

An
Coimisiún
Pleanála

Commission Order
ACP-323161-25

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB2664/24

Appeal by 72 Abbey Street Middle Limited care of Hughes Planning of 85 Merrion Square, Dublin against the decision made on the 30th day of June 2025 by Dublin City Council in relation to the application for permission for development comprising (i) omission of existing recessed mezzanine floor areas atop third floor level and reinstatement of full fourth floor level; (ii) works to external elevations including paint removal and repairing of pointing on Middle Abbey Street elevation; and replacement of sand cement plaster with insulating lime plaster and increasing height of ground level window openings to North Lotts elevation; (iii) removal of existing internal staircases, relocation of entrance door to North Lotts, provision of new internal staircases and reconfiguration of internal floor plans through provision of new wall partitions; (iv) change of use of building from retail (at basement/ground floor level) and retail storage (at all above ground floor levels) to a mixed-use building comprising a commercial retail unit at basement floor level, a café at ground floor level and a tourist accommodation development (comprising nine number short-stay apartments) from ground to fourth floor level; and, (v) all ancillary works necessary to facilitate the development all at 72 Middle Abbey Street (site with Frontage to North Lotts to rear) Dublin, which decision was to grant, subject to conditions, a permission for the change of use of the

basement and ground floor of the building from retail to a café/restaurant and works to external elevations including removal and repairing of pointing on the Middle Abbey Street elevation, in accordance with the plans and particulars lodged with the said Council, and to refuse permission for the change of use from retail storage to tourist accommodation development (comprising nine number short stay apartments) from ground to fourth floor level.

Decision

GRANT permission for change of use at basement and ground floor levels from retail to café in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for change of use from retail and retail storage to tourist accommodation comprising short stay apartments for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the Z5 'City Centre' zoning pertaining to the site, the provisions of the Dublin City Council Development Plan 2022–2028 and in particular Policy CCUV30 which seeks to promote and facilitate the provision of cafes/restaurant in the city, the long-term vacant nature of the site and extant use of the site for commercial purposes and, the design and layout of the proposed development of a café/restaurant at ground and basement level, it is considered that, subject to compliance with the conditions set out below, the proposed development would be a positive contribution to the vitality and viability of the area, would not seriously injure the residential or commercial amenities of the area or adversely impact on traffic and would comply with the provisions of the development plan in relation to Section 15.14.7.2 Restaurants/Cafes. 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 and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4th day of June 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, a method statement in relation to all Luas interfaces in compliance with Transport Infrastructure Ireland's "Code of engineering practice for works on, near, or adjacent the Luas light rail system", noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety, to minimise disruption/ensure the safe operation of the Luas and amenity.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

4. Drainage arrangements for the site, including the disposal of surface and foul water, shall comply with the requirements of the planning authority.

Reason: In the interests of public health.

5. Prior to commencement of development the developer shall submit revised drawings for the written agreement of the planning authority showing;

- (a) two number bike lockers within the basement level with details of staircase and ramps from the public road,
- (b) details of the floor layout of the café including extract duct details to control odour emissions, and
- (c) details of external signage.

Reason: To ensure a satisfactory standard of development.

6. Prior to the commencement of operation of the café/restaurant use the developer shall submit an Operational Management Plan, for the written agreement of the planning authority, which shall include details of the hours of operation and the management and storage of waste.

Reason: In the interests of public health and amenity.

7. 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.

8. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may

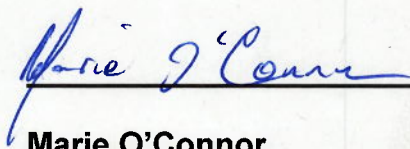
facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Reasons and Considerations (2)

Having regard to the Z5 zoning objective for the site, 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity', to the mixed use nature of the area surrounding the site comprising of commercial and residential within a rent pressure zone, and to Policies QHSN6, QHSN7, QHSN38 and Section 15.14.3 of the Dublin City Development Plan 2022-2028, where there is a general presumption against the provision of dedicated short term tourist rental accommodation in the city and to actively support proposals to bring upper floors into residential use in order to revitalise the social and physical fabric of the city, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

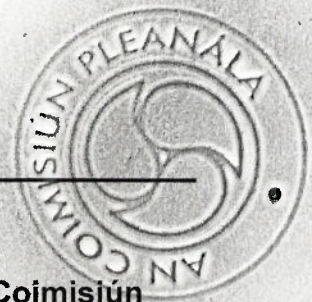
In deciding not to accept the Inspector's recommendation the Commission agreed that the site was currently not in residential use and consisted of a tight urban site where normal standards of residential amenity and private or communal spaces may be difficult to achieve but was satisfied that, given the city centre location, the Dublin City Development Plan 2022-2028 allowed for flexibility in that regard and that good quality residential accommodation could be provided within the footprint of the building through redesign of the units bringing the upper floors into residential use in line with Policy QHSN7.



Marie O'Connor

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 01 day of December 2025