

An  
Coimisiún  
Pleanála

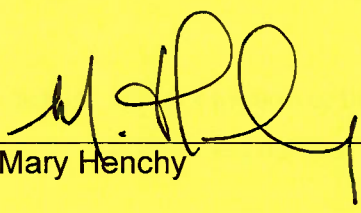
**Direction**  
**CD-020178-25**  
**ABP-322054-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 09/07/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

**Planning**

**Commissioner:**

  
Mary Henchy

**Date:** 09/07/2025

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

Having regard to the location and nature of the site, a courtyard serving a permitted hotel, it is considered that the proposed works are modest in scale and, due to the sensitive design do not detract from the setting of the protected structures. The Commission were satisfied, having considered the totality of the information on the file including both the Applicants and the Observers noise expert reports, that the proposed works, in combination with the other mitigation measures and subject to compliance with the conditions below, would address the issue of noise and its impact on the amenity of the adjoining property. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

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

**Reason:** To clarify the plans and particulars for which permission is granted.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference number 2045/16 (appeal reference (ABP) 29S.247635) and as amended by planning authority Register Reference number 3351/220 unless the conditions set out hereunder specify otherwise.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. (a) All recommendations within the acoustic report submitted by the applicant shall be implemented in full prior to the commencement of any use. These works will be subject to inspection from the Planning authority, the arrangements for this site inspection shall be agreed in writing with the planning authority prior to the commencement of works on site.
- (b) Further acoustic monitoring must be carried out post commencement of the use of the beer garden (Courtyard 1) to ensure the patron noise levels projected within the acoustic report are complied with. This acoustic monitoring shall be carried out at intervals to be agreed with the planning authority, and the results of same shall be submitted to the planning authority.



- (c) Monitoring of the noise shall be carried out at the developer's expense by an independent contractor who shall be agreed in writing with the planning authority. All monitoring records shall be made publicly available.

**Reason:** To protect residential amenity

4. The developer shall submit, for the written approval of the planning authority, the operational noise management policy and an implementation plan for same (referred to in Wave Dynamics report submitted with the application). This shall include the details in the planning report, submitted with the application, for the customer management plan. The implementation plan shall include a mechanism for corrective action if exceedances occur.

**Reason:** To protect the residential amenity

5. The use of the beer garden space (Courtyard 1) by patrons will be restricted to between 1000 hours and 2300 hours.

**Reason:** To protect residential amenity

6. The capacity of Courtyard 1 shall be limited to 135 persons.

**Reason:** In the Interest of clarity

7. Access to the Ornament Garden (the Courtyard area between the pavilion structure and the southern boundary of courtyard 1) shall be limited to staff as set out in the details submitted with the application.

**Reason:** In the interest of clarity.

8. There shall be no music within the area the subject of this application or directed into this external area.

**Reason:** In the interest of clarity.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interests of sustainable drainage.

10. (a) Noise resulting from use of the southern courtyard area arising from the commercial use of the hotel, its public house and restaurant affecting nearby noise sensitive locations shall not exceed the background level (as defined by B. S. 4142:2014) by 10 dB(A) or more or exceed the limits below, whichever is lesser as measured from the facade of the nearest noise sensitive locations.

In this regard:

- (i) Daytime (0700-1900) 55 dB LAr, T (60 min).
- (ii) Evening (1900- 2300)- 50 dB LAr, T(60 min).
- (III) Night-time (2300- 0700)- 45 dB LAr, (60 min).

Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of noise sensitive level.

- (b) There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations.
- (c) Prior to the operation of the courtyard all noise mitigation measures specified in the plans and the noise impact assessment shall be constructed and completed in accordance with the proposed scheme.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

11. Prior to the commencement of development on the Protected Structure the developer shall submit for the written agreement of the planning authority confirmation that:



- (a) the development will be monitored by a suitably qualified architect with conservation expertise and accreditation and
- (b) competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

**Reason:** In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities)

12. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

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

#### Note

The Commission concurred with the Inspector and the applicant's conservation architect that the proposed works, due to the considered design and limited scale of the proposed development, would accord with Dublin City Development Plan 2022-2028 Policies BHA2 and BHA9 and would not detract from the protected structure. In addition, the existing use of the structure accords with the Z4 zoning objective for the site.

The Commission considered the primary issue is the impact of noise from the use of the courtyard area on adjoining properties particularly residential properties, and the fact that the mitigation measures that were provided on foot of previous permissions did not achieve the predicted results. The Commission considered the totality of the file including the evidence provided both by the applicant's and the observer's noise experts and based on this, shared the opinion of Dublin City Council's Environmental Health officer and were satisfied that the mitigation measures proposed would result in noise levels being kept within acceptable limits. The Commission were satisfied that the applicant had demonstrated that the physical interventions, the monitoring of noise, and the management of the facility to ensure compliance with the operational mitigation measures would protect the residential amenity of properties in the vicinity.

The Commission had regard to the planning history on this site and the fact that there is currently no condition limiting the number of persons occupying Courtyard 1 and, while the noise modelling used in previous applications used a certain occupancy this was not specified by a condition of the permission as a limit on persons occupying Courtyard 1, the Commission did not concur with the Inspector that the matter of intensification of use arises in this case. The Commission was satisfied from the information on file that the applicant has demonstrated that the



proposed layout of the Courtyard can accommodate 135 persons, an occupancy level that is below that modelled in the noise report and, decided it is appropriate for clarity to condition a maximum occupancy rate of 135 persons, and for this to be included in the customer management plan.

The Commission concurred with the Inspector on the importance of monitoring and considered this was an adequate control measure and that a temporary permission is therefore not warranted, the planning authority's enforcement powers are the appropriate mechanism should a noise issue arise. As for the proposed Ornamental Garden, the Commission considered its access being limited to staff an adequate control of its use and no further limitations beyond what is proposed are required. The matter of landscaping is one for the hotel operator. The Commission had regard to the sunlight and daylight expert note, and decided no further clarity was required regarding the glazing, similarly the Commission noting the position of the acoustic screen did not share the Inspectors concerns regarding bird strikes. The Commission decided the proposed development subject to conditions accords with the proper planning and sustainable of the area.