



An
Bord
Pleanála

Inspector's Report ABP-301816-18

Development

PROTECTED STRUCTURE:

Alterations to provide link at Ground Floor Level to link into No. 4 Merchant's Arch and from there at first floor level into Nos. 1, 2 & 3 Merchant's Arch; to provide an enlarged restaurant/public house premises. Reinstatement of existing cellar to 1 Merchant's Arch to cold store use. Change of use of existing buildings at 1 Merchant's Arch at ground and first floor levels & at first floor level at Nos. 2, 3 and 4 Merchant's Arch from retail to restaurant/public house. New shopfronts, signage, lighting & canopy to 1 Merchant's Arch at ground and first floor level. All associated works.

Location

48/49 Wellington Quay, Dublin 2.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

2547/18

Applicant(s)

Thomas Doone

Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Thomas Doone
Observer(s)	<ol style="list-style-type: none">1. Temple Bar Residents2. Pat Coyne3. Crampton Buildings Residents Group
Date of Site Inspection	11 th September 2018
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	10
6.3. Observations	10
6.4. Further Responses.....	13
7.0 Assessment.....	13
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	19

1.0 Site Location and Description

- 1.1. The appeal site has frontages on Wellington Quay, Merchant's Arch and Temple Bar Square. It relates to a number of properties including No. 48-49 Wellington Quay and at 1, 2, 3 and 4 Merchant's Arch.
- 1.2. No. 48-49 Wellington Quay is a Protected Structure. It is a 2 storey over basement building currently in use as a restaurant/public house. No. 4 Merchant's Arch is in use as a computer repair shop. The ground floors of No.'s 2 and 3 appear to be in use as a café and a waffle store respectively, although at the time of my site visit these were not open and had shutters to the front. The ground floors of these units are unaffected by the proposals. No. 1 Merchant's Arch is in retail use, which is also occupying the first floor of No.'s 2 and 3. The first floor of No. 4 is in storage use.

2.0 Proposed Development

- 2.1. PROTECTED STRUCTURE: Alterations to provide link at Ground Floor Level to link into No. 4 Merchant's Arch and from there at first floor level into Nos. 1, 2 & 3 Merchant's Arch; to provide an enlarged restaurant/public house premises. Reinstatement of existing cellar to 1 Merchant's Arch to cold store use. Change of use of existing buildings at 1 Merchant's Arch at ground and first floor levels & at first floor level at Nos. 2, 3 and 4 Merchant's Arch from retail to restaurant/public house. New shopfronts, signage, lighting & canopy to 1 Merchant's Arch at ground and first floor level. All associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission for three reasons relating to (i) erosion of the retail function on the principle shopping streets (ii) interconnection of premises would result in a 'superpub' and overconcentration of licenced premises (iii) impact of works on the protected structure.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Proposal is likely to significantly improve the presentation of the units at No. 1-4 Merchant Arch.
- Removal of signage and clutter is welcomed/Proposed signage is in line with policy and guidance.
- Proposed interconnection could potentially constitute a 'superpub' – this should be discouraged as per Policy 16.32.
- Concern in relation to the cumulative impact of a restaurant/bar of this scale together with existing late night venues within Temple Bar and the impact on nearby residential amenity.
- Applicant has not adequately demonstrated that the proposed modifications will not be detrimental to residential amenity, environmental quality or the established character of the area.
- Proposed change of use of No. 1 Merchants Arch from retail to licenced reception area of the restaurant is regrettable.
- Welcome the refurbishment of the subject site, to create a restaurant, independent of the public house/ideally ground floor uses to No. 1 to 4 Merchant's Arch should all be retail use only.
- Taking into account concerns of the Conservation Officer, the scale of the proposed licenced premises, the potential for over concentration of restaurants/public houses, the potential for unacceptable level of disturbance in the area and the loss of retail at ground floor level, the proposal would constitute a development would have a detrimental impact on the amenities of the conservation area, would result in an undesirable precedent for further such development, would depreciate the value of property in the vicinity and is contrary to Policy CHC1 and Chp 16.32 and Chp 11 of the Dublin City Development Plan 2016-2022.

- Recommendation was to refuse permission.

3.2.2. Other Technical Reports

Conservation Officer – Recommends refusal.

Drainage – No objection.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. A number of third party observations were received. The issues raised are covered in the observations on the appeal.

4.0 Planning History

4.1.1. 2988/11 –**Grant** - Amendment of condition 5 under Reg. Ref. 6078/07 and condition 6 under Reg. Ref. 3797/10 to facilitate ambient music within the restaurant dining area at first floor level and a late night licence within the public house at ground floor level. Conditions of note include

- Condition 2 : The development hereby permitted shall only be used as a public house and restaurant and shall not be used for the purposes of a nightclub or public dances..

4.1.2. 3797/10 – **Grant** - The development consists of the retention and completion of revisions to development permitted under reg ref 6078/07. Conditions of note include

- Condition 11. No music or other amplified sound or noise shall be emitted to the public street or in such a manner as to cause nuisance to the occupants of nearby properties.

4.1.3. 6078/07 - **Grant** - Change of use at ground floor and basement from restaurant to restaurant / licensed premises and at first floor and mezzanine from private club to restaurant / licensed premises and other works.

Conditions of note include:

- Condition 10. No music or other amplified sound or noise shall be emitted to the public street or in such a manner as to cause nuisance to the occupants of nearby properties
- Condition 5. . The development hereby permitted shall be used as a licensed premises with dining facilities only and shall not be used for the purposes of a nightclub or public dances and shall not have any live music performances.

4.1.4. 1171/06 – **Grant** - Change of use from restaurant and private club to use as a licensed premises of the two storey mezzanine over basement premises and other works. Conditions of note include:

- Condition 11. No music or other amplified sound or noise shall be emitted to the public street
- Condition 7. The development hereby permitted shall be used as a licensed premises with dining facilities only and shall not be used for the purposes of a nightclub or public dances and shall not have any live music performances.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The relevant development plan is Dublin City Council Development Plan 2016-2022. Relevant policies and standards include:

- Policy CHC4 – To protect the special interest and character of all Dublin’s Conservation Areas
- Policy CEE12 –To promote and facilitate tourism as one of the key economic pillars of the city’s economy – This supports the increase in tourist facilities including cafes and restaurants
- Objective CHCO28 – To discourage overconcentration of large public houses in any particular area.
- Section 16.29 – Restaurants- Provides guidance for the consideration of restaurant proposals.
- Section 16.32 - Night Clubs/Licensed Premises/Casinos/Private Members’ Clubs

- Appendix 24: Protected Structures and Buildings in Conservation Areas.

5.1.2. The site is zoned Z5 - Land-Use Zoning Objective Z5: - This allows for mixed-use development within the City Centre.

5.1.3. The following Section 28 Ministerial Guidelines are of relevance to the proposed development.

- Architectural Heritage Protection Guidelines for Planning Authorities (2011)

5.2. Natural Heritage Designations

5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party Grounds of Appeal are summarised below:

Principle/Use

- Proposed development is fundamentally to expand an existing restaurant and bar.
- Use of the premises will be as an enlarged restaurant/public house based on the existing model operated throughout the protected structure.
- Linked extension will provide an additional dining room at first floor level replacing a barber's, with an entrance and new shop front onto Temple Bar Square.
- Proposal is to facilitate coach tours/premises now operates as a significant cultural element with the Temple Bar Area due to the superbly refurbished interiors.
- Proposal will add activity and surveillance along the laneway.
- Proposed uses are permitted in principle in the Z5 City Core area.
- Proposal adds to vitality/enhancement of an established cultural attraction
- Policy on superpubs is made in the context that includes night clubs, casinos, private members clubs etc on primary retail streets. None of these uses are in the

mix of what is proposed in this application. The proposed development is a licenced restaurant and is not in the category of a night club, casino or superpub, which could affect the amenity of residents/proposed location is not on a primary retail street.

- Consistent with policies CEE12 (Tourism), CEE 18 (Employment/Economy) and CHC 40 (Cultural Hubs).
- Previous use (Barbers) was not a true retail activity more of a retail service which was carried out on the first floor/the ground floor was merely an access to the first floor.
- Proposed use will guarantee longer hours of trading and surveillance onto this important corner on Temple Bar Square, with a significantly improved shopfront.
- Neither Temple Bar Square nor the Merchant's Arch Laneway are category 1 or category 2 retail streets in the Dublin City Centre retail street hierarchy of streets.
- No policy to restrict concentration of development that is permissible in principle.
- CDP Supports restaurant/bar facilities that contribute to the cultural aspect of the city.
- The term 'superpub' is misapplied in this context. Previous appeals at Market Bar (Appeal Ref 242410) and Montague Street/Lane (249126) which were granted where a superpub was of concern - these proposals were not superpubs due to tables and chairs in a restaurant arrangement.
- There is no definition of super pub in the DCDP and there is only one reference to the term.
- It is the applicant's opinion that a superpub would consist of a large floor plan with no seating/tables extending over a number of floors and facilitating a high intensity of use/operating hours into the early morning/live or loud music/primarily alcohol based turnover.
- Nether the bar or restaurant is proposed to be used a night club and condition 2 of previous permission 2988/11 restricts this use.
- Seating capacity of the restaurant is also limited to 90 people, and the proposed development is not and cannot become a superpub.

Impact on the Protected Structure

- Only one modification – to form an opening to connect to the adjoining property.
- Conservation Officer had concerns in relation to the impact on the character of the Architectural Conservation Area as a result of the change of use. However the site does not lie within an Architectural Conservation Area, but rather lies within a Conservation Area (red hatched).
- Proposal will be effectively re-opening an original opening that provided access onto a former rear yard/infilled when No. 4 Merchant's Arch was extended to the rear/Wall to be removed in the Protected Structure is a shallow section of wall/also removal of a separate section of wall in a neighbouring/unprotected structure.

Impact on Amenity

- Will not cause injury to the amenities of nearby residents/no likelihood of noise breakout from the proposed premises/Request that planning permission is granted with the attachment of appropriate conditions.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. An observation has been received from (i) Temple Bar Residents (ii) Pat Coyne (iii) Crampton Buildings Residents Group. The issues raised are as follows:

Impact on Amenity

- Existing premises is have a detrimental impact on the area.
- Breakout noise from heavily amplified live musicians – facilitated by keeping the doors open and by a loudspeaker
- Applicant has no planning permission for loud music/only has permission for ambient music
- Conditions on previous permissions prohibited a nightclub/dances/live music

- This pub generates noise on a nightly basis.
- Licenced refused for a premises on Aston Quay for a full seven day publicans licence due to the fact that there were already enough public houses in the vicinity and that nearby residents were entitled to enjoy their homes in peace.
- DCC is refurbishing Temple Bar Square/prohibition of busking/has quietened down the area/could easily be disrupted by loud music emanating from Merchant's Arch pub.
- Applicant has not demonstrated that the proposal would not have a detrimental impact on the area as required by Section 16.32 of the development plan.
- Will have a detrimental cumulative impact on the amenity of neighbouring residents, occupiers and visitors.
- Unlicensed street furniture in the public laneway.
- Loud music from the windows and doorways/is not ambient music.
- Premises was granted a declaratory order for a full seven-day publican's licence in November 2017 – little opportunity for objections.
- Previous application for a 7 day licenced which was refused at 5 Aston Quay is relevant to this appeal – judge ruled that residents are being negatively impacted by the number of pubs already operating in the area.
- Section 18 of the Intoxicating Liquor Act 2000 protects Article 8 rights under the European Convention on Human Rights.
- Urge ABP to uphold decision of planning authority.
- Welcomed DCC's recognition that proposal would lead to an over-concentration of licenced premises.
- A larger premises will not reduce the impact on neighbours.
- Residents have contacted premises to complain about the noise/express intention to object to their licences should the situation not improve.
- Anti-social behaviour.
- Even during daytimes house the noise emanating from the premises is unbearable.

- Crampton Buildings and community predate what Temple Bar has become.
- Area is awash with litter etc from drunken revellers/impossible to police/public order offences aren't dealt with as there is insufficient garda/influx of heavy drinkers in the evening results in residents feeling unsafe and unable to leave their homes.
- 'Mob mentality'/area is trashed on a nightly basis.
- Area cannot take more space being allocated to licenced premises/there is no cultural value to it/no value to the residents of the area.
- Original mission statement of Temple Bar properties has been abandoned/large pubs now dominate the area.
- If ABP overturn the decision of the planning authority it would be giving *carte blanche* to pub owners to expand.

Use

- The premises would be more faithfully described as a pub that serves food/similar to other premises such as Bad Bobs.
- Report from architect Frank Kenny contains at least one glaring factual inaccuracy – premises was not vacant from 1993 to 2010 – occupied by the River Club/Abrakebabra.
- Premises is not a cultural attraction - it is a fully licensed premises.
- The separate dining area is also primarily a bar/some patrons are eating most are drinking.
- Proposed extension, at 134 sq. m., would increase the floor area by nearly 36% would result in a licenced premises of 507 sq. m. – even in the context of Temple Bar this would constitute a super pub.
- Proposal falls within the applicant's own definition of superpub.
- Does not provide an informal work and business meeting place as envisaged by policy CEE 18/loud music from early afternoon to late at night.
- Pub opens until 2.30pm under special exemption orders.

- Although use is permitted in principle the CDP makes clear that the development of superpubs will be discouraged in certain areas of the city where there is a danger of overconcentration of these uses to the detriment of other uses.
- Planning conditions in relation to noise would be difficult to enforce as would policing of whether a licenced premises is operating a restaurant.
- Collapse of previous enforcement case against Bad Bobs reinforces this point.
- Already an overconcentration of licensed premises in the Temple Bar area.
- Premises are operating with the benefit of three licences – a publicans licence, a music and signing licence and a public dance licence.
- Cannot be a more pertinent example than Temple Bay of an area where an overconcentration of liquor vendors is stultifying the residential and retail regeneration of the area.

Impact on the Protected Structure

- Building has been defaced by a semi-circular glazed canopy over the main entrance which is internally illuminated in defiance of planning conditions.
- Has been inappropriate interventions internally.

Other

- Health and Safety Issues due to overcrowding.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows: -

- Principle of the proposed development
- Impact on Amenity/Concentration of Licenced Premises

- Loss of Retail
- Impact on the Protected Structure/External Works
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Principle of Development

7.2.1. The proposal is for the expansion of the existing use, which is a restaurant and bar premises, as is set out in the applicant's appeal submission and is as described in the development description. The existing use therefore is both a restaurant and a public house, and the policies relating to both of these uses are applicable in this instance.

7.2.2. I note that, under the Z5 zoning, both restaurants and public houses are permissible uses. The principle of the expansion of this use in this location is therefore acceptable, subject to other considerations as detailed below.

7.3. Impact on Amenity/Concentration of Licenced Premises

7.3.1. Policy CEE12 supports in the increase in tourist facilities including cafes and restaurants. Section 16.29 'Restaurants' states that the positive contribution of café and restaurant uses and the clusters of such uses to the vitality of the city is recognised and states that when considering applications for restaurants, the following will be taken into consideration:

- The effect of noise, general disturbance, hours of operation and fumes on the amenities of nearby residents
- Traffic considerations
- Waste storage facilities
- The number/frequency of restaurants and other retail services in the area (where a proposal relates to a Category 1 or 2 shopping street as defined in 'City Centre Retail Core, Principal Shopping Streets' in Chapter 7 and Appendix 3).
- The need to safeguard the vitality and viability of shopping areas in the city and to maintain a suitable mix of retail uses.

- 7.3.2. Objective CHC028 aims to discourage an over-concentration of large public houses in any particular area to ensure a balanced mix of cultural uses, including venues for live music, theatre, film and dance, whilst protecting the residential amenities of city centre residents.
- 7.3.3. Section 16.32 'Night Clubs/Licensed Premises/Casinos/Private Members' Clubs notes the need to strike an appropriate balance between the role of these entertainment uses in the economy of the city and (i) the need to maintain high-quality retail functions on the primary city centre streets and ensure a balanced mix of uses and (ii) to protect the amenities of residents from an over-concentration of late night venues. It is further stated that noise emanating from these premises will need to be addressed in planning applications for such establishments.
- 7.3.4. I note a concern of the planning authority, and a concern of local residents who have made observations on the appeal, is the overconcentration of superpubs in the area that would result from this development.
- 7.3.5. As the applicant notes, the term superpub is not defined with the Development Plan and the only reference to the terms in within Section 16.32 of the CDP which states that the development of superpubs will be discouraged and the concentration of pubs will be restricted in certain areas of the city where there is a danger of over-concentration of these to the detriment of other uses.
- 7.3.6. Given the lack of any definition of superpub, I consider that it difficult to sustain a reason for refusal on this element alone. However, as is evident from the Development Plan, there are policies in place that restrict the overconcentration of public houses (rather than superpubs) in any particular area, and the impact on amenity is also considered when considering extensions to existing public houses.
- 7.3.7. In relation to impacts on amenity, the existing premises has permission for a restaurant/public house use with conditions that restrict live music and limit any music played to background ambient music. The extension of the premises would result in a larger floor area associated with the restaurant/public house, facilitating a more intensive use.
- 7.3.8. Observations on the appeal have been received from local residents of the area and have raised in the issue of amenity, in particular noise and anti-social behaviour

issues. It stated that this will worsen if the application is granted permission. The planning authority also considered that a loss of amenity would result.

- 7.3.9. In particular, observations on the appeal have raised the issue of noise from live music and related noise breakout from the existing venue, and state that the applicant does not have permission for live music, but only has permission for ambient background music. I note that signage on the premises states that there is live music seven nights a week.
- 7.3.10. The applicants have stated that the use of the premises will be as an enlarged restaurant/public house, based on the existing model operated throughout the protected structure. The applicants further state that the proposal would not cause injury to the amenities of nearby residents and there is no likelihood of noise breakout from the proposed premises.
- 7.3.11. The most readily identifiable residential units are located at Crampton Court, a purpose built residential block, approximately 17.5m to the east of the appeal site at its closest point. As per Section 16.32 of the Development Plan, where it is intended to extend an existing public house use, the onus is on the applicant to demonstrate that there will be no impact on residential amenity. This has not been demonstrated, either at application stage, or at appeal stage. There is no noise report included with the application or appeal documents. However, from the evidence on file, it is likely that noise impacts are adversely impacting nearby residents. There is no refutation in the applicant's appeal documentation in relation to the assertion that live music or amplified music, rather than solely ambient music, is being played at the premises.
- 7.3.12. The applicant has requested that no condition on opening hours is imposed. Previous permissions on this site have not restricted operating hours of the restaurant/bar and the premises appears to be open Monday to Wed 9am to 12:30am and Friday and Saturday 9am to 02:30am, and from 10am to 12am on Sundays.
- 7.3.13. Having regard to the nature of the proposed extended use, and to the scale of the restaurant/public house that would result, as well as having regard to the operating hours of the premises, it is considered that the extended premises will result in an adverse impact on the amenity of surrounding residents, as a result of the more

intensive use of the premises, leading to noise and disturbance, contrary to the provisions of the development plan.

7.3.14. In relation to the issue of overconcentration of licenced premises, neither the applicants nor the observers on the appeal have submitted clear evidence how this particular application either would, or would not, result in an overconcentration of licenced premises in the area. There is indirect evidence on file from an observer on the appeal, which relates to a refusal of a 7 day publican's licence, under other codes of legislation, at a premises at 5 Aston Quay. In this instance the judgement refers to a total of 13 no. 7-day publicans licences within the Temple Bar neighbourhood, defined as that area within CSO Small Area 268140014, which is bounded by Parliament Street, Wellington Quay, Bedford Row, Temple Bar and Essex Street East. However this relates to other codes of legalisation, to a different site, and does not provide evidence that the extension of this particular public house would necessarily result in an overconcentration of such uses. Given the lack of substantive evidence to support the issue of overconcentration, I do not consider that it is reasonable to state that an extension to an existing public house would then result in an overconcentration of such uses in the Temple Bar Area.

7.4. Loss of Retail

7.4.1. A reason for refusal related to the loss of the existing retail unit at No. 1 Merchant's Arch and the planning authority considered that it would be contrary to a primary objective of the zoning designation, which is to provide a mix of uses and to preserve the retail function at ground level in the Principal Shopping Streets.

7.4.2. I note the site does not lie within the area identified as the Principal Shopping Streets (Category 1 and Category 2 streets), where the overall aim is to preserve the primary retail function of these streets. However, a further criteria set out in Section 16.29 is the need to safeguard the vitality and viability of shopping areas in the city and to maintain a suitable mix of retail uses. While not a Principal Shopping Area, the site does lie within the central shopping area, as defined in Figure 8 of the Development Plan. As such, the issue of vitality and viability is relevant to this appeal. My observations on site were that there is a variety of smaller units in the immediate area, some of which were retail uses, and the loss of this particular retail unit, would not, in and of itself, undermine fundamentally the vitality and viability of the area.

However, the change of use to a restaurant/public house is not acceptable for the reasons outlined in other sections of this report.

7.5. Impact on the Protected Structure/External Works

- 7.5.1. The application was accompanied by an Architectural Heritage Impact Assessment Report and I have had regard to same. This report concludes the works will have a neutral impact on the on the special interest values of the protected structure.
- 7.5.2. I have also had regard to the report of Dublin City Council's Conservation Officer. This report highlight concerns in relation to the proposal, namely the loss of the urban grain as a result of the merging of the units on the appeal site, and as a result of the introduction of an opening through the elliptical walls of the staircase, impacting on the plan form of the staircase hall and negatively impacting on the clarity of the architectural space of the elliptical staircase hall. The structural works, the manner of the conservation repairs and the impact on the Architectural Conservation Area were also of concern.
- 7.5.3. The appellant notes that the sites does not lie within an Architectural Conservation Area, but rather lies within a Conservation Area. The appellant argues that the modifications to the protected structure are minor.
- 7.5.4. The works to the protected structure involve the provision of a link at ground floor level to link into 4 Merchant's Arch/.
- 7.6. No. 48 and 49 Wellington Quay is a protected structure (RPS Ref 8275) and is also included in the NIAH and is noted that it is of architectural, artistic, historical and social interest and of regional importance. It is noted that this is the most significant building on Wellington Quay and is one of only three guildhalls surviving in the city, the others being the Tailor's Hall and Carpenters' Hall.
- 7.7. I share the concerns of the planning authority's conservation officer in relation to the works proposed to the protected structure. The development plan notes that the original plan form protected structures should be protected and breaches between party walls will not be acceptable in sensitive parts of protected structures. The Architectural Heritage Guidelines (2011) notes the formation of new openings in existing walls or partitions should be minimised, or avoided altogether, in an interior of quality, as this inevitably leads to the destruction of existing fabric and such damage can rarely be satisfactorily reversed. The location of the proposed link is

within the curved staircase area, a particularly sensitive area, which is of significant architectural merit with significant character, and which would be comprised as a result of the proposed works.

7.8. Given the appeal site does not lie within an Architectural Conservation Area (ACA) but rather a Conservation Area, I do not share conservation officer's concerns in relation to this issue. The external works to the shopfronts are largely positive and would have a beneficial impact on the visual amenity of the area, and on the character of the Conservation Area.

7.9. **Appropriate Assessment**

7.9.1. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

7.10. **Environmental Impact Assessment**

7.10.1. Having regard to the nature and scale of the proposed development, a change of use and external works, and having regard to the separation distance to the nearest sensitive location, 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.

8.0 **Recommendation**

8.1. Refuse permission.

9.0 **Reasons and Considerations**

1. The proposed extension of the restaurant/public house would, as result of the increased scale of the restaurant/public house and intensification of the use, seriously injure the residential amenity of existing residents, by reason of noise and disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the protected structure status of No. 48-49 Wellington Quay, it is considered that the proposed works would, by virtue of their level of intervention within an area of the building with significant architectural character and which forms a sensitive part of the structure, have a detrimental and irreversible impact on the essential qualities of this structure, thereby materially affecting its character. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Rónán O'Connor
Planning Inspector

13th September 2018