



An
Coimisiún
Pleanála

Commission Order
PL-501390-DS-26

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1165/26

Appeal by Máire Devine and by Welthomas Property Limited against the decision made on the 20th day of May 2026 by Dublin City Council to grant subject to conditions, a permission to Welthomas Property Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: The proposed development comprises site clearance works, including the demolition of all existing buildings/structures on site, including the existing boundary wall and gates along the Thomas Street frontage, and the construction of a new Part one-; Part three-; Part four-; Part five-; Part six-storey aparthotel building with a total Gross Floor Area of 5,152 square metres (GIA) together with the formation of a new vehicular access and ramp off Thomas Street leading to a loading bay/service area at the rear of the proposed building. The ground floor level will accommodate 12 number cycle parking spaces for staff and staff changing rooms/showers; ancillary plant and storage rooms; waste/refuse storage facilities and an ESB sub-station and switch room. The proposed aparthotel reception area (188 square metres) at ground floor level will be accessed off Thomas Street along with a Café of 52 square metres that is provided along the Thomas Street frontage at ground floor level. Aparthotel rooms/suites are provided at ground to fourth

floor level (80 number self-contained/self-catering units). At fifth floor level, a public bar/event space (225 square metres) with south facing roof terrace is provided. Other site works include the provision of hard and soft landscaping measures to ancillary amenity spaces. The proposed building incorporates sustainable drainage measures that includes green roofs and underground attenuation tank. Screened plant is provided at rooftop level. All on a site at Thomas Street, including Number 144 Thomas Street (the site is bounded by Number 143 Thomas Street and Marshalsea Lane to the east and Numbers 151-156 Thomas Street to the west), Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan (2022-2028), including the “Z5” zoning of the subject site, which seeks to consolidate and facilitate the development of the central area, and Chapter 13 regarding Strategic Development and Regeneration Areas (SDRAs), to the location of the subject site which is a key opportunity site within SDRA15 (Liberties and Newmarket Square) where base heights should be 6-8 storeys subject to heritage, built form character and residential amenity considerations, and having regard to Section 15.14.1.2 (Aparthotels), Policy CEE28 (Visitor Accommodation) Policy SC19 (High Quality Architecture) and Appendix 3 – Density and Height, Site Development Standards, it is considered that, subject to the conditions set out below, the proposed development would provide an acceptable standard of visitor accommodation, would not give rise to an overconcentration of visitor accommodation in the area, would make a positive contribution to the streetscape, would not be overbearing, and would

not seriously injure the residential or visual amenities of properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission gave detailed consideration to Objective CUO25, which requires all new regeneration areas (SDRAs) and large-scale developments above 10,000 square metres to provide, at a minimum, for 5% community, arts and culture spaces including exhibition, performance and artist workspaces. Although the Commission was mindful of the need for community uses and public spaces to complement emerging development, nevertheless, having regard to the overall area included within the designated SDRA 15, and taking account of the ambiguity of the language within Objective CUO25, the Commission did not consider that this policy objective requires each individual development proposal within SDRA 15, irrespective of size and scale, to include a 5% provision for community space. The Commission did not, therefore, share the opinion of the Inspector that the proposed development would contravene the provisions of Objective CUO25 and, on that basis, the Commission did not consider that a refusal of permission would be warranted.

The Commission agreed with the Inspector that the proposed development would not give rise to a significant loss of daylight and sunlight for residents of properties in the area. The Commission also agreed with the Inspector that the measures taken in the form of the proposed distance to adjacent properties, and also by the staggering of the rear elevation to provide visual relief, would result in the amelioration of overbearing impacts on properties in the vicinity and that a refusal of permission would not be warranted for reasons of overbearing.

The Commission also considered that the design and scale of the proposed development at this key opportunity site opposite, but falling outside, the

Thomas Street and Environs Architectural Conservation Area (ACA), would be appropriate to its surrounding context and would not negatively impact on the adjacent ACA. The Commission agreed with the Inspector that the massing and height of the proposed development could be accommodated without negative impact on the adjoining IAWS building, and that the incorporation of a setback of 1.8 metres at fourth floor level, as set out by the planning authority's condition 3(a), would not be required, having regard to the proposed design and scale, and the pattern of development in the area. The Commission was, therefore, satisfied to permit the proposed development as set out in Drawing number THS-PLA-Z1-ZZ-DR A-04006 (Contextual East Elevation), without requiring any additional setback.

Although the Commission had concerns regarding the absence of information as to the proposed use of the unidentified ground floor area fronting Thomas Street, situated between the proposed substation and the proposed café, it was considered that this matter could be appropriately addressed by way of condition, requiring details of the usage and access to be agreed with the planning authority, prior to commencement of development.

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 plans and particulars received by the planning authority on the 23rd day of April 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The ground floor café, and the fifth-floor bar/event space and adjoining roof terrace, shall be generally accessible by members of the public, during normal opening hours.

Reason: In the interests of amenity.

3. Prior to commencement of development, details of the access to and use of the ground floor area fronting Thomas Street (situated between the proposed substation and the proposed café) shall be agreed in writing with the planning authority.

Reason: In the interest of clarity.

4. No amplified music or other specific entertainment noise emissions shall be permitted within the fifth-floor bar/event space or on the adjoining roof terrace.

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

5. The aparthotel units shall only be occupied for short-term letting periods of no more than two months, and shall operate within the definition of an aparthotel as set out in Section 15.14.1.2 of the Dublin City Development Plan (2022-2028) and in accordance with the details set out in the submitted management plan. The aparthotel units shall not be used as independent and separate self-contained permanent residential units.

Reason: To ensure the appropriate use of the units having regard to their size, design and location.

6. Other than as shown on the approved drawings, no additional development shall take place above roof level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect existing residential and visual amenities.

7. All external signage shall be the subject of a separate grant of permission. Such signage shall consist of individual lettering mounted or hand painted on the fascia, with the lettering to be of a high-quality material such as stainless steel, with a height not exceeding 0.4 metres and any illumination to consist of backlighting.

Reason: To clarify the scope of the permission, and in the interest of visual amenity.

8. Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended), no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

9. Details of the materials, colours and textures of all the external finishes to the proposed development, including specifications for the proposed red brick, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site, and measures to obviate queuing of construction traffic on the adjoining road network;
 - (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during site development works;
 - (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained, including the roofing of such bunds to exclude rainwater;
- (j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

- 11. Site development and building works shall be carried out between the hours of 0700 and 1900 Monday to Friday, between 0800 and 1400 hours on Saturday, and not at all on Sundays or public holidays, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the protection of residential amenity.

- 12. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interests of orderly development and the visual amenities of the area.

13. (a) Prior to commencement of development, the developer shall agree in writing with the planning authority, measures to be taken to protect the upstanding section of the Marshalsea wall which forms the northern boundary of the site.
- (b) The developer shall retain a suitably qualified license eligible archaeologist to advise and monitor regarding the archaeological implications of all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development.

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service (NMS) as appropriate, a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation (preservation in-situ/excavation). The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the NMS, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the NMS shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

14. Prior to the commencement of the development, the developer shall submit, for the written agreement of the planning authority, final details regarding the works to reduce the crossing distance for pedestrians at the vehicular entrance on to Thomas Street, including details of any works to the existing or proposed sections of public road. All such works shall be completed prior to the occupation of the development and shall be undertaken at the developer's own expense.

Reason: In the interests of orderly development and public safety.

15. Any damage to the adjoining roadways/footpaths, as a result of the proposed development, shall be made good at the developer's expense, to the satisfaction of the planning authority.

Reason: In the interests of orderly development and environmental protection.

16. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

17. The drainage for the proposed development shall be designed on a completely separate foul and surface water system, and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

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

18. During the operational phase of the proposed development the noise level shall not exceed
- (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and
 - (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site

19. 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.



MaryRose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 18th day of September 2026