



An
Bord
Pleanála

Inspector's Report ABP 309198-20.

Development

Modifications to development permitted under P.A. Reg. Ref. 3150/17 and 4606/19; Addition of part of No 18 Montague Street to permitted scheme, change of use from café to cafe bar and restaurant, upgrading to front façade, extension to the rear courtyard to include incorporation of internal fire escape. Upgrading of service entrance and new access laneway at Montague Street and minor changes to permitted development at Nos 19 Montague Street and mews at rear of No 16 Harcourt Street:

Location

No 16 Harcourt Street, Mews at Rear facing onto Montague Lane, Nos 18, and 19 Montague Street and undercroft lane associated with No 16 Harcourt Street, Dublin 2.

Planning Authority

Dublin City Council

P. A. Reg. Ref.

3649/20.

Applicant

Gambetta Ltd.

Decision

Refuse Permission

Appellant

Gambetta Ltd.

Observer

F. Larney and C.Coburn Gray.

Date of Site Inspection

26th April, 2021.

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site which has a stated area of 680 square metres and on which the three buildings subject of the permitted development are located is at the corner of Harcourt Street and Montague Street. At the rear and parallel to Harcourt Street is Montague Lane which a service lane. No 16 Harcourt Street is a four storey over basement building with a stated floor area of 895 square metres. There is a rear access off Montague Lane, and an unoccupied single storey mews with a stated floor area of 83 square metres at the rear. The main building is in office use on the upper floors and the basement and ground floor levels are unoccupied. No 19, Montague Street is a corner site building and it and No 19A and 18 Montague Street are two storey terraced houses within a terrace along the south side of Montague Street. Similar terraced houses are located along the north side of Montague Street No 12 the corner site building opposite the site is in residential use.

2.0 Proposed Development

- 2.1. There is a concurrent application under P. A. Reg. Ref 3573/20. The planning authority decided to refuse permission and this decision is also subject of an undetermined first party appeal under ABP Ref. 309199.
- 2.2. The application lodged with the planning authority indicates proposals for modifications and additions to the previously permitted development under P. A. Reg. Refs. 3150/17 (PL 249126) and P. A. Reg. Ref. 4606/19 (PL 306760) the latter of which allows for a condition providing for operational hours.
- 2.3. In the current application the application site area includes No 18 Montague Street which is outside the area of the permitted development under P. A. Reg. Refs. 3150/17 (PL 249126)

Change of use from café-to-café bar and restaurant, upgrading works to the front façade and extension to the rear courtyard along with an internal fire escape.

Upgrading of the service entrance between Nos 16 and 17 Montague street,
Creation of a new access In between Nos 18 and 19 Montague Street and change to the elevation on No 18 Montague Street.

Minor internal changes with regard to the previously permitted development, change to elevations at No 19 Montague Streety and the mews building at the rear of No 16 Harcourt Street.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 10th December, 2020, the planning authority decided to refuse permission based on the following two reasons:

1. *“It is considered that the amalgamation(stet|) of No.18 Montague Street into the previously approved proposed licensed restaurant/café bar development would constitute a ‘super pub’ which is contrary to the provisions of the Dublin City Development Plan 2016-2022 S.16.32 which seeks to discourage super pubs and which would lead to the over concentration of licensed premises in this area of the city. In addition, (stet) given the narrow/restricted nature of the Montague Street and Montague Lane, the proposed entry/exit points from the proposed licensed premises would also give rise to an unacceptable level of disturbance to the amenities of the area. The proposal would create disturbance at the boundaries of the proposed establishment which would have detrimental impact on nearby residential amenity, environmental quality and the established character of the area. On balance, the proposed development would undermine the character of the subject site, the streetscape and the amenities of nearby residents, would result in an undesirable precedent for similar type development, would depreciate the value of property in the vicinity and, as such, would be contrary to the proper planning and sustainable development of the area.”*
2. *“The proposed amalgamation of No 18 Montague Street with No.16 Harcourt Street, across the historic plots combined with the extent of demolition proposed would constitute overdevelopment of the site and would*

contravene Dublin City Development Plan 2016 – 2022 11.1.5.3 Protected Structures – Policy Application which states: 'Proposals for amalgamation between protected structures which compromise the original plan form will be considered unacceptable where they adversely affect the historic integrity and special interest of the structure. Breaches between party walls will not be acceptable in sensitive parts of the building'. The proposed development would, therefore, be harmful to the architectural character of No.16 Harcourt Street, a protected structure, would result in an undesirable precedent for similar type development, and would be contrary to the proper planning and sustainable development of the area."

3.2. Planning Authority Reports

- 3.2.1. The report of the **Planning officer** indicates a recommendation for refusal of permission based on the recommended reasons in the Conservation Officer report and adverse impact on amenities and environmental quality and the amenities and value of residential properties in the city. Concern as to overdevelopment by way of the increased size and interconnectivity within the development and as to creation of a "super-pub and associated disturbance and nuisance are indicated.
- 3.2.2. The report of the **Conservation Officer** is detailed and it indicates recommendation for refusal of permission on grounds of contravention of section 11.1.5.23 of the CDP, having regard to the proposed amalgamation of historic plots, extent of additional demolition and overdevelopment on a small site. It is stated that amalgamation of No 18 with Nos 19 and 19A and, the mews at No 16 Harcourt Street, and the increase in proposed demolition works, especially the party walls between No 19 and 19A and the mews and the impact of the proposed insertion of the escape stairs in the north west corner of the court yards and internal playout over both floors removes the legibility and form of the historic mews and seriously injure historic fabric, architectural setting and character.
- 3.2.3. The report of the **City Archaeologist** dated, 22nd November, 2020 indicates a recommendation for inclusion of an archaeological monitoring condition, if permission is granted.

- 3.2.4. The report of the **Drainage Division** dated 20th October, 2020 indicate no objection to the proposed development subject to conditions of a standard nature.

4.0 Planning History

P. A Reg. Ref. 3294/20: The planning authority decided to grant permission, on 21st March, 2021 for the installation of a new platform lift located to the street entrance, providing wheelchair accessibility from street level to the basement level. Planning is also sought for the removal of the existing stairs and construction of a new steel platform / landing area and stairs to provide for ambulant disabled access to the basement level, with associated security gate and site works.

P. A. Reg. Ref 3649/20: The planning authority decided to Refuse Permission, on 17th December, 2020, for the two reasons below, for proposals for modifications to the previously approved permission by ABP Reg. Ref. PL29S.249126 (DCC Reg. Ref. 3150/17) and Reg. Ref. ABP306760-20 (DCC Reg. Ref. 4606/19). Planning is sought for the addition of No. 18 Montague Street as part of the previously approved scheme with change of use from cafe-to-cafe bar and restaurant with associated upgrading works to the front facade and extension to the rear courtyard to include the incorporation of an internal fire escape stairs. Planning is also sought for the upgrading of the existing service entrance from Montague Street between No. 16 and 17 Montague Street, together with the provision of a new access laneway between No. 17 and 18 Montague Street. Planning is also sought for minor changes to the previously approved application to include minor interior changes and changes to the proposed elevations of No. 19 Montague Street and No. 16 Harcourt Street rear mews building. (The decision was not appealed.)

- 1 *" It is considered that the amalgamation of No.18 Montague Street into the previously approved proposed licensed restaurant/café bar development would constitute a 'superpub' which is contrary to the provisions of the Dublin City Development Plan 2016-2022 S.16.32 which seeks to discourage superpubs and which would lead to the over concentration of licensed premises in this area of the city. In addition, given the narrow/restricted nature of the Montague Street and Montague Lane, the proposed entry/exit points from the proposed licensed premises would also give rise to an unacceptable*

level of disturbance to the amenities of the area. The proposal would create disturbance at the boundaries of the proposed establishment which would have detrimental impact on nearby residential amenity, environmental quality and the established character of the area. On balance, the proposed development would undermine the character of the subject site, the streetscape and the amenities of nearby residents, would result in an undesirable precedent for similar type development, would depreciate the value of property in the vicinity and, as such, would be contrary to the proper planning and sustainable development of the area.”

2. *“The proposed amalgamation of No 18 Montague Street with No.16 Harcourt Street, across the historic plots combined with the extent of demolition proposed would constitute overdevelopment of the site and would contravene Dublin City Development Plan 2016 – 2022 11.1.5.3 Protected Structures – Policy Application which states: ‘Proposals for amalgamation between protected structures which compromise the original plan form will be considered unacceptable where they adversely affect the historic integrity and special interest of the structure. Breaches between party walls will not be acceptable in sensitive parts of the building’. The proposed development would, therefore, be harmful to the architectural character of No.16 Harcourt Street, a protected structure, would result in an undesirable precedent for similar type development, and would be contrary to the proper planning and sustainable development of the area.”*

P. A. Reg. Ref; 3315/20: A request for additional information was issued, (in response to which no further information was lodged) in respect of an application a change of use from vacant office use to cafe use, with ancillary staff areas, office space and kitchen at first floor, with removal works to the existing front facade to provide service hatch to Montague Street and general upgrading of the existing facade, internal removal works to allow for cafe use, together with removal and replacement of the rear external wall to allow for an extension and increased floor area of circa 10.5 sqm, the extension is proposed into the rear courtyard associated with the curtilage of No. 16 Harcourt Street, Dublin 2 (a Protected Structure, Dublin City Council RPS no. 3525). All with associated signage, drainage and site works.

P. A. Reg. Ref. 3294/20: A request for additional information was issued, (in response to which no further information was lodged) in respect of an application for permission for installation of a new platform lift located to the street entrance, providing wheelchair accessibility from street level to the basement level. Planning is also sought for the removal of the existing stairs and construction of a new steel platform / landing area and stairs to provide for ambulant disabled access to the basement level, with associated security gate and site works.

P. A. Reg. Ref.4606/19 (PL 306760) The planning authority decision to refuse permission for exclusion of a condition relating to opening hours under the previously approved permission under P. A. Reg. Ref. 3150/17 (PL29S.249126 was overturned following appeal. Under Condition No 2 there is requirement for hours of operation to be confined to 07.00 hrs to 23.30 hours Mondays to Thursdays, 07.00 hours to 24.30 hours on Fridays and Saturdays and 0700 hours and 2300 hrs on Sundays with nightclub use not being permitted. The reason for the condition is amenity, environmental quality and the established character of the area

P. A. Reg. Ref. 4678/18 (PI 303948) Permission refused following appeal for development at No 16 Harcourt Street of an extension to existing current use as licensed restaurant at basement level and additional use as a cafe bar, with use extended to external courtyard and external mezzanine level above courtyard level; external works to include the removal of existing planters at the front entrance along Harcourt Street, cleaning and upgrading of front entrance area, installation of new steps over existing steps for ambulant disabled access, together with new handrails; removal works at basement level internally to accommodate 1 No. Bar, Storage, Toilets, Cloakroom and Seating Areas; demolition of 21st century single story rear extension to accommodate the construction of toilets, storage area, configuration of new entrance to basement level of No. 16, stairs and platform lift from basement to ground floor external courtyard level, internal removal works at Ground Floor/Annex to No. 16 to accommodate 3 No. replacement WC's, proposed works to No. 16 Harcourt Street approved under ABP Ref. PL29S.249126 (DCC Reg. Ref. 3150/17). The application also included proposals for the demolition of No. 16 Harcourt Street Mews Building together with demolition of No. 16, 17, 18 and 19 Montague Street to accommodate a licensed restaurant/cafe bar, pizzeria, coffee shop and hostel

accommodation across basement to fourth floor level. All with associated signage, lighting, landscaping, plant space at roof level and associated site works.

The reason for refusal follows:

“Having regard to the established built form and historic character of the area, it is considered that the proposed development, by reason of its excessive scale, height, bulk and mass, would adversely affect the setting of nearby Protected Structures. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the Dublin City Development Plan 2016-2022, in relation to conservation and design, and would be contrary to the planning and sustainable development of the area.”

P. A. Reg. Ref. 3150/17 (PL 249126): The current application is a proposal for permission for removal of Condition No 2 attached to the grant of permission, further to first party appeal against the planning authority decision to refuse permission for an extension to Restaurant, additional use as a bar/café, demolition of extension to the rear and change of use of warehouse and pizzeria to use as a restaurant and bar together with all ancillary works.

P. A. Reg. Ref. 4678/1/ 303948: Further to a first party appeal the planning authority decision to refuse permission for extensions to the existing uses at No 16 Harcourt Street, reconfiguration of the existing building, entrance a courtyard area and, demolition of the mews at the rear of No 16 Harcourt Street and at Nos 16-18 Montague Street and provide for licensed bar, restaurant, café and hostel development was upheld. The reason related to adverse impact on the setting of the protected structures and established built form and historic character of the area due to excessive scale, mass, height and bulk

P. A. Reg. Ref. 4427/16: Permission was refused for the demolition of a modern rear extension at basement level and ground floor level to the rear of the main building and the construction of various works to accommodate the extension to the existing use as a licensed restaurant at basement level and additional use as a café/bar together with alterations to the mews building to the rear to accommodate a bar at ground floor, restaurant café/bar and seating area at first and second floor

level within the mews along with modifications to the existing courtyard area including the incorporation of external terraces and new additional external stairs;

Works at No. 17 Harcourt Street to include the creation of two new openings at basement level within the main building for the purpose of circulation and reconnection of existing properties.

Modifications were also sought to the mews building to the rear of No. 17 Harcourt Street together with a change of use from storage to licensed premises at ground floor and first floor level and,

Change of use from pizzeria to licensed restaurant and bar at No. 19 Montague Street.

In brief, the three reasons for refusal of permission are that of:

(1) overconcentration of licensed premises in the area as well as an unacceptable impact on amenities of the area through disturbance which would be contrary to Section 16.32 of the CDP.

(2) Irreversible interventions at Nos. 16 and 17 Harcourt Street would result in a significant loss of legibility and would affect the character of both buildings.

(3) the additional second floor to the mews to the rear of Nos. 16 and 17 Harcourt Street would have a detrimental visual impact on the historic character and fabric of the protected mews buildings.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the east section of the site area facing onto Harcourt Street comes within an area subject to the zoning objective: Z8 '*Georgian Conservation Areas*': *to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective*. The area within the site facing onto Montague Lane and Montague Street is subject to the zoning objective Z4: *To provide for and improve mixed services facilities*.

No 16 Harcourt Street and the Mews structure to its rear are included on the record of protected structures.

Policy CHC1 provide for preservation of built heritage that positively contributes to the character and character of the streetscape.

Policy QH 25 provides for encouragement of reintroduction of residential use in the historic city areas.

The site is within the zone of archaeological constraint for recorded monument (DU 018-020 Dublin City).

According to Section 16.32 it should be demonstrated that proposals for new uses such as casino, private members clubs extensions to existing uses or variation in opening hours of a public house are not detrimental to residential amenities, environmental qualities or, the established character and functions of the area with the development of super pubs being discouraged and concentration of pubs is to be restricted in certain areas where there is danger of overconcentration to the detriment of other uses.

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from CDP Architecture on behalf of the applicant on 15th January, 2020. According to the appeal:

- The applicant is endeavouring to upgrade and develop a sustainable scheme with increased commercial intensity on an underutilised site for all the buildings which retains historic integrity. The proposal accords with CDP Policies including nightclub and licensed premises (Section 16.32) and will contribute to vitality and viability in the area and is similar to the previously permitted development under P. A. Reg. Ref. 3150/17 (PL 249126) The inspector's reports on this proposal and the proposal under PL 4678/18 (PL 303948) indicate support having regard to conservation issues and with regard to noise impact on contiguous sites.

- It is requested that the permitted opening hours under P.A. Reg. Ref. 4606/19 (PL 306760) be accepted to allow for flexibility of parts into the development to operate across various times and days of the week.
- With regard to the reference to “super-pubs” in Reason 1 attached to the decision to refuse permission the proposed development is not consistent with a large-scale development super-pub as it is dedicated to seated areas for consuming the food offered. The proposal is for a limited expansion of existing uses and is not a new entertainment venue. The inspector in his report on the previous proposal did not refer to overconcentration of licensed premises and the proposal is not for a night club use as the primary purpose is not music, dancing and entertainment.
- Consideration should be given to existing uses which involve extension of existing restaurant use to include café bar, change of use at No 16 to café bar and restaurant, extension to the pizza restaurant at No 19 to include café bar and extension to the existing café at No 18 Montage Street to include licensed bar. It is stated in the inspector’s report on the proposal under P. A. Reg. Ref 4678/18 (PL 303948) that the proposed development would lead to overconcentration of licensed premises. The proposal is more sustainable and is an appropriate compromise.
- There have been no concerns on the part of the environmental health officer regarding noise impacts no reports having been provided on the current proposal. The issue was considered in connection with the previous proposals which were subject to appeal and stated to be acceptable in the inspector reports under PL 4678/18 (PL 303948) for which an acoustic report (outlined in detail in the appeal) was provided and considered and P. A. Reg. Ref 3150/17 (PL 249126) Extracts from the inspector’s report are provided.
- Concerns as to litter and odours have been addressed and assessed by the Environmental Health Officer in relation to the prior proposals which were accompanied by a technical report under P. A. Reg. Ref 3150/17 (PL 249126) This report, by RM Breen M and E consultants is included in the appendices to the appeal.

- The conservation officer's observations on the permitted proposals under P. A. Reg. Ref 3150/17 (PL 249126) which are included in the current application were positive and the inspector's report indicates a similar view. The current application which is not a significant change to the permitted proposal is visually appropriate to the scale and typology within the established built Georgian architectural character on Harcourt Street and the later buildings on Montague Street. Best practice is to be used in upgrading the entrance area including the steps door and windows at Harcourt Street and the rear façade. These proposals are previously permitted under P. A. Reg. Ref 3150/17 (PL 249126) The mews, which has been altered over the years and is in very poor condition will be stabilised, enhanced and consolidated in the current proposal and at the glazed frontage, it will bring interest and activity to the lane which will be improved. Proposals of the mews were previously considered under P. A. Reg. Ref 3150/17 (PL 249126)
- Entrances and exits will be managed by staff and kept free of congestion and obstacles. Montague Street and Montague Lane are secondary services routes, not primary streets. The basement level for No 16 is for waste storage which can be moved out through the undercroft to the lane for collection during off peak hours. Proposals for deliveries and collections for the keg store off peak from a shared loading bay on Montague Street with smaller deliveries via the undercroft for No 16 Harcourt Street, or use of the entrance through No19 Montague Lane eliminating traffic on Montague Lane. There were no concerns about parking and traffic in relation to the permitted development under P. A. Reg. Ref 3150/17 (PL 249126)
- Entry and exit points are designed to eliminate noise and disturbance and increase passive surveillance with minimal change to the permitted arrangements along Montague Lane. The main entrance for Nos 18 and 19 Montague Street and the Mews is to be off Montague Street. The entrance to the basement of No16 Harcourt Street is from the existing Harcourt Street entrance.
- The gable wall of No 19 Montague Street is in poor condition and will be replaced. The shopfront configuration will be altered and a contemporary

façade will be introduced with window opening sizes unchanged all of which will upgrade and enliven the streetscape on the lane and facilitate surveillance.

- No 18 Montague Street, the mid terrace building is in poor condition at the back but the streetscape which will be enhanced by the proposals.
- The proposed development will not be detrimental to residential amenities, environmental quality or character of the surrounding area and will not depreciate property values.
- The proposal is consistent with the 'Z8' zoning objective, contributes to regeneration of the area and is in the interests of sustainable development in scale, nature and use which are complementary to the existing developments in the area. which tend to larger scale operations.
- The prior grant of permission for basement development should take into account which is not dissimilar to the current proposal which includes No 18 Montague Street, works to No 19 Montague Street, No 16 Harcourt Street and its mews.
- The current proposal is only for very limited additional demolition works to those already permitted under P. A. Reg. Ref. 3150/17 (PL 249126). The conservation officer report on that proposal, (extracts from which are included in the appeal), does not indicate any concern about connection between No 19 Montague Street and the mews at No 16 Harcourt Street. With regard to the conservation officer's comments on the current application it is submitted that: the urban grain of the buildings is protected due to retention of the facades and upgrading works being limited to shopfronts and windows. A similar approach to the strategy for the external treatment for No 19 Montague street is appropriate for No 18. The existing dilapidated mews is heavily modified already and its form materiality and overall appearance will be protected, the works and extension and is sustainable development. The extent of additional demolition included in the current proposal is minor involving internal party walls, relative to the previously permitted demolition works under P. A. Reg. Ref. 3150/17 (PL 249126).
- The proposed connection between the bar at No 16 Harcourt Street and mews and No 19 and Montague Street and No 18 Montague street enhanced

the previously permitted development. (Extension of the restaurant use of No 16 Harcourt Street's basement to include a cafe bar; the change of use of the mews from warehouse to café bar restaurant and the extension of the pizza restaurant use at no 19 Montague lane and café use at No 18 Montague street to include café bar.) This is limited expansion to established uses.

6.2. Planning Authority Response

There is no submission from the planning authority on file.

6.3. Observations

6.3.1. A submission was received from, Fionntain Larney and Caoimhe Coburn Gray on their own behalf who state that they reside at No 12 Montague Street. The property is opposite the site at the corner of Montague Street and Montague Lane. According to the submission:

- There is concern as to a pattern of multiple applications being lodged by the applicant with a view to adding small items to the development. Creation of a new lane to service the Super pub is an example of “creeping” development due to lodgement of several applications.
- There is concern as to adverse noise impact that the additional development proposed will increase and exacerbate. The current application includes addition of No 18 Montague Street opposite the dwelling at No 12 Montague Street. There is noise from patrons and the kitchens at the Green Bench which is the current occupant of No 18 at lunch times. There is a high level of night-time noise on Montague Street which itself is like an “echo chamber” and is a connector street between Camden Street and Harcourt Street which is a nightlife area. The applicant's acoustic report lodged with prior application under P. A. 4707/19 is flawed as it did not take account of the noise impact on No 12 and Nos 8 and 10 Montague Street.
- The proposed development would lead to increased deliveries traffic on the lane and proposed additional lane resulting in congestion and additional noise in daytime and use by patrons of taxis and cars will cause similar congestion and noise at night-time.

- Any roof top development on Nos 18 and 19 Montague Street could result in intrusiveness of the privacy of No 12 Montague Street.
- Future applications for Nightclub use which is not authorised at present should be prevented.

7.0 **Assessment**

- 7.1. The site which is an assembly of multiple properties comprising the Georgian townhouse at No 16 Harcourt Street the plot of which extends through to Montague Lane at the rear and includes its historic mews along with Nos 18-19 Montague Street. The development permitted and proposed comprises a combination of interconnected bar, café and restaurant uses.
- 7.2. The issues central to the determination of a decision can be considered under the following two subheadings.

Nature of Proposed Works

Nature and Intensity of Use,

Residential Amenities.

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

7.3. **Nature of Proposed Works.**

- 7.3.1. The current proposal provides for the inclusion of No 18 Montague Street within the application site and its incorporation into the overall permitted development. Further to review of the application, it has been concluded that the proposals are radical, inappropriate and insensitive having regard to the architectural character and merits of the existing structures within the site. The observations and recommendations of the conservation officer in her report are therefore fully supported. The references in the appeal to observations in the conservation officer's report on the previously permitted development are noted but it is not considered that these observations provide any basis on which the current additional proposals for overall development could be justified.

- 7.3.2. The demolitions and alterations proposed in the current application, as it relates to the interior of No 18 Montague Street and the extension into the courtyard, the passage to Montague Lane between Nos 18 and 19A, the upgrade of the service entrance and new entrance between Nos 17 and 18 Montague Street are radical interventions and destructive to the surviving fabric and integrity of character.
- 7.3.3. The properties on Montague Street are not subject to statutory protection, whereas No 16 Harcourt Street and the mews to the rear in its historic curtilage, including boundary walling (shared with No 19 and 19A Montague Street) are also subject to statutory protection by way of inclusion on the record of protected structures. However, the small-scale terraced houses on Montague Street are intrinsic features in grain, rhythm, character and homogeneity in character of the streetscape.
- 7.3.4. The current proposal, further to the addition of No 18 Montague Street to the development site along with the proposals for the other properties on Montague Street in the development site are different and considerable relative to the permitted development under P. A. Reg. Ref. 3150/17 (PL 249126). It is agreed with the Conservation Officer that they are neither positive or warranted, having regard to the interests of architectural heritage conservation, and sustainable use, consistent with viability and vitality.
- 7.3.5. The current proposal constitutes destructive and insensitive demolitions adversely affecting the integrity character and setting of the protected structure at No 16 Harcourt Street (and the mews) by way of the proposed demolitions, interventions and additions to the Montague Street houses. The proposals are unacceptable in this regard due to destruction of historic fabric due to extensive demolition, addition of a two storey extension and bulky stair enclosure in the courtyard, eradication of planform by amalgamation of buildings along with creation of a new entrance route, straddling historic plots, including destruction of the narrow passage way off Montague Street between Nos 18 and 19A radically interfering with established building typologies in scale, form, grain, rhythm and proportions within the streetscape interlinked with the primary streets in the established road network. As stated by the Conservation Officer there is likelihood that historic fabric, namely the façade of No 18 Montague Street indicated in the application to be retained would not survive and loss of the Milk bar café terrazzo bench and a shopfront (O'Donnell and Tuomey) would be regrettable.

7.4. Nature and Intensity of Use

- 7.4.1. In principle intensive development that is viable, sustainable and effective in enhancing the built environment and public realm is to be encouraged and supported having regard to the location of the site in the city centre and to relevant national and local strategic policy. As stated above, the current proposal unacceptable on grounds of adverse impact on the protected structure and surrounding architectural heritage of significance.
- 7.4.2. The assembled application site is, in effect, an enlarged single planning unit into which additional development comprising integrated and interconnected hospitality and entertainment facilities (café, café-bar, bar, restaurant, pizzeria) with the use at No 18 being changed from café to café/bar and restaurant.
- 7.4.3. The addition of No 18 and its extension to the rear into the courtyard in which additional bar and restaurant use is to be provided constitutes a considerable expansion and increase in intensity of development. Although the references, in the planning officer's report to the term 'super pub' and to section 16.32 of the CDP are rejected in the appeal as irrelevant, it is agreed with the planning officer that the cumulative impact of the additional enlargement and intensification of development overall that would be attributable to the current proposal is excessive and detrimental to the capacity to encourage and sustain a range of uses in the vicinity on Montague Street as envisaged under the ('Z4') zoning objective: *To provide for and improve mixed services facilities* and would adversely affect the environmental quality within the public realm.

7.5. Residential Amenities.

- 7.5.1. The site location is an area, due to the location within the historic core of the city to which the policy of encouragement of reintroduction of residential use would be applicable under Policy Objective QH25 in the CDP. Therefore, disincentives to or discouragement of residential use should be avoided so that existing residential use is sustained and increased. The area is not subject to specific zoning or associated objectives for residential development, expectations as to levels of protection of residential amenities at similar standards to areas zoned for residential development at opportunity cost of achievement of other objectives would be unreasonable. It is considered, notwithstanding the proposed measure for amelioration and

management of noise and disturbance provided for in the permitted development, that the additional patronage generated by the significant intensification of use, as previously discussed, and associated pedestrian and vehicular movements would diminish the attainable amenities of existing residential properties in the area, as contended in the objections of the observer party to this end are accepted. However, given the mixed-use zoning objective and city centre location, it is considered that traffic movements associated with servicing, deliveries and collections, subject to good operational management should not be precluded on grounds of negative impact on residential amenities.

7.6. Environmental Impact Assessment Screening.

- 7.6.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment.

- 7.7.1. Having regard to the planning history for the site, the zoning objective, the location of the site is on serviced land, and, to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In view of the foregoing, it is recommended that the authority decision to refuse permission be upheld, and that permission be refused based on the reasons and considerations overleaf:

9.0 Reasons and Considerations

1. It is considered that the proposed demolition works, alterations and additions and integration of No 18 Montague Street into the overall development by way

of extensive demolitions eliminating legibility of the planform and building characteristics and grain involved in the proposed amalgamation with No 19 , No 19a Montague Street and the historic mews to the rear of No 16 Harcourt Street , a protected structure, are insensitive and would seriously injure the integrity, setting architectural character and context of the original structures and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development comprising integrated and interconnected hospitality and entertainment facilities development in café, café-bar, bar, restaurant, and pizzeria use would constitute overdevelopment at an increased and excessive intensity with multiple entrances and exits onto a narrow street network in a confined, historic area. It is considered that the proposed development would lead to a level of circulation and potential for disturbance in the area that would have negative impact on the public amenities and the environmental quality of the public realm, would seriously injure the residential amenities of residential property in the area, would set undesirable precedent for high intensity development of a similar nature on confined sites in sensitive areas and would be contrary to the proper planning and sustainable development of the area.

**Jane Dennehy,
Senior Planning Inspector
May, 2021.**