lower in brick;
 - All associated drainage works.
- 2.2. The hotel would be constructed generally on part of the existing shopping centre. It would address Rathmines Road and be accessed through converted shopping centre retail units.
- 2.3. The proposal submitted at application stage was for 111 No. bed rooms. The structure would have increased the height of the shopping centre along Rathmines Road from 2- to 4-storeys with a 5th storey set back, and a 6th storey behind this.
- 2.4. A revised proposal is set out in the appeal. The main changes are the omission of bed rooms (decreasing the total from 111 to 98 no.) and a corresponding increase in the 5th storey set-back at the front of the hotel to match the proposed 6th storey. I note that the original application red line area extended around the proposed hotel structure only. The red line area revised at appeal comprises the same portion of the shopping centre, now accompanied by a separate area of service yard.
- 2.5. A number of reports are included in the appeal, including a sunlight and daylight assessment, hotel management plan, and photomontages. The appeal is in two parts. The first is titled 'Further Information' and sets out a response to planning authority internal reports in relation to the development as proposed at application stage. The second is titled 'Alternative Scheme' and sets out the revised proposal. The revised proposal comprises hotel bed rooms, ground floor lobby & reception, staff rooms, storage rooms, staff toilets and showers, laundry room, linen rooms, cleaning stores, and circulation.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. The planning authority issued a notification to refuse permission (7th November 2022) for one reason as follows:

“Having regard to the height, bulk and design of this hotel scheme along the Rathmines Road Lower; its setting within the historic streetscape of Rathmines; its proximity to a number of important Protected Structures both opposite the site and to

the north including the former Town Hall / Clock Tower site, and its close proximity to residential properties along Newington Terrace, it is considered that the proposed development would result in an incongruous and overbearing form of development along this street, which would significantly detract from the setting and character of Rathmines Village. The proposed development would also result in overshadowing, overlooking, and overbearing impact to the properties along Newington Terrace. The proposed development would thereby seriously injure the residential amenities of properties in the vicinity and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

Planning report

3.2.1. The report on the planning application recommended refusal and is summarised as follows:

- ‘Hotel’ is permissible in the area. There are a number of hotels along Rathmines Road. There is no objection to a hotel at this location;
- No objection in principle to 4-storeys with 4th floor set back as previously permitted (Ref. 4106/18). Serious reservations about heights above this. Site is in the ‘Outer City’ where a 16m maximum height applies. Proposal does not demonstrate compliance with Building Height Guidelines;
- A visual impact study would be beneficial. Proposal is overbearing and visually obtrusive in the historic village streetscape. The scale, bulk, and design is incongruous and would seriously injure visual amenity. The design for this important site is poor and does not have sufficient regard to street context;
- Proposal would detract from the character and setting of the former town hall / clock tower. It would be visually dominant when viewed from the junction of Rathmines Road Lower / Castlewood Avenue, and would block the view of the town hall / clock tower. Although not a protected view, it is a very important landmark;

- Serious concerns regarding proximity of hotel to Newington Terrace dwellings where proposal would be in close proximity to rear garden / windows. In some cases the distance would be c.5m, with a large number of the bedroom windows overlooking the rear gardens. This was not considered in the scheme design. No sunlight / daylight study was submitted;
- Refusal is recommended given substantial concerns in relation to scale, height, design and impact on streetscape, as well as in relation to overlooking, overbearing and overshadowing impacts on Newington Terrace;
- The hotel is in Zone 2 for parking purposes. 37 no. car parking spaces would be required for a 111-no. room hotel. No details are provided for car or cycle parking, drop-off facilities, loading bays, deliveries etc;
- Proposal is not laid out as a traditional hotel and provides none of the ancillary accommodation normally provided. A hotel operational plan is required;
- Addition of a hotel centrally in the shopping centre without a rationale is poor;
- Swan Centre is large and prominent and is being developed piecemeal. Planning authority wish to see a vision / masterplan for the Centre;
- Considerable amount of information outstanding. The Transportation and Drainage divisions recommended further information. Notwithstanding the lack of detail, sufficient information is submitted for a full assessment.

Drainage Division

- 3.2.2. Further information recommended. Report stated that permission should be withheld until satisfactory information is approved in relation to a comprehensive engineering services report detailing how foul and surface water is to be managed, and that the development shall incorporate sustainable drainage systems incorporating green roof and/or rainwater harvesting for the proposed development.

Transportation Planning

- 3.2.3. Further information recommended. Report stated there was insufficient information within the application to assess the proposal, and that further information for a detailed servicing management plan; clarify of drop-off and collection strategy; details of the number, type and location of proposed cycle parking; confirm details of any agreement between the developer / hotel management and any nearby parking

facility for use of any customer using the hotel; a mobility management plan; and an outline construction traffic management plan.

Environmental Health Officer

3.2.4. Conditions recommended regarding construction management, noise and emissions.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – Section 49 levy.

3.4. Third Party Observations

3.4.1. Five observations were received by the planning authority (Lorna Preston, Mr & Mrs Edward O'Malley, Rathmines Initiative, Rathgar Residents' Association and Belgrave Residents Association) in relation to the application. These are summarised as follows:

- Proposal will lead to traffic congestion. Impact on traffic along Castlewood Avenue and Castlewood Terrace should be taken into account. Increased traffic, alongside deliveries, shoppers, cinema-goers and visitors to the area will increase noise, traffic pollution and safety concerns. No assessment of traffic and parking impacts has been provided;
- Pavements along Rathmines Road Lower are not wide enough. Proposal will lead to overdevelopment. The quantity and intensity of development is excessive in terms of demands on infrastructure and services;
- Construction will disrupt tenants in Newington Terrace and surrounding areas;
- The hotel will directly overlook and overshadow property on Newington Terrace and compromise privacy;
- The proposal will appear as a 5-storey building which is excessive for the area. Previous proposals were for 3- and 4-storey development, with these additional floors set back, which was acceptable. Observation accepts need for increased height but this should not be to detriment of historic fabric. No buildings directly on the street should be above the existing permitted 3-storeys. Further increases in height should be considerably stepped back;

- Proposal will have significant impact on local amenities & character. No assessment provided of the impact on historic streetscape. Reference to Rathmines Local Action Plan and protected views of Rathmines town hall;
- Proposal is described as a hotel. Everyday understanding of hotel includes dining room, lounge, residents bar, kitchen etc. The proposal is not normally what is understood as a hotel. Concerned the development will be used for residential accommodation. An extension permitted to an existing Rathmines hotel does not operate as a hotel. Observation queries if demand exists for the proposed hotel. Further assessment in this regard should be provided;
- Application lacks appropriate information and is misleading.

4.0 Planning History

4.1.1. There is an extensive planning history at the location. A number of relevant applications are identified as follows:

Reg Ref. 3380/19: Planning permission granted by the City Council in 2019 at the Swan Centre for amendments to permitted scheme (Ref. 4106/18, below) consisting of re-cladding front facade of the existing building onto Rathmines Road Lower in red brick to create a new three storey scale to the street. Additional cycle storage to be provided on Castlewood Avenue and Castlewood Terrace.

Reg Ref. 4106/18 (ABP-304268-19): Planning permission granted by the City Council in 2019 at the Swan Centre for demolition of existing pitched glazed roof and construction of gym and office at second floor (roof) level. Structure will increase the height of the centre to part 3-storeys and part 5-storeys. In response to further information the proposal was reduced to 3- and 4-storeys. Appeal was withdrawn.

Reg Ref. 3912/15: Planning permission granted by the City Council in 2016 at the Swan Centre for redevelopment of the Castlewood Avenue car park & service yard, relocation of 11 no. residential parking spaces to basement car park and removal of 11 no. retail car spaces to facilitate same; 4 No. new single storey retail kiosk units and extension of mall including new entrance doors & signage.

Reg. Ref. 2023/16 (ABP Ref. PL29S.246383): Planning permission granted by the Board in 2016 at 206 Rathmines Rd for demolition of existing 2-storey building

consisting of retail unit at ground floor and apartment at first floor, and construction of 3-storey with set-back 4th and further set-back 5th storey building with 1 no. retail unit and 7 no. apartment units.

Reg. Ref. 2717/12: Planning permission granted by the planning authority in 2012 at the Swan Centre for demolition of buildings while retaining front façade. Construction of new cinema auditoria with 863 seats at 1st and 2nd floor to create a 3-storey building above the carpark access road and service yard. Existing 320 no. car parking spaces are available at basement with existing vehicular access via Rathmines Road Lower and Castlewood Lane and egress onto Castlewood Lane.

5.0 Policy Context

5.1. Development Plan

5.1.1. Since the planning authority issued its notification of decision, the 2022-2028 Dublin City Development Plan has been adopted. I note that the planning authority response to appeal assesses the appeal in light of the new development plan.

5.1.2. Under the 2022-2028 City Development Plan, the site is zoned 'Z4 Key Urban Villages / Urban Villages' where the land-use zoning objective is *"To provide for and improve mixed-services facilities"*. I note the following policies and objectives:

Policy SC2 City's Character and Policy SC5 Urban Design and Architecture Principles

Policy SC9 Key Urban Villages, Urban Villages and Neighbourhood Centres and Policy SC10 Urban Density and Policy SC11 Compact Growth

Section 4.5.5 Urban Design and Architecture and Policy SC19 High Quality Architecture

SC14 Building Height Strategy, SC15 Building Height Uses, SC16 Building Height Locations, and SC17 Building Height

Policy SC20 Urban Design and Policy SC21 Architectural Design

Policy SC22 Historical Architectural Character and Policy QHSN12 Neighbourhood Development

Policies QHSN12 Neighbourhood Development, QHSN36 High Quality Apartment Development, QHSN37 Houses and Apartments, QHSN38 Housing and Apartment Mix, QHSN40 Build to Rent Accommodation, SQSN41 Build to Rent Accommodation, QHSN42 Build to Rent Accommodation, and QHSN45 Third-Level Student Accommodation;

Objective CEE01 Study on the Supply & Demand for Hotels, Aparthotels and Hostels

Section 6.5.5 Key Economic Sectors – Tourism, Hotels and Events and Policy CEE28 Visitor Accommodation

Table 2 Maximum Car Parking Standards for Various Land Uses

Policy SI22 Sustainable Drainage Systems, Policy SI23 Green Blue Roofs, Policy SI25 Surface Water Management

Objective CUO38 Noise Impacts and Objective CUO39 Purpose Built Spaces for Evening and Night Time Activities

Table 15-1 Thresholds for Planning Applications

Section 15.4 Key Design Principles, including Sections 15.5.4 Height, 15.5.7 Materials and Finishes, 15.14.1 Hotels and Aparthotels and 15.14.1.1 Hotel Development

Appendix 2 Retail Strategy, Appendix 11 Technical Summary of Green & Blue Roof Guide, Appendix 13 Surface Water Management Guidance, and Appendix 15 Land Use Definitions

5.2. **Rathmines Local Action Plan 2009**

- 5.2.1. I note the provisions of the Rathmines Local Action Plan. This is a non-statutory plan and is not referenced in the current development plan.

5.3. **National guidelines**

- 5.3.1. Sustainable Residential Development and Compact Settlement Guidelines 2024
- 5.3.2. Sustainable Urban Housing: Design Standards for New Apartments 2020
- 5.3.3. Design Manual for Urban Roads and Streets 2019

- 5.3.4. Urban Development and Building Height Guidelines 2018
- 5.3.5. Architectural Heritage Protection Guidelines 2011, including Section 13.8 “Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation Area” and subsections 13.8.1, 13.8.2 and 13.8.3.
- 5.3.6. Urban Design Manual – A Best Practice Guide 2009

5.4. **Natural Heritage Designations**

- 5.4.1. None relevant.

5.5. **Environmental Impact Assessment**

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

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The first party appeal is summarised as follows:
 - Further information was not sought. This would have allowed applicant to provide information requested in the interdepartmental reports, address planning authority concerns, and propose design amendments;
 - Appeal provides information on issues raised by the planning authority including drainage as well as presenting an amended design. The appeal addresses servicing management; drop-off & collection; cycle & guest parking; mobility management; construction traffic management; hotel operation plan; visual impact; urban design & architecture; building height,

bulk and scale; sunlight, daylight & overshadowing; overlooking & privacy; traffic congestion; and masterplanning;

- A 4-storey street frontage to Rathmines Road Lwr is appropriate. Acknowledge that the original 1.7m setback was not enough. This is now increased to 7.9m to align with the 6th storey set-back. The sense of street enclosure created by the building-height to street-width ratio is important;
- The façade design relates to its context and improves the character of the area. The façade is broken down into three sections vertically. The blind-window recesses in the north and south elevations further break down the façade's scale. The materials and colours relate to the context;
- The visual impact study shows that the amended development does not block views of the former town hall & clock tower;
- A hotel reception plan and services management plan is submitted. Applicant does not propose guest facilities in the hotel; instead the Swan Centre will be used / promoted, which is owned and operated by the applicant. Applicant may explore converting first-floor facilities to ancillary hotel uses such as conference facilities should the need arise as the hotel develops;
- Staff will arrive by the reception or will park their cycles in the service yard. Hotel will use the shopping centre service yards. All linen will be cleaned off-site. Refuse collection will be from the shopping centre service yard. Deliveries, collections and refuse will be routed through the Swan Centre customer circulation areas;
- Details of transportation facilities are set out. Dedicated car parking is not proposed, as is common for most city centre hotels. Given its closeness to the City Centre, it is unlikely there would be demand for car parking. Car parking is available in the shopping centre basement which is under the applicant's control; should guests require car parking it can be booked in advance and would be cordoned off. As the numbers are likely to be very low, and parking required when the shops are closed, there would be no material effect on car parking capacity. Staff cycle parking only is proposed;

- There will be no dedicated vehicle drop-off area outside the hotel as it would impede the cycle lane and would likely be abused. Drop-offs and pick-ups would be on Leinster Square or Castlewood Avenue. Guests with large amounts of luggage could be accommodated by prior arrangement in the Swan Centre basement carpark. A mobility management plan will be prepared;
- A pre-connection enquiry has been submitted to Irish Water. Confirmation has not been received. No new hardstanding is proposed. A blue roof is proposed;
- The appeal reviews the existing street frontage; discusses the area's character, materiality and façade design; and provides information on precedents and how the proposal meets Building Height Guidelines criteria;
- A 'daylight analysis and overshadowing' report for the revised proposal is submitted. It states there would be a 92% vertical sky component pass rate for the locations assessed (ie. Newington Tce and Nos. 175 to 185 Rathmines Road Lwr), and given the built-up nature of the location, it considers this to be a high pass rate. In relation to impacts on the amenity spaces to the rear of Newington Terrace, the report states that no garden space would achieve the required 50% level on March 21st, however the existing scenario achieves the same results and as such the development would not reduce access to sunlight in this regard;
- Details of the revised proposal including drawings are included.

6.2. Planning Authority Response

6.2.1. Response to appeal received 14th December 2022 requesting the Board to uphold decision. Further response to appeal received 6th January 2023 made the following main points:

- Regarding the revised scheme submitted to the Board, the planning authority still has concerns regarding scale, height and bulk, impact on historic streetscape, and proximity to important protected structures opposite the site and to the north including the town hall / clock tower. This a poorly designed scheme which would be incongruous in the streetscape;

- The planning authority sees no objection in principle to hotel use. The hotel is not typical. It provides no dining, bars, or seating for guests. A new objective CU039 in the new development plan requires adaptable supporting spaces for hotels over 100 rooms. The revised scheme is reduced from 111 to 98 rooms. It is poor that the development relies on the village and Swan Centre to provide guest catering & entertainment;
- Serious concerns regarding the hotel's excessive scale and bulk in the historic Rathmines streetscape. It is located in a sensitive part of the village and opposite protected structures. Regardless of the two floors at upper level being set back in the revised scheme they will be visible on the skyline;
- The revised design is poor and does not relate to the streetscape or surrounding buildings and appears out of context in its surroundings;
- The revised scheme seeks to address overlooking of Newington Terrace. This does not address the overbearance of these dwellings due to the excessive height and design which would seriously injure the amenities of these properties;
- The Swan Centre is being developed piecemeal. Planning authority is disappointed by the lack of vision / masterplan for the site;
- Revised scheme does not fully address the planning authority concerns regarding scale, height, bulk and overbearance of Newington Terrace. The planning authority ask the Board to refuse the revised scheme.

6.3. Observations

6.3.1. Belgrave Residents Association made the following main points in relation to the appeal:

- Volume of documentation submitted to the Board for an alternative scheme must give rise to concern as to procedure;
- Concern regarding height along Rathmines street frontage, and impact on views of town hall and clock tower. Views of the clock tower would be spoiled;

- Profile and street frontage of the Swan Centre and other buildings provide the proper setting for the town hall & clock tower;
- The nature and scale of the proposal would be an affront to the protected heritage of the area. Negative impact on Rathmines historic streetscape;
- The historic sense of place has been conserved through the survival of features despite the loss of tracts of historic fabric. The proposal would be a further erosion of the distinct character of the village;
- Surviving architectural features would be overwhelmed by the bulk and flat lines of the hotel front;
- Proposal would seriously injure residential amenities in the vicinity;
- The lack of parking will significantly increase pressure on parking along adjacent streets. 37 car and 11 cycle spaces should be provided;
- Applicant proposes Leinster Sq. or Castlewood Av. for drop-off / pick-ups. Leinster Sq. is residential and should not benefit commercial development;
- There are issues for people with disabilities, and health & safety, having to cross a busy street to access the hotel.

6.3.2. Rathgar Residents' Association made the following main points in relation to the appeal:

- This section of Rathmines Road Lwr. is predominantly 2-storeys;
- The most striking and historical feature of Rathmines Road is the town hall & clock tower. No assessment is made of impact on the historic streetscape;
- The streetscape and its historic significance would be severely impacted. The proposal should be significantly amended to a more sympathetic one which reflects the importance of the historic views;
- Rathmines is a busy business district with major traffic congestion throughout the day. The proposal will generate significant additional traffic from guests and service vehicles. None of the plans show whether guest day- or night-time parking will be provided. No recognition has been made of how traffic from the hotel will be accommodated. A full assessment of impact on traffic is required;

- A 78 no. bedroom hotel was granted on Wynnefield Road (2028/22 / ABP-309843-21) and a 175 no. hotel in Portobello. The need for hotel accommodation of almost 400 no. rooms in Rathmines should be considered.

7.0 Assessment

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

- Land use;
- Architectural heritage and character;
- Design and visual impact;
- Impact on residential amenities;
- Other matters raised in relation to the appeal.

Land use

7.2. The proposal is within a 'Z4 Key Urban Villages / Urban Villages' land use zoning objective area set out in the Dublin City Development Plan 2022-2028. The applicant describes the development as a hotel. Hotel use is permitted in principle in this area.

7.3. I note however that the appeal documents state:

- It is proposed that the hotel will not have its own independent guest facilities, but rather the facilities of the Swan Shopping Centre will be used / promoted;
- There will be no hotel restaurant; guests will be encouraged to eat in the Shopping Centre food and beverage tenancies for breakfast and lunch;
- The applicant may explore with the various food tenants the possibility of setting up a breakfast or lunch offering specifically for hotel guests;
- For lunch and evening meals, it is argued that a designated hotel restaurant is not required, given the number of high-quality food and beverage offerings in the immediate vicinity of Rathmines;

- Subject to planning, the applicant may explore option of converting first floor facilities into other ancillary hotel uses (such as conference facilities) in the future should the need arise as the pattern of use of the hotel develops.

- 7.4. The Dublin City development plan definition for hotel is: *“A building, or part thereof, where sleeping accommodation, meals and other refreshments and entertainment, conference facilities, etc., are available to residents and non-residents, and where there is a minimum of twenty rooms en-suite. Function rooms may also be incorporated as part of the use.”* There is no definition of hotel in the Planning & Development Act 2000, as amended, or the Planning & Development Regulations 2001, as amended. I consider that the development plan definition in this regard broadly aligns with the descriptions and classifications used by Failte Ireland, as the National Tourism Development Authority, and related terminology in the Tourist Traffic Act 1939, Registration and Renewal of Registration Regulations for Hotels 2016, and Failte Ireland Hotel Classification Scheme 2017 as amended.
- 7.5. I note that Section 15.14.1.1 ‘Hotel Development’ of the City Development Plan states that hotel developments are encouraged to provide for publicly accessible facilities such as café, restaurant and bar uses to generate activity at street level throughout the day and night. It also states hotels are encouraged to provide a mix of publicly accessible uses vertically throughout the building such as roof terrace restaurant and bars to generate activity.
- 7.6. The proposal submitted at application stage and as revised in the appeal does not include space for meals, refreshments, entertainment or other typical hotel facilities. As configured at application or appeal stage I do not consider the proposal aligns fully with the definition of hotel in the Dublin City development plan. In the interests of clarity, and to support the provision of sustainable residential development of an appropriate quality within the City, I consider that a condition should be attached to any grant of permission for the proposed development which restricts the use of the development to that of hotel.

Architectural heritage and character

- 7.7. The site is not a protected structure, is not within an Architectural Conservation Area, and is not on lands zoned Z2 Residential Neighbourhoods (Conservation Areas). However, there are a number of protected structures in the vicinity which have a

significant influence on the urban form and character of the area, in particular the former Rathmines Town Hall & Clock Tower.

- 7.8. The development plan emphasises retaining, respecting and enhancing the City's character and heritage, and the established patterns, form, grain, and scale of streets and townscapes, as well respecting and enhancing the setting of protected structures (Policies SC2 and SC5, and Sections 15.4.2 and 15.5.3.2). Policy QHSN12 seeks to build on local character expressed in historic buildings so as to harmonise with and develop the unique character of places. Policy SC23 requires proposals to be in harmony with the City's historical structures. Policy SC19 requires proposals incorporate exemplar standards of high-quality urban design and architecture befitting the City's heritage and its locally distinctive neighbourhoods.
- 7.9. The Architectural Heritage Protection Guidelines state that new development at a distance from a protected structure can affect its character and special interest. The Guidelines state that a development could have an impact even when it is detached from the protected structure but is visible in an important view of the protected structure. It states that the extent of the potential impact of proposals will depend on the location of the works, the character and quality of the protected structure, and its setting. The Guidelines also state that large buildings, sometimes at a considerable distance, can alter views to or from the protected structure and affect their character.
- 7.10. The Rathmines Town Hall & Clock Tower is the architectural and urban design focal point of the area. It is a prominent protected structure which is highly visible for the full length of Rathmines Road Lower. North of the town hall, as far as Portobello Bridge, all buildings over one storey on that side of the road are set back behind the town hall. South of the town hall, all building frontages on that side of the road are generally no taller than 2- to 3-storeys and sit below the eaves level of the town hall. South of the town hall, building frontages step up to 3-storeys generally only adjacent the town hall and at the corner of Rathmines Road Lower and Castlewood Avenue. As such, the height, scale and form of almost all building frontages for the full length of that side of the road relate to the town hall in design terms. These factors make the streetscape sensitive to the height, form, scale and alignment of new buildings on that side of the road.

- 7.11. In relation to the proposed development as submitted at application stage, whilst the documentation submitted discussed the architectural relationship of the site to the town hall and adjacent streetscape, I consider that overall the form and scale of the proposal, in particular the scale and positioning of the upper floors, would disrupt the setting and special interest of the town hall & clock tower and the coherence of the streetscape.
- 7.12. I note that the documents submitted indicated that the proposal was designed to relate to the terrace at Nos. 177 to 185 Rathmines Road Lower. These buildings are protected structures, are 3.5 storeys in height, and set well back from the road. The street elevation proposed in the application was of similar width to this terrace, however the elevation was two storeys taller and fronted directly onto the street. I acknowledge that the subject site offers scope to respond in design terms to this terrace, however I consider the proposal as set out in the application did not have due regard to the prevailing form, scale and massing of the broader streetscape along this part of Rathmines Road Lower. I consider the proposed upper floors in particular would be overly dominant relative to this terrace and the wider streetscape, and would undermine the prevailing scale and sense of enclosure along the street.
- 7.13. Related to this, I acknowledge also that the character of the area is mixed. Whilst there is variety in the design, treatment, and roof profile of buildings south of the town hall, there is also notable conformity in terms of the reasonably fine urban grain, modest scale, predominantly 2-storey height, pitch-roofs, dark red-brick finish, and moderate sense of street enclosure. Whilst the front elevation proposed at application stage was reasonably well modulated, I consider the width, street elevation, and uniform parapet contributed to the imposing form and scale which is at odds with the prevailing streetscape.
- 7.14. More broadly, I also note considerable difference in the form, scale and character of the northern part of Rathmines Road Lower, which is characterised by significantly larger buildings, than the southern end of the Road around the subject site. In this regard, the northern end of Rathmines Road is comprised largely of 3- to 5-storey Georgian terraces set back from the road, as well as larger scale modern buildings of c.6- and 7-storeys (eg. Swan Leisure, Rathmines House, Pavilion View Apartments). In contrast, the southern end of Rathmines Road Lower in the vicinity of the subject site is characterised by smaller buildings, and again a reasonably fine

urban grain, predominantly 2-storey height, pitch-roofs, dark red-brick finish, and moderate sense of street enclosure. I consider that the proposal as presented at application stage did not demonstrate due regard to the specific character, design and scale of development of the immediate area along Rathmines Road Lower.

- 7.15. Overall, whilst there is opportunity for intensification and increased height in the area, I consider the form and scale of the proposal at application stage would disrupt the setting and special interest of the former Rathmines Town Hall & Clock Tower which is a prominent protected structure in the area. I consider the proposal at application stage would have a significant detrimental impact on the form and character of the streetscape and would represent an incongruous addition to the streetscape. As such I consider the proposal should be refused in these regards.
- 7.16. The revised proposal presented as part of the appeal increases the 5th storey setback at the front of the hotel to match the proposed 6th storey. This would, essentially, have the effect of lowering the height of the building street elevation by one storey, however the building would otherwise remain largely unchanged.
- 7.17. I consider that these changes would not satisfactorily address the issues identified above. I consider that the revised proposal, in particular the upper floors, would still disrupt the setting and special interest of the town hall and clock tower and the coherence of the streetscape. In relation to No's. 177 to 185 Rathmines Road, I consider the revised proposal would still be a storey taller and set forward directly onto the street, and as such would remain overly dominant relative to this terrace and the wider streetscape, and would undermine the prevailing scale and sense of enclosure along the street. Overall I consider the revised proposal has not had due regard to the prevailing form, scale and massing of the streetscape along this part of Rathmines Road Lower, and would be significantly at odds with the prevailing streetscape. As such I consider that the revised proposal should be refused in these regards.

Visual impact

- 7.18. The submitted application included elevations, contiguous elevations, and a design report which incorporated contextual axonometric drawings of the proposed development. No photomontages or computer generate images of the proposal were submitted.

- 7.19. Based on the submitted information, I consider that the scale and form of the building would appear overly dominant and excessive relative to the existing area. I consider that the proposed 5th and 6th storey elements are of particular concern; when viewed from Rathmines Road or Castlewood Avenue the building would appear monolithic in scale and form and approximately twice the height of neighbouring buildings.
- 7.20. I also consider the design and treatment of the upper levels would accentuate the excessive form and scale proposed. In this regard, I consider the largely blank southern and northern side elevations, in particular the proposed plant on the southern elevation, and the ensuing minimal articulation, combine to accentuate the overly dominant scale and form which would be at odds with adjacent streetscapes.
- 7.21. In addition, I consider the materials and dark colours proposed at application stage would further accentuate the visual impact of the proposal, and would appear incongruous in the area.
- 7.22. I note that no rationale was provided for why the development is proposed at this location, and if there are potential alternative locations within the Swan Centre.
- 7.23. Proposals for significant additional height and volume have been permitted and constructed at the Swan Centre in recent years. I consider this has been achieved without serious detriment to visual amenities or to the character of the area due to the relatively restrained massing, treatment and scale, and positioning back from the Rathmines Road and neighbouring streetscapes.
- 7.24. Based on the information submitted with the application, I consider the form, scale and treatment of the proposal, in particular the upper floors, would appear out of scale, overly dominant, and incongruous. The proposed elevations would be highly visible on approaches from the south and north. As such I consider the proposal as submitted at application stage would have a significant detrimental impact on the visual amenities of the area and should be refused.
- 7.25. In relation to the revised proposal submitted as part of the appeal, whilst some change to the building form and scale is proposed, specifically the prominence and extent of the 5th floor, minimal change to the 6th floor is proposed. Photomontages from three viewpoints are submitted. I do not consider the information provided comprehensively illustrates the appearance and visual impact of the proposal and its relationship to the receiving environment, in particular the 5th and 6th floors.

7.26. Based on the information submitted as part of the appeal, I do not consider the revised proposals satisfactorily address the above concerns in relation to the scale and form of the building. I consider the revised proposal would appear overly dominant and excessive from numerous viewpoints, particularly in relation to the design, treatment and appearance of the upper levels, as well as the elevations, materials and colouring. As such I consider the revised proposal should be refused.

Residential amenities

7.27. The area is predominantly mixed-use. The closest residential units which would be impacted by the proposal are at Newington Terrace, to the south-east, and to a lesser extent at No. 177 to 185 Rathmines Road Lower.

7.28. Having regard to their relative positions, and to the distance from the proposed development to No. 177 to 185 Rathmines Road, I do not consider the proposal would have a significant detrimental impact on the residential amenity of dwellings in this terrace.

7.29. In relation to Newington Terrace, it is located within the Swan Centre complex on lands controlled by the applicant. It is comprised of a terrace of 2-storey townhouses built over the Swan Centre ground / lower ground level. The rear of the terrace is orientated north and the front is orientated south. The dwellings have private amenity spaces at ground level to the rear, and at ground and first-floor to the front. The shopping centre abuts the side and rear boundary walls of Newington Terrace. From the rear ground floor and rear private amenity spaces the shopping centre currently appears as a c.1.5 / 2-storey structure immediately adjacent.

7.30. In relation to overbearance of Newington Terrace, the rear elevation proposed at application stage would be c.6m from the rear amenity space closest dwelling to the hotel (No. 1 Newington Terrace) and would appear as a 4-storey building on top of the existing 1.5/2-storey shopping centre (ie. 5.5 / 6 storeys in total). It is not possible to accurately read from the submitted drawings the height of the proposed rear elevation relative to the dwellings, however I estimate it would be c.16m above the finished ground level of the dwellings. I am satisfied that on account of the scale and proximity of the proposed rear elevation as shown in the submitted application that it would have a significant overbearing effect on these dwellings, in particular No. 1 Newington Terrace, and decreasing toward No. 11 Newington Terrace.

- 7.31. In relation to overlooking and privacy, the rear / eastern elevation as proposed at application stage would give rise to a very significant degree of overlooking of the rear amenity spaces and rear elevations of dwellings on Newington Terrace. This would arise from the large proportion of bed room windows at multiple levels within the rear / eastern elevation which would be orientated directly toward, positioned above, and in close proximity to the existing dwellings.
- 7.32. In relation to natural lighting, no assessment of the impact of the proposal at application stage was submitted. The proposed development would be located due west of Newington Terrace. Considering the scale and proximity of the development proposed at application stage, and its location relative to Newington Terrace, I consider that the proposal as presented would have a detrimental impact particularly in the evening periods during the summer months. In this regard I consider that the existing natural lighting environment of the rear of these dwellings, including both to the rear elevations and rear amenity spaces is poor. This is on account of their northern orientation and the proximity and scale of the existing shopping centre buildings.
- 7.33. Overall in relation to the proposal as submitted at application stage, based on the information submitted I consider the proposal would have a significant detrimental impact on the residential amenity of dwellings along Newington Terrace on grounds of overlooking and overbearance, and to a lesser extent on grounds of impact on natural lighting. As such I consider that it should be refused in this regard.
- 7.34. In relation to the proposal as revised at appeal stage, the revised proposal incorporates windows angled to the north-east. I consider that this would largely negate the overlooking of Newington Terrace identified above.
- 7.35. In relation to overbearance, the revised proposal submitted as part of the appeal makes no significant change to the form, scale and positioning of the proposal relative to Newington Terrace. As such I consider the revised proposal does not resolve the issues of overbearance identified above and as such is not acceptable in this regard.
- 7.36. In relation to natural lighting, I note that a 'Daylight Analysis and Overshadowing' report for the revised proposal was submitted as part of the appeal. It assesses impacts of the revised proposal in relation to vertical sky component and sunlight on

amenity spaces in Newington Terrace. The report indicates that the rear of a number of the dwellings on Newington Terrace already do not receive adequate levels of natural light. In this regard, it indicates that for ten of the eleven dwellings, no parts of the respective rear amenity spaces currently receive two hours of sunlight on the 21st March. The report indicates that with the proposed development constructed these spaces would achieve 80% of the current sunlight received and as such it states that this is acceptable (ie. 80% of an already inadequate level). No information is provided on the actual amount of sunlight these spaces receive or would receive if the proposed development was constructed. In relation to the rear elevations, the proposed development would have a noticeable detrimental impact on 2 no. of the dwellings (Nos. 1 and 2), however I consider that the extent of loss of light would only be significantly detrimental in relation to No. 1 Newington Terrace.

- 7.37. I note that the rear of these dwellings faces north, and that the dwellings likely receive good levels of natural lighting to their front elevations and terraces / private amenity spaces, however no assessment of the impact of the proposal on these parts of Newington Terrace is provided.
- 7.38. Whilst the scale of impact on the rear of these dwellings would not be unusual for an urban environment, considering the already poor natural lighting to the rear of these dwellings, and the scale and proximity of the proposed building, I consider that on balance the proposal would have an unacceptable detrimental impact on the natural lighting conditions of dwellings on Newington Terrace, in particular Nos. 1 and 2 Newington Terrace.
- 7.39. Overall in relation to residential amenities, I consider the revised proposal would have a significant detrimental impact on the residential amenity of No. 1 and 2 Newington Terrace in terms of overbearance and natural lighting. Having regard to the excessive scale of the proposed development I consider the proposal should be refused in this regard.

Other matters raised in relation to the appeal

Building Height and Density

- 7.40. The planning application set out considerations of the proposed height, including in relation to street enclosure, street to height ratio, streetscape, and Rathmines Town

Hall. No assessment was provided of the proposal against the building height provisions of the then development plan or of the building height guidelines.

- 7.41. At application stage the proposal was for an additional 4-storeys on the Swan Centre to provide a structure that would be 6-storeys in height overall. The remainder of the shopping centre varies in height from 1 to 4 storeys equivalent. The immediate area also varies in height, with some 3 and 3.5-storey structures, but is predominantly 2-storeys. At between two and three times the prevailing height in the area, and comprising 111 no. rooms, I consider the hotel proposed at application stage to be significantly beyond the prevailing height and density of the area.

Dublin City Development Plan, including Appendix 3:

- 7.42. Policy SC16 of the development plan recognises the predominantly low-rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including Key Urban Villages and other locations as identified in Appendix 3 of the development plan, provided that proposals ensure a balance with the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and established character of the area.
- 7.43. Appendix 3 states that *“In considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated. This is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height. As a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in the key areas identified below”*. In relation to Key Urban Villages Appendix 3 states: *“Many of the city’s urban villages are underdeveloped and have scope for greater intensification and consolidation. It is acknowledged however, that some of the urban villages have a prevailing low density character and any proposals for increased height and density will need to have regard to the existing pattern and grain of development to ensure sensitive and successful integration with the existing urban fabric”*.
- 7.44. Based on the foregoing I consider that the development plan recognises the need for increased height in locations such as Rathmines, provided that proposals ensure a

balance with the reasonable protection of, amongst other things, existing amenities, residential amenity and the established character of the area. I also consider that whilst the development plan promotes within the subject area building heights similar to that proposed, it requires consideration of potential impacts such as overshadowing, overlooking, and visual and cumulative impacts of increased building height, and also requires that regard be had to the existing pattern and grain of development to ensure sensitive and successful integration with the urban fabric.

7.45. In relation to density, Appendix 3 of the development plan states that the density of a proposal should respect the existing character, context and urban form of the area and seek to protect existing residential amenity. I do not consider the proposal achieves this. I consider that insufficient consideration in this regard is provided by the applicant. The net density range in units per hectare set out in Table 1 of Appendix 3 is not directly applicable to the proposal; the proposed form of development comprising small bed rooms is better measured in rooms or bed spaces per hectare. Noting the mixed-use nature of the area, I consider the proposal would on either measure represent a form of development which would be significantly denser than the prevailing context. The development plan states that as such the performance criteria in Table 3 of Appendix 3 of the development plan should apply in this regard.

7.46. Section 15.5.4 of the plan states that Appendix 3 identifies the height strategy for the city and the criteria in which all higher buildings should be assessed. Appendix 3 states that the performance criteria to be used in assessing urban schemes of enhanced density and scale are set out in Table 3 of Appendix 3. The table sets out 7 no. objectives and 30 no. performance criteria; I do not consider the proposal demonstrates that it supports the following objectives or meets the following performance criteria:

- Objective 1 To promote development with a sense of place and character: Enhanced density and scale should: respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints, have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area; not be monolithic and should have a well-considered design

response that avoids long slab blocks; ensure that set back floors are appropriately scaled and designed;

- Objective 3 To provide appropriate continuity and enclosure of streets and spaces: Enhanced density and scale should: provide appropriate level of enclosure to streets and spaces;
- Objective 7 To ensure high quality and environmentally sustainable buildings: be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing and loss of light; not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain;
- Objective 9 To protect historic environments from insensitive development: Enhanced density and scale should: not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments;

7.47. In relation to site coverage, the existing site coverage is c.100% and I estimate the plot ratio c.1:2. The proposal would increase the plot ratio of the application site significantly above this and above the development plan indicative upper limit of 1:2.5 (Table 2 'Indicative Plot Ratio and Site Coverage' of Appendix 3 of the development plan). I note however that the plan states that higher plot ratios may be permitted adjoining major public transport corridors and where the site already has higher plot ratio, but goes on to state that any development with a plot ratio over 3.0 must be accompanied by a compelling case. As such the proposal may be acceptable in these regards, however insufficient information is provided.

7.48. Overall, having regard to the provisions of the development plan, including Policy SC16 and Appendix 3, I consider the proposal to be significantly beyond the prevailing height and density of the area. I consider that whilst the proposed heights are generally within the height range stated by the development plan for areas such as Rathmines, the proposal has not demonstrated sufficient regard to the prevailing form, scale and height of buildings in the area or compliance with the policies, objectives and performance criteria of the development plan. I also consider that the form, scale and design of the proposal would give rise to detrimental impacts

in relation to privacy and natural lighting, would not complement the character of the area, and would not protect the historic environment.

- 7.49. I also note Section 6.0 of Appendix 3 'Guidelines for Higher Buildings in Areas of Historic Sensitivity' states that, in relation to Protected Structures, "*New development must respond to local character and protect and enhance the built heritage. New development should not have an adverse impact on a protected structure or its curtilage ... in terms of scale, height, massing, alignment and materials. Impact on protected structures ... are included in the performance based criteria set out in Tables 3 and 4.*" I consider that due regard to this provision has not been demonstrated.
- 7.50. The proposal as revised at appeal stage increases the set-back of the 5th storey, however does not reduce the overall height and does not significantly reduce the form and scale of the proposal. The appeal sets out commentary relating to the proposed building height, including a response in relation to the development management criteria and Specific Planning Policy Requirement 3 of the Building Height Guidelines. I note Section 4.5 of the appeal also sets out additional information in this regard. However the information submitted does not set out how the requirements of the development plan have been considered and addressed, including in relation to Policies SC14, SC16 or Appendix 3, and does not satisfactorily address the substantive issues identified above.
- 7.51. Having regard to the information submitted with the appeal, I do not consider the revised proposal satisfies the requirements of the development plan in this regard, and has not demonstrated due regard to the prevailing form and height of buildings in the area. I also consider that the form, scale and design of the proposal would give rise to detrimental impacts in relation to privacy and natural lighting, would not complement the character of the area, and would not protect the historic environment.
- 7.52. In relation to the Building Height Guidelines, and taking account of the wider strategic and national policy parameters set out in the National Planning Framework and the Guidelines, I do not concur that the proposed height, form and scale is acceptable, for the reasons set out above. As such I do not consider that the proposal presented at either application or appeal stage is consistent with the

provisions of the Building Height Guidelines, including Specific Planning Policy Requirement 3.

Traffic & transportation

- 7.53. The documentation submitted at application stage set out very limited information in relation to traffic and transportation impacts. In response, the planning authority transportation section recommended further information on a number of points. These included servicing management; service vehicles swept path analysis; drop-off and collection strategy; cycle parking provision; basement car parking demand; mobility management; and construction traffic management. These issues were not included as reasons for refusal by the planning authority.
- 7.54. The documentation submitted as part of the appeal states that the applicant seeks to address issues raised by the planning authority in this regard. The appeal states that guest car parking and drop-off will be available by prior arrangement in the shopping centre basement car park and that drop-off will be also available on Castlewood Avenue or across Rathmines Road at Leinster Square. Arrangements for construction traffic are stated as being not determined. Minimal details of potential impacts arising from the hotel on the existing service yards is provided (eg, linen, waste, food etc). No dedicated car parking or set-down facilities are proposed. No cycle parking for residents is proposed. I note information is not submitted on all points sought by the planning authority.
- 7.55. I also note that the size of the proposed hotel is reduced in the appeal by 13 no. rooms (approximately 12%) compared to that proposed at application stage.
- 7.56. I consider that very limited details in these regards have been submitted by the applicant, and that minimal assessment of traffic and transportation impacts overall is provided.
- 7.57. The site is relatively close to the City Centre and is well served by bus and taxi services. There is a bus stop and cycle parking outside the site, however no dedicated taxi-rank or set-down area is available in close proximity either at surface level or in the shopping centre basement.
- 7.58. Whilst the development plan sets out maximum car parking requirements for hotels, and whilst reduced parking provision for the proposal may be acceptable, I consider that further assessment of the envisaged car parking demand, including impacts on

existing Swan Centre basement car park users (eg. Newington Terrace residents, anchor retail tenants, cinema etc) is required. Details of set-down & collection locations and associated movements are also required. I also consider that further details of servicing, management, and construction traffic are required.

- 7.59. Having inspected the site, and having regard to the limited assessment and consideration demonstrated by the applicant at both application and appeal stages, I am not satisfied that appropriate arrangements can be achieved by condition in these regards. I consider that further assessment would be required, however I do not consider that refusal is warranted in these regards.

Drainage

- 7.60. In relation to the proposal at application stage, the application red line area and the wider Swan Centre under the control of the applicant were comprised completely of buildings and hardstanding. The proposal at application stage did not increase the extent of roof and hardstanding areas. The planning authority drainage report recommended further information in the form of a comprehensive engineering services report detailing how foul and surface water was to be managed, and requested that the development incorporate sustainable drainage systems including consideration of a green roof and/or rainwater harvesting.
- 7.61. The proposal revised at appeal stage incorporates a blue roof, however limited calculations are provided. An engineering services report is not provided. In relation to foul drainage and water supply, the appeal states that a pre-connection enquiry response has not been received from Irish Water. I note that as part of the appeal the red line area was extended to include an area of service yard, however as with the proposal at application stage, no increase in the extent of roof or hardstanding areas is proposed.
- 7.62. Whilst full details in these regards are not provided at either application or appeal stage, I am satisfied that appropriate surface water drainage arrangements can be provided at the site, and that appropriate sustainable urban drainage systems can be incorporated in accordance with development plan requirements. In relation to foul drainage and water supply, whilst the submitted information is limited, and a pre-connection response from Irish Water is not provided, considering the location of the

development in a serviced urban area I consider that refusal is not warranted in these regards.

Servicing and management

- 7.63. Limited information in relation to hotel servicing and management was provided as part of the application. The transportation planning section of the local authority stated that further information was required including for a detailed servicing management plan.
- 7.64. The appeal submission includes a 'hotel operational plan and servicing management plan'. I note that the remainder of the shopping centre is in the control of the applicant. The appeal indicates that deliveries, collections and refuse would be routed through the shopping centre customer circulation area to the existing service yards. Limited information on the likely frequency or nature of these movements is provided. I note that back-of-house service routes are available for the majority of units in the existing shopping centre.
- 7.65. As note above, I consider that there is a need for further assessment of servicing arrangements as part of any further assessment of traffic and transportation matters. However, having visited the site and wider shopping centre, I am satisfied that whilst details are limited, refusal of the proposal in these regards is not warranted.

Construction management

- 7.66. Limited information in relation to construction or construction management was provided as part of the original planning application. The transportation planning section of the local authority stated that further information was required, including for an outline construction traffic management plan.
- 7.67. The appeal states that the form of construction is not yet determined, however the likely form will allow for pumping of concrete from the service yards with delivery times to be agreed with the City Council. Limited other construction management details are submitted including impacts in terms of service yards, service traffic, construction traffic, and noise.
- 7.68. Whilst such issues are not unique to this urban site, and having regard to the information available, I consider that further detailed consideration of construction

proposals including construction management and construction traffic management are required. However, I am satisfied that refusal on these grounds is not warranted.

Extent of development

- 7.69. At application stage the red line area was around the proposed hotel structure only. The red line area in the appeal has been extended to include a separate area around part of one of the service yards. It is unclear from the submitted information whether all of the areas required for the development are contained within the application red line area. In this regard I consider that it is unclear whether all of the proposed drainage works, and whether all parts of the Swan Shopping Centre required or intended to be used in relation to the servicing, circulation, parking and supporting facilities such as dining have been appropriately included. However, I note that all areas required for development are within the blue line area of applicant control.

Procedure

- 7.70. The appeal observations raise concern with the extent of changes to the development and additional information submitted by the applicant as part of the appeal process. The main changes to the proposal are the omission of bed rooms and a corresponding increase in the set-back of one storey. Whilst a significant amount of information is submitted with the appeal, the main new information comprises a sunlight and daylight assessment, photomontages, hotel management plan, and responses to planning authority internal reports. Considering in particular the relatively modest nature of the changes to the proposal, I do not consider that the revisions proposed at appeal are so material as to require further public input or should be excluded from consideration by the Board.

Conclusion

- 7.71. Whilst there is a strong rationale for additional height and density in this location, this must be balanced against the specific heritage, character and design considerations of the area, and policy provisions regarding same.
- 7.72. Rathmines Road Lower is a main thoroughfare into the City Centre, and the site is prominent on this route within Rathmines village. The linear nature of Rathmines Road Lower, the smaller building forms at this end of the street, and the character of this 19th Century village, makes the site sensitive to larger building forms.

- 7.73. I consider the form and scale of the proposal as submitted at application stage, in particular the upper floors, would disrupt the setting and special interest of Rathmines Town Hall & Clock Tower, and would have a significant detrimental impact on the character, heritage and form of the streetscape.
- 7.74. I also consider the form, scale and treatment of the upper floors as submitted at application stage would appear overly dominant and monolithic in scale, and would be incongruous within the streetscapes and skyline of the area. I consider the proposal would be significantly at odds with the scale and form of development in the area, and would have a significant detrimental impact on the visual amenities of the area.
- 7.75. I also consider the proposal as presented at application stage would have significant detrimental impact on the residential amenity of dwellings on Newington Terrace, as set out above.
- 7.76. Overall, I do not consider that the changes to the proposal presented at appeal stage satisfactorily resolve the issues identified above.
- 7.77. Having regard to Policies SC2, SC5, SC19, SC23 and QHSN12, and Sections 15.4.2 and 15.5.3.2 of the development plan, and to the provisions of the Architectural Heritage Protection Guidelines, I consider the proposal as presented at both application and appeal stage would not respect and enhance the character, heritage, form, and scale of the streetscape, and would not respect or enhance the setting of protected structures in the area. I do not consider the proposal as presented at application or appeal stage would build on local character or would harmonise with and develop the historical structure and unique character of the area, including in terms of the proposed materials, within the locally distinctive neighbourhood of Rathmines. I further consider that the proposal as presented at application or appeal stage would have a significant detrimental impact on the residential amenity of dwellings on Newington Terrace.

8.0 **Appropriate Assessment**

- 8.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning & Development Act 2000 as amended. The subject site is not located within or adjacent any European Site designated SAC or SPA. The proposed

development is located within an urban, mixed used area and comprises the extension of a shopping centre. No nature conservation concerns were raised as part of the planning appeal. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European Site. The reason for this conclusion is the nature of the development as the conversion and addition of additional levels to an existing shopping centre and the location of the development in a serviced urban area, the distance to any European Sites and the urban nature of intervening habitats. I conclude that on the basis of objective information the proposed development would not have a likely significant effect on any European Site(s) either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment Stage 2 under Section 177V of the Planning & Development Act 2000 as amended is not required.

9.0 Recommendation

- 9.1. I recommend that planning permission be **Refused** for the reasons and considerations below.

10.0 Reasons and Considerations

Having regard to form, scale and design of the proposed development, both as proposed at application stage and as per the revised proposals submitted at appeal, in particular the upper floors, it is considered that the proposed development would appear overly dominant and excessive in scale, and would detract significantly from the visual amenities of the area. It is considered that the proposed development would have a significant detrimental impact on the character and heritage of the area, and would disrupt the setting and special interest of Rathmines Town Hall & Clock Tower, a protected structure, and the streetscape of Rathmines. It is also considered that the proposed development would have an unacceptable impact on the residential amenities of dwellings on Newington Terrace. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

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

Dan Aspell
Inspector
30th April 2024

APPENDIX 1

**Form 1
EIA Pre-Screening [EIAR not submitted]**

An Bord Pleanála Case Reference		315255-22		
Proposed Development Summary		Demolition of building. Construction of 111 no. room hotel.		
Development Address		The Swan Centre, Rathmines Road Loer, Rathmines, Dublin 6.		
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 No	X 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	X	Class.....	EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class/Threshold.....		Proceed to Q.4
4. Has Schedule 7A information been submitted?				
No	X			Preliminary Examination required
Yes				Screening Determination required

Inspector: _____

Date: __4th March 2024__

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	315255-22		
Development Summary	Demolition of building. Construction of 111 no. room hotel.		
Examination			Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?			No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?			No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?			No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?			No
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required	Yes	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	No	

Inspector _____ **Date:** __4th March 024_____

DP/ADP _____ **Date:** _____

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