



An
Bord
Pleanála

Inspector's Report ABP-309466-21.

Development

Demolition of existing industrial building and 2/4/5 storey office building including the remaining external walls and roof of Molyneux Chapel, and the construction of a 247 bedroom hotel and the retention of a 4 storey brick façade to Bride Street to create an 'art-link' open air gallery space

Location

36 Bride Street & Molyneux House,
67-69 Bride Street, Dublin 8.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2915/20.

Applicant(s)

Dublin St. Patricks Properties B.V.

Type of Application

Permission.

Planning Authority Decision

Grant with Conditions.

Type of Appeal

Multiple Third Party

Appellant(s)

David Allen

Tom & Tina Donhue

John Donovan & Anne Lynott

Donovan

Des O’Keeffe
Brendan O’Sullivan
Cllr. Mannix Flynn
Amanda Scales & John Kelleher
Shelagh Brady & Kevin Tobin
Adelaide Court Management No. 2
CLG
Adelaide Court Management CLG
Lucia Sweeney.

Observer(s)

Date of Site Inspection

01/04/2021.

Inspector

A. Considine.

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1.0 Site Location and Description

- 1.1. The subject site is located within Dublin City Centre approximately 500m to the west of St. Stephen's Green. The site has frontage on Bride Street to the west and Peter Street to the south. The National Archives and buildings associated with DIT are located to the south of Peter Street, while Kevin Street Garda Station lies to the west of Bride Street, and to the south of the subject site. Immediately across Bride Street, is the four storey Cannon Court building with St. Patrick's Cathedral beyond. St. Patrick's Park lies to the north of the Cathedral, and which is zoned Z9 Amenity/Open Space Lands/Green Network. To the north and east, the primary use is residential, and the developments include the Adelaide Square complex to the east, which rises to 7 and 8 storeys, and the 2 and 3 storey residential properties associated with John Field Road.
- 1.2. The site occupies a prominent corner site in this area of Dublin City and has a total area of 0.1981 hectares. The existing use on the site comprises office accommodation and a disused warehouse. The floor area of the existing buildings on the site amount to 3,119m² and it is proposed to demolish these existing structures to accommodate the proposed new hotel building.
- 1.3. Molyneux House occupies 67-69 Bride Street and rises to 4 storeys in height. The building comprises a former and much altered chapel. Its most recent use is as an Architects office, Stephenson Gibney & Associates, and the front façade was altered with the introduction of a brutalist style façade in the 1970s. The warehouse to be demolished runs adjacent to Peter Street and the corner of Bride Street. This building rises to a single storey and comprises part of the former Jacob's biscuit factory building stock.
- 1.4. This area of Dublin City centre is rich in history with a number of protected structures, buildings included on the NIAH and national monuments noted in the vicinity of the site. Of note, St. Patrick's Cathedral and Park lies within the visual envelope of the site. There are a number of important cultural and tourism assets within 1km of the site including Christchurch Cathedral 400m, Dublin Castle 350m, Temple Bar 500m, Trinity College 800m and the Guinness Storehouse, National Gallery and National Museum approximately 1km from the site.

2.0 Proposed Development

2.1. Permission is sought, as per the public notices for development at a c. 0.1918 ha site at 36 Bride Street, Dublin 8, D08 AX62 and Molyneux House, 67-69 Bride Street, Dublin 8, D08 C8CN. The development will consist of the following;

- 1) The demolition of an existing single-storey pitched roofed light industrial building (c. 480sqm) and a 2/4/5-storey office building including the remaining external walls and roof of Molyneux Chapel (c. 2,639sqm);
- 2) The construction of a 247-room hotel building comprising of a part 4-storey, part 5-storey brickwork and polyester-powder coated framed glazed block facing Bride Street and a nine-storey brickwork and polyester-powder coated framed glass block at the corner of Bride Street and Peter Street. A total of 14 disability accessible bedrooms are included;
- 3) The proposed building has a total height of 31.856m above ground (+44.41m ODM, including lift overrun), stepping back at 4th, 5th and 6th floor levels with a gross floor area of c. 8,326 sqm (including basement of c. 261 sqm);
- 4) The retention of a 4-storey brick facade element to Bride Street to create an 'art-link' open air gallery space at ground floor level and the insertion of a linked gallery 'Stephenson Room' at 2nd floor level;
- 5) Polyester powder-coated steel entrance gates, cycle parking stands both inside and outside gates and hard and soft landscaping elements and external seating to the existing terrace courtyard at the northern boundary of the site;
- 6) A ground floor 'Living Room' foyer area will include a bar and servery, check-in pods, soft seating areas and meeting rooms, toilets and back of house areas with links to the open air gallery and landscaped terrace courtyard. This area will span the entire width of the building on Bride Street and include side hung glazed terrace doors as well as a draught lobby with 2 no. sets of bi-parting automated doors;
- 7) An electrical sub-station located at ground floor on the Peter Street facade;
- 8) An existing part basement area is proposed to be retained for plant;

- 9) Rooftop plant areas above both 5th floor and 9th floor areas will be screened with polyester powder-coated louvered metal panels;
 - 10) Artwork poem at 3rd, 4th and 5th floor levels to brickwork panel to Bride Street corner of the Peter Street facade;
 - 11) 2 no. signage panels at 9th floor level to brick panels;
 - 12) All other engineering and associated site development works,
- all at 36 Bride Street, Dublin 8, and Molyneux House, 67-69, Bride Street, Dublin 8

2.2. The application included a number of supporting documents including as follows;

- Plans, particulars and completed planning application form
- Planning Report
- Cover letter and letter of consent from the owner of the property
- Architectural Design Statement
- Engineering Drawings & Planning Report:
The Engineering Planning Report, prepared by Punch Consulting Engineers, outlines the surface water drainage design, foul drainage design and watermain design for the proposed hotel development. The report also addresses roads issues including design, parking, traffic and transportation issues associated with the proposed development. This report notes that a Mobility Management Plan as well as a Site Specific Flood Risk Assessment are also submitted as separate documents.

- Stormwater Drainage:

- * Records indicate that there is a 300mm diameter combined sewer on Peter Street, and an existing combined brick culvert adjacent to the site running south to north on Bride Street, varying in size from 1250mm to 1440mm.
- * The proposed surface water drainage system has been designed using Causeway Flow software and it is proposed that all surface water will be discharged by gravity to the existing combined sewer on Bride Street.
- * Surface water and foul water from the development will be kept

separate until it is necessary to combine flows for connection to the combined sewer. This will facilitate the separation of flows to any future dedicated surface water drainage infrastructure.

- * All roof drainage and hard standing will be collected by a gravity storm sewer and will be attenuated in a tank in the Courtyard which will cater for high flows and ensure that maximum flood level for the critical 100-year event is more than 500mm below FFL.
 - * The attenuated storm water will restrict flow to the public drainage network to 2l/s by the use of a flow control device. No petrol interceptor is provided as no vehicular access is provided to the development.
- Foul Water Drainage:
- * Records indicate that there is a 300mm diameter combined sewer on Peter Street, and an existing combined brick culvert adjacent to the site running south to north on Bride Street, varying in size from 1250mm to 1440mm.
 - * The wastewater will be collected in a new dedicated foul sewer before discharging by gravity to the culvert on Bride Street.
 - * A Pre-Connection Enquiry Form has been issued to Irish Water and confirmation of Feasibility has been received.
 - * The proposed development will generate waste in the order of 66,350 l/day, equating to 0.768l/s Dry Weather Flow and 4.608l/s Peak Flow.
- Potable Water Supply:
- * There is an existing 9-inch cast iron watermain on Bride Street, the condition of which is unknown. There is also an existing 150mm ductile iron main to the south of the development site on Peter Street. The subject site has a connection to the public system, the size and condition of which is unknown.
 - * It is proposed to construct a new 100mm diameter watermain to serve the proposed development which will connect to the existing 150mm ductile iron watermain on Peter Street.
 - * The predicted volume of water usage is based at a rate of

250l/guest/day and 100l/staff/day which generates a demand of 66,350 l/day, equating to 0.768l/s Dry Weather Flow, an Average Demand of 0.960l/s and 4.800l/s Peak Flow.

- * A Pre-Connection Enquiry has been submitted to IW and a confirmation of feasibility has been received.

- Roads and Access:

- * No parking is proposed to be provided for the development.
- * Double yellow lines are proposed to replace the existing car parking spaces on Bride Street to prevent parking in front of the proposed hotel.
- * A set-down is proposed on Peter Street to allow for deliveries and collections. A realignment of the footpath on the north side of Peter Street will be required, but there will be no change to the overall width of the street.
- * The footpath will be widened from 2.46m to 4m on Peter Street and access to the loading bay will be controlled by the hotel operator with demountable bollards.
- * It is submitted that the lack of car parking will encourage the use of alternative, sustainable modes of transport.

- Engineering Services Report:

This report, prepared by IN2 Engineering Design Partnership, summarises the existing engineering services infrastructure at the site, including existing connections which are to be isolated and removed prior to the commencement of development. The report also provides details of the new infrastructure connections including the location of a new ESB substation on Peter Street and a telecoms frame room included for the incoming telecoms connections. It is noted that there is an existing gas supply to the site which will be isolated and removed. The proposed development does not require a gas connection.

It is noted that there are a number of small ESB supplies to the site and following initial contact with the ESB, no issues with the provision of power have arisen.

- **Flood Risk Assessment:**

The subject site is located within an area which shows no evidence of historic flooding, and no flood defences are required. The site is not subject to flooding for any events up until the 1 in 1000-year event and as such, is located within Flood Zone C. The finished floor level of both the ground floor and the basement is 12.56 and 9.3m AOD respectively with the CFRAMS relevant Modelled Fluvial Flood Levels for the site as follows:

Flood Level (m) by Return Period		
1 in 10	1 in 200	1 in 1000
8.40	8.43	8.46

In terms of flood risk assessment, the FRA considers all potential flood risks and sources. It is noted that no allowance was made for climate change on the basis that it is not likely that any increase in the 1 in 1000-year event level will impact the site of the proposed development. The ground floor level of the proposed development, and street level, are over 3.5m above the Q1000 flood level. No justification test is required, and no mitigation measures are required to ensure that access is maintained to the site during a flood event. Section 5.4 of the FRA provides details of mitigation measures to assist in reducing the risk of flooding and ensuring that the development will not worsen flood risk elsewhere. These measures include the installation of a non-return valve at the outlet from the development stormwater drainage and the attenuation of runoff from the site which will be released at a controlled rate.

- **Archaeological Assessment Report:**

This report, prepared by IAC Archaeology, presents an assessment on the archaeology of the site and area including a detailed study of the archaeology and historical background of the site and the surrounding area. The assessment includes details from the RMP, topographical files within the National Museum and all available cartographic and documentary sources as well as a site inspection.

The report notes that no basement will be constructed as part of the proposed development and that the existing concrete box of the basement to the east of

the site will be repurposed. The foundation design consists of the overall reduction of the site footprint by c400mm below present ground level, followed by the installation of 151 augured piles of 450mm diameter ranging in depth from 750mm and 2000mm. The pile caps will be connected via a network of ground beams 900mm wide and 900mm deep. The report also notes the proposals for the attenuation tank and a crane base at the site.

Section 2 of the report sets out the methodology employed in the preparation of the report while section 3 presents details of the desktop study. Section 5 of the report presents the impact assessment and mitigation strategy. The most significant impact on the archaeological resource that may survive will be the excavation and clustered pile support for the central core (10m x 9m x 2m deep). It has been illustrated that the upper 1m across the site is likely to comprise demolition rubble and infill, archaeological features have previously been identified at c1.2mbgl. The installation of the attenuation tank, crane base and services also have the potential to impact on the subsurface archaeology of the site. The demolition of Molyneux House will have an impact on the built heritage of the area. Section 5.2 of the report presents details of mitigation measures including the preservation by record of any archaeological deposits, structures or features within the proposed central core area. Archaeological testing will be carried out following the demolition of buildings on the site and the formulation of a suitable mitigation strategy in relation to the piling programme. Demolition of Molyneux House should be monitored to allow for the recording of any 18th century fabric which may survive within the structure.

- Heritage Impact Assessment – including Visual Impact Assessment:
This report, prepared by Howley Hayes Architects, sets out the context of the site and its location within Dublin City, adjacent to the conservation area which encompasses St. Patrick's Cathedral complex, including Marsh's Library and the former Archbishops palace St. Sepulchre's and the Iveagh Trust 'Bull Alley' complex. The report presents a very detailed history of the site and the surrounding area, which includes photographs and maps. Section 7 of the report presents the impact assessment and includes a number of images. A summary of conclusions is provided at pages 52-54.

- **Daylight / Sunlight & Overshadowing Report:**

This report, prepared by Avison Young, was undertaken to test the proposed development against sensitive neighbouring residential properties and amenity areas adjacent to the site. The assessments are based on the methodologies set out in the BRE Guidelines and includes the adjacent properties at Adelaide Square, No. 70 Bride Street and nos. 1-7 John Field Road. The assessment makes a number of assumptions as set out in Section 2 of the report, and Section 3 sets out the BRE Guidelines and Methodology the report is based on.

The report notes that the subject city centre site is currently underused and that the target criteria set out in the BRE guidelines reflect a low rise-built environment rather than a dense urban location, where access to sky visibility is often more constrained. It is therefore accepted that alternative criteria may be required for urban locations, that focus on the retained levels of daylight/sunlight to ensure acceptable levels of light are retained. In this regard, the report submits that while a target of 27% VSC is recommended in the BRE guidelines, the context analysis undertaken provides an alternative target criteria of circa 15%.

Section 6 of the report deals with Daylight & Sunlight Scheme Assessment and the Board will note that this was updated following a request for further information from the PA.

- **Outline Construction Environmental Management Plan:**

This report, prepared by Punch Consulting Engineers, sets out how the proposed works will be managed for the duration of the construction phase. It is noted that the Plan will be updated by the appointed Contractor in advance of the construction phase and will form part of the main construction works contract.

The Plan will deal with all aspects of the proposed works including the timeline, hoarding and site set-up, demolition and site clearance, excavations and foundations, substructure, superstructure, movement through the site, site accommodation and working hours. In addition, the CMP will deal with environmental issues relating to water services management, waste management including the management of construction and demolition waste,

control of fuels and lubricants, air quality management and dust mitigation, noise and vibration management and construction traffic management.

- **Appropriate Assessment Screening Report:**

The submitted AA sets out the methodology employed in the preparation of the report and notes the nearest European Site as the South Dublin Bay and Tolka Estuary SPA, and South Dublin Bay SAC located a c3.4km and c3.7km to the east respectively. Section 3.3 of the Screening Report presents an assessment of likely significant effects, concluding that the proposed development does not have the potential to affect the receiving environment and do not have the potential to affect the conservation objectives supporting the qualifying interests / special conservation interests of any European Site. AA or the preparation of a Natura Impact Statement is not required.

- **Sustainability Statement Report:**

This report, prepared by IN2 Engineering Design Partnership, presents the results of the energy analysis carried out for the proposed development. The energy analysis assessed the proposed building design and determined an environmental and servicing strategy to ensure compliance with Building regulations. The results show that the improved building fabric performance reduces heating energy demand and that the use of the high efficiency heat pump generation plant is predicted to provide a reduction to building energy consumption for both space heating and domestic hot water. The improved efficiency of LED lighting combined with photocell based and occupancy lighting control and the use of the air source heat pump, will also reduce energy demands.

- **Economic Impact Assessment -**

This document, prepared by EY, submits that the proposed development will boost Dublin's sustainable tourism development, local arts sector and enhance the quality of life in Dublin 8, and will have a positive a positive impact on Ireland's economic recovery post Covid-19. The development is predicted to contribute €21 million every year to the Dublin economy and will generate 176 jobs during the operational phase.

The uncertainty caused by Covid-19 will lead to a sharp decrease in the hotel room pipeline in Dublin, with Savills predicting a 19% decrease in Q2-Q4 of

2020. The site is located in an area with a low hotel supply and low projected pipeline. The proposed development aligns with 9 of 10 of the Dublin City Council strategic outcomes set in the Development Plan.

In terms of the social impacts, the report submits that the proposal is answering a specific demand where the demand for central Dublin hotel beds exceeds the current supply. The development is predicted to enhance Dublin as a place to live, work and invest.

2.3. Following the request for further information, the following details were submitted to the PA:

- Amended drawings, plans and particulars
- Updated Daylight / Sunlight Assessment Report

- Mobility Management Plan -

This plan was prepared by Punch Consulting Engineers and outlines the provisions the applicant proposes to put in place as a means of reducing car dependency associated with the proposed development and in the interest of compliance with a number of sustainable transport initiatives, including a number of policy documents

It is submitted that the plan can only be fully developed and implemented once the occupier / user and employee travel behaviour is known and when the development is occupied. The initial MMP sets out the key infrastructural proposals and modal split targets for the development in general terms.

- Stage 1 Road Safety Audit -

This report, prepared by CST Group Chartered Consulting Engineers, describes a Stage 1 Road Safety Audit carried out on proposed footpaths, loading bay and car parking alterations on Peter Street and Bride Street due to the proposed development. The report identifies 2 general problems in the vicinity of the site on Peter Street in terms of lane widths and drainage, and 2 problems associated with the proposed development in terms of the loading bay due to its protruding into the carriageway and the potential for parking in the area during busy times.

- Swept Path Analysis drawings

- Loading Bay layout

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 24 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, details of pre-planning meetings, internal technical reports, third party submissions, planning history and the City Development Plan policies and objectives. The report also includes an Appropriate Assessment Screening Report.

The initial Planning Report notes that the principle of the proposed development is acceptable in terms of the zoning afforded to the site and notes the findings of the Economic Impact Assessment submitted with the application. The report concludes that further information is required in relation to the development in terms of a number of issues relating to roads and traffic, daylight/sunlight impacts, impacts on adjacent properties in terms of overbearing and elevational proposals.

Following the submission of a response to the FI request, the final planning report acknowledged the amendments to the elevation on Peter Street as well as the submission of the revised Daylight, Sunlight and Overshadowing Report and the response to the roads and traffic issues, concluding that proposed development is acceptable. The Planning Officer recommends that permission be granted for the proposed development, subject to 24 conditions.

This Planning Report formed the basis of the Planning Authority's decision to grant planning permission.

3.2.2. Other Technical Reports

City Archaeologist: The report notes the location of the site within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Historic City), which is listed in the RMP and is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. The site is also located within the Zone of Archaeological Interest in the Dublin City Development Plan and includes a recorded monument DU018-020349 – house indeterminate date. This represents the original Molyneux House (built 1711) where the current Molyneux House is housed in a chapel built on the site in the 18th century.

The site is located in a medieval suburb of the historic city and within close proximity to St. Patrick's Cathedral DU018/020269 and the Archiepiscopal Palace of St. Sepulcher DU018-020118. Cartographic sources suggest the remains of late 17th century development may survive at subsurface level within the site.

The submitted desktop archaeological impact assessment highlights the proposed reuse of the extant basement and notes that ground reductions will be limited to 0.4m across the majority of the site. Proposed cluster pilings in the central core will be the exception as well as the installation of an attenuation tank and crane base which will require full excavation. The submitted assessment recommends that the site be archaeologically tested in order to inform piling design.

The City Archaeologist report concludes recommending that a condition for an Archaeological Impact Assessment, including test trenching, be included in any grant of planning permission.

Transportation Planning Division: The report notes that although referred to in the submitted Engineering Planning Report, no Mobility Management Plan was submitted and no details of any arrangement with a local private car park operator has been

included. In addition, no operational waste / service plan was submitted with the application.

The proposals regarding the loading bay on Peter Street are noted and deemed unacceptable as proposed given the location within the public footpath. The applicant should be requested to address the pinch point in the public footpath at the junction of Bride Street and Peter Street. The proposal to remove the 4 no. pay and display parking spaces on Bride Street is counter to Policy MT14 in the CDP and the proposal to replace these spaces with double yellow lines is not acceptable.

Clarity in relation to cycle parking is required while the non-provision of car parking is deemed acceptable given the location of the site.

The report concludes that further information is required.

Following the submission of the response to the FI request, the Transportation Planning Division submitted a further report advising no objection subject to compliance with a number of conditions.

Drainage Division: No objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

TII: Recommends the inclusion of condition relating to Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen's Green to Broombridge Line).

An Taisce: The submission raises a number of concerns in regard to the proposal as follows:

- The retention of the brick, brutalist-style Sam Stephenson façade to Bride Street is tokenistic while the remaining historic former chapel building and façade would be demolished.
- The impact of the 9-storey development on the existing residential amenity.

- The proposed use as a hotel in an uncertain period where the impact of Covid-19, specifically travel restrictions, will continue for the foreseeable future.
- The scale and bulk of the proposed development having regard to its proximity to St. Patrick's Cathedral and impact on the skyline of the city.

3.2.4. **Third Party Submissions**

There are 35 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- Height of development will impact on natural daylight and sunlight to adjacent homes.
- The development is out of scale at this location.
- Overlooking issues.
- Light pollution from artificial lights.
- Continuous noise and air pollution from the building of the project.
- Impact on the value of homes in the area.
- Impact of the re-introduction of public bar to the area will result in the loss of privacy and will bring noise and nuisance into this quiet tight-knit community.
- The development will have an impact on DCC tenants and housing estates, as well as two private apartment blocks.
- There is an over-concentration of hotel use in this immediate district and a justification for the proposed use at this location should be assessed. There are c15 hotels within 1km of the site, including 3 new builds.
- Impact of the development on the adjacent St. Patrick's Park and St. Patrick's Cathedral is raised as a concern.
- The proposed mass eradication of the fabric, footprint and legacy of the former church/assembly hall is regrettable.
- The history of the highly significant Molyneux House should be recorded as part of the architectural design strategy.

- Archaeological conditions should be attached to any grant of permission.
- Issues raised regarding the Daylight/Sunlight and Overshadowing Report submitted. The June 2020 Report admits there will be daylight/sunlight transgressions resulting in breach of the BRE guidelines to the adjacent residential properties.
- Issues raised in relation to plot ration and density which ignores the existing nature of the adjoining buildings.
- Impact of the proposed plant associated with the development on existing residential amenity.
- Impacts associated with the construction phase on the structural integrity of adjacent homes raised as a concern.
- The proposals for the façade of the Stephenson Gibney and Associates building would result in the brick frontage being disaggregated almost entirely from the development which is unsatisfactory. The retained façade should be integrated with the new hotel rather than separated from it as proposed.
- The development has not been properly assessed for the purposes of AA as foul and surface water will be treated in the Ringsend WWTP which is operating over capacity.
- Roads and traffic issues in terms of parking, drop-off, servicing etc.
- Impact on the social history of this area of Dublin - memory of historic The Liberties Bird Market.
- Asbestos in the roof of the buildings due for demolition. There is no reference in the documentation as to the safe removal of asbestos.
- The design and proposed materials in the development would result in a building which is out of character with the surrounding area and would have a severe adverse visual impact on the surrounding area.
- The development will have an impact on the physical and mental health of existing residents, as well as students who live in the area.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: 2310/09: Permission granted for the provision of illuminated signage at Molyneux House.

PA ref: 5684/04: Permission granted for retention permission for a one storey high, 14.4m long 1.8m deep conservatory with a sloping glass roof on the north façade of Molyneux House.

PA ref: 0637/01: Permission granted for a 5-storey extension to the rear and side of Molyneux House including associated internal alterations and relocated entrance plus a basement car park for 13 cars to be accessed from the basement of Adelaide Square at the rear.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is the stated policy of the NPF to make better use of under-utilised land and buildings, including infill, brownfield and vacant sites with higher density development, National Policy Objective 11 refers. The NPF also promotes a shift towards performance criteria in terms of building height and car parking standards NPO 13 refers, as well as promoting the development of tourism related facilities, NPO 22 refers.

5.2. Urban Development and Building Heights Guidelines for Planning Authorities December 2018.

- 5.2.1. The guidelines encourage a more proactive and flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Building height is identified as an

important mechanism to delivering such compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

5.3. Architectural Heritage Protection Guidelines for Planning Authorities (Department of Arts, Heritage and the Gaeltacht 2011).

5.3.1. Having regard to the presence of protected structures and recorded monuments, in and adjacent to the site, the '*Architectural Heritage Protection, Guidelines for Planning Authorities*' are considered relevant. These guidelines are issued under Section 28 and Section 52 of the Planning and Development Act 2000. Under Section 52 (1), the Minister is obliged to issue guidelines to planning authorities concerning development objectives:

- a) for protecting structures, or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest, and
- b) for preserving the character of architectural conservation areas.

5.3.2. The document provides guidance in respect of the criteria and other considerations to be taken into account in the assessment of proposals affecting protected structures. The guidelines seek to encourage the sympathetic maintenance, adaption and re-use of buildings of architectural heritage. Chapter 13 deals with Curtilage and Attendant Grounds and Section 13.5 relates to Development within the Curtilage of a Protected Structure and Section 13.8 of the Guidelines relate to Other Development Affecting the Setting of a Protected Structure or an Architectural Conservation area and the following sections are relevant:

- Section 13.8.1
- Section 13.8.2
- Section 13.8.3

5.4. National Inventory of Architectural Heritage

The National Inventory of Architectural Heritage (NIAH) is a unit within the Department of Environment, Heritage and Local Government engaged in compiling an evaluated record of the architectural heritage of Ireland. Where an NIAH survey of a particular area has been published, relevant planning authorities will be provided with information on structures within the area of that survey. The planning authority can assess the content of, and the evaluations in, an NIAH survey with a view to the inclusion of structures in the RPS according to the criteria outlined in these guidelines. There are a number of properties identified on the NIAH in the vicinity of the site.

5.5. The Regional Spatial and Economic Strategy for the Eastern and Midland Regional Authority 2019-2031 (RSES)

The primary statutory objective of the RSES is to support the implementation of the NPF. The RSES identifies regional assets, opportunities and pressures and provides policy responses in the form of Regional Policy Objectives. The spatial strategy and the Dublin Metropolitan Area Strategic Plan support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City.

5.6. Development Plan

- 5.6.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is zoned Zone Z5: City Centre in the Dublin City Development Plan 2016-2022 which seeks “To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”.
- 5.6.2. The lands to the west of the site, and across Bride Street, is zoned Zone Z8: Georgian Conservation Area in the Dublin City Development Plan 2016-2022 where it is the stated objective “To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective”. The lands associated with St. Patrick’s Park is zoned Z9: Amenity/Open

Space Lands / Green Network and where it is the objective “To preserve, provide and improve recreational amenity and open space and green networks”.

5.6.3. With regard to tourism related developments, the development plan promotes the provision of tourism infrastructure, including hotels. Section 6.4 of the development plan refers to the promotion of tourism as a key driver for the city’s economy, particularly through making the city attractive for visitors, international education, business tourism and conventions. Targets for Dublin to double the number of visitors by 2020 are set out the report: ‘Destination Dublin – A Collective Strategy for Growth to 2020’; Grow Dublin Taskforce. The

5.6.4. The following policies of the CDP are relevant:

- Policy CEE12:

(i) to promote and facilitate tourism as one of the key economic pillars of the city’s economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, aparthotels, tourist hostels, cafes restaurants (and) visitor attractions, including those for children’ and

(ii) to promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors.

- Policy CEE13:

(ii) to support the preparation, adoption and implementation of a strategic regional plan for tourism for the Dublin City region, to provide a framework for the sustainable and efficient provision and management of tourism across the region’ and

(iii) To promote and support the development of additional tourism accommodation at appropriate locations throughout the City’.

- Policy CEE14:

To recognise that many of our key tourist attractions are in regeneration areas with challenges of dilapidated buildings, vacant sites and public domain in need of improvement, and to develop projects such as Dublin that will address these challenges.

Changes of use will be acceptable where, in compliance with the zoning objective, they make a positive contribution to the character, function and appearance of conservation areas and their settings. The council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses.

5.6.5. Section 16.2.2.2 of the plan related to Infill Development and states that the particular character of the city and its concentration of historic buildings means that most re-development opportunities are for 'infill development' ie. gap sites within existing areas of established urban form. It is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

5.6.6. In this regard, the Council will seek:

- To ensure that infill development respects and complements the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape;
- In areas of varied cityscape of significant quality, infill development will demonstrate a positive response to context, including characteristic building plot widths, architectural form and the materials and detailing of existing buildings, where these contribute positively to the character and appearance of the area;
- Within terraces or groups of buildings of unified design and significant quality, infill development will replicate and positively interpret the predominant design and architectural features of the group as a whole;
- In areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest and have regard to the form a

5.7. Natural Heritage Designations

5.7.1. The site is an urban brownfield site and is not located within any designated site. The site is not located within any designated site. The closest Natura 2000 site is the South Dublin Bay SAC (& pNHA)(site code 00210) and the South Dublin Bay and

River Tolka Estuary SPA (site code 004024) which are located approx. 3.7km to the east of the site. The North Dublin Bay SAC (Site code 000206) and North Bull Island SPA (Site Code 004006) lie approximately 6.4km to the east.

- 5.7.2. The Grand Canal pNHA (Site Code 002104) lies approximately 1.1km to the south and the Royal Canal pNHA (Site Code 002103) 2.1km to the north-east. North Dublin Bay pNHA (Site Code 000206) lies approximately 2.1km to the north-east and the Liffey Valley pNHA lies approximately 5.9km to the west.

5.8. EIA Screening

- 5.8.1. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Class 10(b)(iv): Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

Class 12(c): Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.

- 5.8.2. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 5.8.3. The proposed development involves a development comprising the demolition of existing buildings on the urban site, which comprises office accommodation and a

disused warehouse and have a stated floor area of 3,119m², and the construction of a 247-bedroom hotel. The site, which a total area of 0.1981ha, is located in an urban area that may come within the above definition of a “business district” but is well below the threshold of 2 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

5.8.4. The site is located in a medieval suburb of the historic city and within close proximity to St. Patrick’s Cathedral DU018/020269 and the Archiepiscopal Palace of St. Sepulcher DU018-020118. Having regard to the archaeological and architectural conservation reports submitted with the application, and the mitigation proposed, I am satisfied that the proposed development would not have a significant impact of the archaeology of architectural heritage of the area such as would warrant an EIAR. I am further satisfied that the site, being a brownfield urban site will not have a significant impact on the natural environment or biodiversity in the area. An AA screening report satisfactorily addresses concerns re. any nearby European sites.

5.8.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects and Class 12(c) – Tourism and Leisure of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands Zone Z5: City Centre in the Dublin City Development Plan 2016-2022
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a multiple third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The appeals are submitted from:

- David Allen
- Tom & Tina Donhue
- John Donovan & Anne Lynott Donovan
- Des O'Keeffe
- Brendan O'Sullivan
- Cllr. Mannix Flynn
- Amanda Scales & John Kelleher
- Shelagh Brady & Kevin Tobin
- Adelaide Court Management No. 2 CLG
- Adelaide Court Management CLG

6.1.2. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

- No ground survey of Adelaide Square was carried out by Avison Young in the preparation of the sunlight and overshadowing reports.
- 7 of the 12 ground floor apartments of Adelaide Square Block A were omitted.

- Confidence issues raised with the report as answers were changed following a challenge.
- The report suggests that 11 apartments will lose 100% of their winter light, which is indicated as being expected due to city living.
- The drawings and plans used by the applicants' consultant are incomplete and almost unrecognisable. The report states that 'windows and rooms are estimated from photos from Google Maps'.
- The conclusion that GF1, the apartment closest to the development and one most at risk of overshadowing will only lose 8% of light but apartments further away will lose 100% is questionable. The Report is therefore nonsense and cannot be relied upon.
- Scale, massing and density of the development will have an overbearing nature on adjacent residences.
- Impact of overlooking of residences and impact on residential amenity.
- Proximity of building and plant on the roof to existing homes.
- Issues raised over the proposed use of the building as a hotel given the number of existing and permitted hotels in the vicinity and in this residential area.
- Roads, traffic and parking issues.
- Conditions for invoking SPPR3 have not been met in terms of the proposed building height and the building height is excessive, contrary to the policies of the CDP.
- The development has had little regard to the skyline and will not make a positive contribution to the urban character of the area, dominating views from St. Patricks Park.
- The entire policy context is that a more compact urban form and more intensive use of land, while desirable, should not be achieved at the expense of neighbouring residential amenity.
- The site sits directly opposite and addresses St. Patrick's Cathedral and Park Conservation Area, as well the context of numerous protected structures in

the area. The development will have a deleterious impact on the character and setting of built heritage.

- The proposed development does not reinforce or strengthen the civic design or character of the conservation area and is therefore in contravention of the Z5 zoning objective.
- The development is premature pending the adoption of a LAP for the historic Cathedral Quarter.
- Presence of asbestos on the site and no reference to the safe disposal of same provided.
- Noise associated with plant will impact the peaceful living environment of adjacent residents.
- It can no longer be argued that this area of Dublin City requires stimulus for development as it is now a sought-after location in the city.
- Impacts of the development and the mass eradication of the fabric, footprint and legacy of the former church/assembly hall. It is requested that the design team engage more meaningfully with retaining elements of the fabric which could be reused within the development.
- The Economic Impact Assessment has failed to adequately assess the existing concentration of hotels in proximity to the site.
- Design and finish of the proposed building will be out of character with the area.
- Archaeology could be preserved in-situ – suggestions provided.
- Issues raised with the photomontages submitted that the use of a 24mm.
- Administrative issues raised in the delivery of the PAs decision to grant permission noted.

Enclosures are included in a number of the third-party appeals.

6.2. Applicant Response

The first party submitted a response to the third-party appeals. The submission is summarised as follows:

- In terms of the need for the development, it is submitted that:
 - The concept for the proposed development is to provide a luxury hybrid hotel for today's modern travellers.
 - There is little activation particularly at night at street level.
 - The development will contribute to the mix of uses in the wider context and will secure increased employment density.
- In response to third-party appeals, it is submitted that:
 - The proposed development complies with the zoning objective for the site.
 - The precedent for refusal cited does not relate to the subject site as the proposal does not propose the loss of any residential dwelling.
 - Residential use was considered but was not deemed feasible due to constraints associated with the site.
 - The site is not located within an ACA or the City Centre Retail Core and is currently in commercial use.
 - The Economic Impact Assessment prepared outlines that (prior to Covid-19), demand for central Dublin hotel beds exceeded supply.
 - While there are many extant permissions for hotel developments, it is maintained that up to 32% may not be delivered as a consequence of Covid-19.
- In terms of Building Height:
 - The height of c31.856m slightly exceeds the 28m limit set out in the Development Plan.
 - National policy requires local authorities to have regard to the presumption in favour of increased heights.

- The development meets all of the DM principles and criteria for building height.
- With regard to Residential Amenity:
 - The applicant responds to each appellant issues in relation to sunlight / daylight and overshadowing.
 - It is submitted that the in order to address a number of concerns, the consultant has provided updated and extended analysis, considering an increased number of units at Adelaide Square North.
 - With regard the adequacy of the AY report, it is submitted that internal inspections of neighbouring properties is not a requirement and given Covid-19, any access would have been challenging. The floorplans for Adelaide Square were obtained but there are a number of inconsistencies identified.
 - The analysis was not based on Google Maps as stated, rather, Google Maps was used as an additional layer of information to ensure no window or massing were missed. This is standard practice.
 - Overall, the impact of the proposed development is deemed acceptable in the city centre context of the site.
- In terms of Noise & Light pollution:
 - The applicant is committed to mitigating excessive noise and condition no. 19 of the PAs decision to grant is sufficient to address any potential issues.
 - A number of specification items will be included to help reduce potential excessive noise.
 - It is unlikely that all bedrooms will be occupied with lights on simultaneously and curtains open.
 - The CitizenM sign will not throw direct light as it will be backlit.
- Potential for overlooking:
 - There is a certain level of overlooking already due to the current uses.

- The upper section of windows on the northern elevation will have 30-50% fritted glass panelling with frosted glass to the lower section and windows will have day curtains closed.
- The Board has previously acknowledged that a certain amount of overlooking is unavoidable in a city centre context.
- In terms of potential for overbearing:
 - The surrounding area is characterised by a range of scales and buildings with larger buildings such as St. Patrick's Cathedral to the west and Adelaide Square (6-8 stories) to the east.
 - The design approach for the scheme was informed by a complex context with height and uses.
 - The height graduates downwards in scale towards John Field Road so as not to overbear on their scale.
 - The design was informed by the Daylight/Sunlight study as well as the scale and massing of existing properties creating a strong urban marker at the corner of Bride Street and Peter Street and reducing in scale towards John Field Road.
 - The design was amended following a request for FI by the PA to further reduce the volume on Peter Street and reduces the overbearing on Adelaide Square properties.
- Visual Impacts:
 - The applicant accepts that there will be changes to the existing views from the penthouse of Alexandra Walk due to the proposed increased height.
 - The cited views impacted are not protected views and there is no established legal right to views.
 - With regard to the comments on the photomontages submitted with the application, it is submitted that the producers of the photomontages use professional lenses, fully corrected for any spherical or chromatic

distortions. There is no alteration or distortion of perspective in the views.

- Heritage & Conservation related matters:
 - A Heritage Impact Assessment Report was prepared setting out the historical and cultural significance of St. Patrick's Cathedral Complex including Marsh's Library and the Palace of St. Sepulchre's.
 - This report included a visual impact assessment and the conservation architects considered the potential impacts of the development in terms of the height.
 - Views to the Cathedral from the site have been obscured by the development of Canon Court.
 - The retention of the remodelled Molyneux Chapel and the asymmetrical brutalist grafted to the church in the 1970s, and its repurposing as an art space, links to the Molyneux House site history.
 - The request to consider the re-use of the timber queen post roof trusses has been provided for in Condition 8 of the PAs decision to grant permission.
 - The retention of the Stephenson frontispiece façade was never cited as the main reason why residential use was discounted at the site but was one of a number of other considerations.
- Other Matters:
 - In relation to the concerns of asbestos, this matter will be addressed prior to demolition. A specialist Asbestos Remover contractor will be used, and the Safety, Health and Welfare at Work (Asbestos) Regulations 2006-2010 will apply.
 - In terms of archaeology, it is noted that the Dublin City Archaeologist recommended that a condition requiring an Archaeological Impact Assessment including test trenching, is attached to the PAs decision to grant permission.

The First Party observation concludes that it is indented to provide a high-quality hotel and that the proposed development complies with the zoning objective of the site. It is further submitted that other uses were considered but discounted early due to their feasibility. The Planning Authority has found that the proposed development is acceptable, and the scheme has had regard to its context, mitigating excessive impacts where possible and striking the right balance, to achieve a contemporary, high-quality design. Matters relating to heritage and conservation have all been carefully considered and it is requested that the Board grant permission for the scheme.

The observation includes a number of enclosures, and these have been considered in the context of this assessment.

6.3. Planning Authority Response

None.

6.4. Observations

There is one observation noted on the file from Ms. Lucia Sweeney. The observation is summarised as follows:

- Supports the content of the observations already submitted to the Board by third parties.
- The detail of each third-party appeal is submitted with the observation and the observer has highlighted the elements of concern to her which relate to:
 - Overshadowing and loss of sunlight / daylight and misleading information included.
 - Overlooking & Overbearing
 - Scale and bulk
 - Lack of clarity in planning conditions
 - Density and plot ratio
 - Traffic concerns including parking, drop-off, servicing etc
 - Impact on heritage and conservation.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Building Height & Heritage Impacts
3. Residential Amenity Impacts
4. Roads & Traffic
5. Other Issues

7.1. Principle of the development

- 7.1.1. The site is zoned Zone Z5: City Centre in the Dublin City Development Plan 2016-2022 where it is the stated objective of this zoning “To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”. The primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night.
- 7.1.2. In terms of the context of the site, the lands to the west of the site, and across Bride Street, is zoned Zone Z8: Georgian Conservation Area in the Dublin City Development Plan 2016-2022 where it is the stated objective “To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective”. The lands associated with St. Patrick’s Park is zoned Z9: Amenity/Open Space Lands / Green Network and where it is the objective “To preserve, provide and improve recreational amenity and open space and green networks”.

- 7.1.3. The proposed development seeks to demolish the existing office buildings on the site, together with a disused warehouse, and replace with a 4 to 9 storey hotel which will provide 247 hotel rooms and associated facilities including bar and restaurant areas. The proposed development also includes the retention of the Stephenson frontispiece façade, a 4-storey brick façade, onto Bride Street, the creation of an 'art-link' open air gallery space at ground floor level, and the insertion of a linked gallery, the 'Stephenson Room' at 2nd floor level. The retention of the remodelled Molyneux Chapel and the asymmetrical brutalist façade, grafted to the church in the 1970s, and its repurposing as an art space, is proposed to link the Molyneux House site history with the redevelopment of the site.
- 7.1.4. In the context of the principle of the proposed development, I would accept that the use of the site as a hotel is acceptable. In principle, the proposed development can therefore be considered as according with the zoning objective afforded to the site.

7.2. Building Height & Heritage Impacts

- 7.2.1. The proposed development seeks to demolish the existing structures on the site and replace with a new 4-9 storey hotel building. The existing structures on and in the vicinity of the site comprise a variety of scales including 2 and 3 storey houses to the north, and 6-7 storeys associated with the Adelaide Square apartments to the east. The existing buildings on the site rise to a maximum of 5 storeys. The most striking building in the wider area is St. Patricks' Cathedral which lies to the west of the site with Canon Court apartments in between. The area to the west of Bride Street is included in a conservation area, as described above.
- 7.2.2. In terms of the potential visual impacts arising, I note the requirements of the Building Height Guidelines which require planning authorities to employ a positive presumption in favour of increased building heights in town and city centres, as well as urban locations which have access to good public transportation. I would accept that the subject site is located within such an area where the Board can positively consider increase building heights. The guidelines do, however, provide criteria in the assessment of proposed developments which should integrate into and enhance the character of the area, avoid monolithic appearances and improve legibility as well as contributing to the mix of uses and / or buildings. In the context of the subject site, I note the existing mix of uses which are present which include residential,

commercial and the presence of the Kevin Street Garda Station, as well as St. Patrick's Cathedral and Park.

- 7.2.3. The Dublin City Development Plan, 2016-2022, at Section 16.7, provides guidance and standards for building height limits within the City. The subject site is located within an area the maximum height permitted is indicated at 28m for commercial development and 24m for residential development. Section 4.5.4 of the Plan deals with taller buildings and acknowledges the intrinsic quality of Dublin as a low-rise city and considers that it should remain predominantly so. The Plan further provides that taller buildings can also play an important visual role, and 'recognises the merit of taller buildings in a very limited number of locations at a scale appropriate for Dublin'.
- 7.2.4. The Board will note that all of the third-party appellants raise concerns in terms of the height and scale of the proposed development, which will rise to 9 storeys and an overall height of 31.856m in total, but where the main bulk of the building has an overall height of approximately 30m with the additional 1.8m comprising the metallic screen to be installed around MEP at parapet level. In the context of the subject site, I consider that the overall height of the proposed building is only marginally above the limit set in the Dublin City Development Plan.
- 7.2.5. The impact of the development on St. Patrick's Cathedral has been considered in the submitted Heritage Impact Assessment. While I acknowledge the concerns of the third parties, I consider that the overall scale of the development would have a neutral impact on the visual amenity associated with St. Patrick's Park. The photomontage submitted presents the context during the summer months when the trees are in full bloom and even in this context, however I do not consider that the hotel represents a significant visual impact on the skyline.
- 7.2.6. The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018), builds on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. In contrast to the City Development Plan, increased building heights is identified as having a critical role in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Specific Planning Policy Requirements (SPPRs) of the height guidelines take precedence over any conflicting policies, and / or objectives of the Dublin City Development Plan.

7.2.7. The Board will note that the Planning Authority report acknowledges the locational context and size of the site, and the relevant Section 28 Guidelines, and in this regard, accepts that the site has the capacity to accommodate taller buildings without undue detriment to the character or setting of the city skyline. In principle, I agree with the Planning Authority in this regard, and while I note that the PA did not consider this issue in terms of material contravention, I am satisfied that the terms of the 2018 guidelines on building height justify a grant of permission for the proposed development despite its height exceeding the prescribed 28m in the development plan in accordance with section 37(2)(b) of the Planning Act. This matter is addressed in more detail in section 7.5 of this report.

7.2.8. Given scale and context of the subject site adjacent to an established low rise residential area which includes two and three storey homes to the north, as well as the taller more recent apartment developments to the east and west, I would consider that there is opportunity to increase density and height at the subject site, and that a balance is required to be met, particularly in terms of existing residential and visual amenity.

7.2.9. Section 3.2 of the Building Height Guidelines requires that proposed developments respond to the overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 – which recognises that historic environments can be sensitive to large scale and tall buildings - then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

7.2.10. In this regard, the following is relevant:

(i) At the scale of the relevant city/town:

The site is located in a highly accessible location in terms of public transport with access to both buses and the Luas Green Line, with the St. Stephen's Green stop located approximately 8 minutes' walk away. I also note the proximity of the site to the Bus Connects corridor proposed to run along Camden Street Lower and Wexford Street to the south-east of the site. The proposed Metro Link at St Stephen's Green is also within walking distance from the site and DublinBikes and GoCar facilities are also available in

proximity to the site. I am satisfied that the proposed development accords with this requirement.

(ii) At the scale of the district / neighbourhood / street:

In terms of the architectural character of the area, the subject site is located adjacent to lands which include Zone Z8: Georgian Conservation Areas associated with the St. Patrick's Cathedral and the numerous NIAH buildings surrounding it and the lands comprising St. Patrick's Park are zoned Z9: Amenity/Open Space Lands / Green Network. The existing residential development to the north and east of the site range in height from two storey homes on John Field Road to the 6/7 storeys of the Adelaide Square apartment development to the east. The scale of the surrounding neighbourhood, therefore, is varied and characterised by a range of architectural styles and periods.

The proposed development represents a change to the existing scale of the neighbourhood with the introduction of a building up to 31.8m in height and the increase in density of development. The elevation onto Peter Street includes a step up from the 5th floor in order transition between the adjacent Adelaide Square development which is approximately 7m lower than the overall proposed height of the development. I note that the proposed development was amended following the Planning Authority's request for further information to provide a separation distance of 12.899m at the 6th floor level of the Adelaide Square development. To the north of the site, the proposed development is stepped down to 5 and 4 storeys which reflects the lower height and scale of the residential properties in this area of the adjoining streets. The western elevation onto Bride Street acknowledges the retained Sam Stephenson façade of Molyneaux House.

As such, I am satisfied that the proposed development has been stepped to provide an appropriate transition between the existing residential properties and the proposed hotel development. The Board will note that the applicant submitted an Architectural Impact and a Heritage Impact Assessment – including Visual Impact Assessment which have contributed to my assessment of the overall scheme.

I am generally satisfied that the proposed development has the potential to make a positive contribution to place-making and to the urban neighbourhood. I am further satisfied that the development uses massing and height to achieve the required densities with sufficient variety in scale and form to respond to the scale of adjoining developments and integrates in a cohesive manner into the streetscape.

(iii) At the scale of the site/building

With regard to the proposed development at street and building level, I would acknowledge that the western elevation onto Bride Street acknowledges the retained Sam Stephenson façade of Molyneaux House. This approach beds the new development into the history of the area and the streetscape while introducing a new commercial use onto the Z5 City Centre zoned land. The amended floor plans submitted following the PAs request for further information also includes the proportion of active frontage along Peter Street at ground floor.

In terms of the requirements of the Building Height Guidelines, the Board will note that matters relation to sunlight and daylight, as well as flood risk assessment will be discussed further in sections 7.3 and 7.5 of this report.

I am further satisfied that the design of the scheme does not include monolithic façades and all elevations provide appropriate fenestration in a manner which seeks to minimise overlooking of existing adjacent properties, while providing passive observation over the street and public realm.

7.2.11. In terms of Section 3.2 of the Building Height Guidelines, I conclude that the proposed development satisfies the criteria set out therein and as such, the proposed development can be considered as complying with SPPR 3 of said guidelines.

7.2.12. I have no objections to the proposed design of the hotel development in terms of proposed materials, and landscaping proposals and would argue that the proposal adequately accords with the thrust of national policy in this regard. The proposal seeks to increase density on this urban site by increasing height and density and I would fully support this principle given the sites location in proximity to public transportation and employment. I am satisfied that the overall mass and form of the

building, has had regard to the context of the site and the presence of the Molyneux House within its boundaries. Indeed, I consider that the retention of the Sam Stephenson façade has been respectfully executed and retains the historical context of the site.

7.2.13. In terms of impacts on heritage, the Board will note the history of the site and the evolution of the existing buildings thereon. I also note the submissions of third-parties with regard to the impact of the development and the loss of Molyneux House. The proposed development will, if permitted retain just the brutalist façade which was added to the 19th century Molyneux Church in the 1970s as part of the conversion of the church to office use. I note that while the buildings are considered significant, none are included in the NIAH nor the list of protected structures. The HIA submitted with the application acknowledges the significance of the queen-post truss roof which is to be recorded, salvaged and reused. In this regard, should the Board be minded to grant permission, I recommend that the Condition 8 of the PAs decision to grant be included, which requires the proposals for the truss roof to be agreed in writing prior to the commencement of any development on the site.

7.2.14. The archaeology potential of the site is also noted. The City Archaeologist requires that a condition be included in any grant of planning permission, requiring an Archaeological Impact Assessment, including test trenching, be carried out under licence. Condition 7 of the PAs decision to grant is relevant and should be included should the Board be so minded to grant permission in this instance.

Conclusion:

7.2.15. The existing site is currently underutilised and the proposed redevelopment of same, for the purposes of hotel uses, is wholly appropriate and acceptable in the context of both national and local policies. I consider the contemporary design to be of a high quality which generally has had regard to the historic and built heritage of the area and that the development will contribute positively to the public realm in the vicinity of the site. The principle of the proposed development in terms of height, design and scale is acceptable and has in my opinion been appropriately justified/demonstrated. I am further satisfied that the subject site is capable of accommodating the development without undue impacts arising to wider views across the city skyline.

7.3. Residential Amenity Impacts

Overlooking:

- 7.3.1. The Board will note the content of the third-party appeals and the contention that the proposed development, if permitted, will significantly impact on existing residential amenities. In this regard, the Board will also note the amendments made to the development in an effort to address the concerns raised at FI stage. In particular, I note the proposals to address the potential for overlooking and would accept that there is currently a certain amount of overlooking from the existing use of the site. The development proposes to use fritted glass panelling on the upper sections of the windows on the northern elevation, with frosted glass to the lower sections. I also note that as the proposed use is as a hotel, generally hotel rooms have day curtains on the windows. Overall, I am generally satisfied that the development will not give rise to significant overlooking of adjacent properties, and I do not consider that the proposed development is overbearing having regard to its location and level of mitigation proposed by the applicant.

Overbearing:

- 7.3.2. In terms of overbearing, I note that the third-parties have raised concerns in terms of the scale and height of the proposed development. In this context, I would note that the surrounding area includes a variety of building scales and heights with Adelaide Square rising to 8 storeys and as such, the proposed development is not considered excessive. I would agree with the applicant that the design has sought to address the existing context and scale of adjacent properties, with the building stepping down towards the two and three storey homes on John Field Street. I also note the amended proposal in terms of the reduction in the volume of the building on Peter Street where it meets the Adelaide Square building. As such, I have no objections in terms of the height and scale of the proposed development, and that the overall design can be considered acceptable at this urban location. I do not consider that the proposed development is overbearing having regard to its location and level of mitigation proposed by the applicant.

Daylight/Sunlight/Overshadowing:

- 7.3.3. Section 3.2 of the Urban Development and Building Height Guidelines (2018), in terms of the at scale of the site/building, states as follows:

- The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
- Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.

7.3.4. In addition to the Building Height Guidelines, the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020 also require at Section 6.6, that planning authorities' should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. Where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting taking account of its assessment of specifics.

7.3.5. The impact of the development in terms of sunlight / daylight and overshadowing is a significant concern arising in the third-party objections. In this regard, the Board will note that the applicant submitted a Daylight / Sunlight & Overshadowing Report, prepared by Avison Young, with the application. The report was updated following a request for further information by Dublin City Council and the assessment was undertaken to test the proposed development against sensitive neighbouring

residential properties and amenity areas adjacent to the site. The applicant's Sunlight, Daylight and Shadow Assessment Report is based on the BRE Report "Site Layout Planning for Daylight and Sunlight" and the assessment examines the impact of the proposed development on adjoining residential properties at Adelaide Square, No. 70 Bride Street and nos. 1-7 John Filed Road. The report notes that all analysis has been undertaken in accordance with the 2011 BRE Guidelines.

7.3.6. The initial report submitted with the application notes the city centre location of the site and submits that alternative criteria may be required for urban locations, that focus on the retained levels of daylight/sunlight to ensure acceptable levels of light are retained. To this end, the report sets out the logic for reducing the BRE standard global target of 27% Vertical Sky Component (VSC ambient light) to 15% given the context of the site within the city centre. In arriving at the 15% figure, I acknowledge that the applicants' consultant considered a number of developments in the vicinity of the site which included both residential use and retail on sites which face large developments. On the sites considered, the analysis indicated that at ground floor level a VSC of circa 10-15% is achieved. At three of the sites, and at first floor level, the VSC achieved was 10-15%, while the other three achieved 15-20% at first floor level. At the subject site, the context analysis undertaken proposes an alternative target criterion of circa 15%. I consider this approach both acceptable and appropriate and I am satisfied that the 15% VSC proposed, reflects the examples as provided within the BRE guidelines for city developments.

7.3.7. The Board will note that the response to the PAs further information request, additional details to the Daylight / Sunlight and Overshadowing Report were required to address specifically an error in the original AccuCities 3D photogrammetry context model of the existing site and neighbouring properties and which was used for the daylight, sunlight and overshadowing analysis. The submitted report (in response to FI) includes a full set of corrected daylight and sunlight analysis, along with the corrected NSL (No Sky Line) contour drawing in the appendices of the report. The Board will note that, having regard to the nature of the subject development, the applicant has sought to apply the No Sky Line target, as detailed in the BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), in conjunction with VSC, to assess the daylight distribution in the rooms of adjacent residential properties, using the planning floor plans for those developments. The

focus in this regard, is on the measurement of internal daylight distribution by plotting the position of the existing and proposed no sky line contour in the context of daylight and room brightness.

7.3.8. Appendix C of the BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) is relevant in the context of the position of the no sky line as employed by the applicant in this assessment. In this regard, the following is relevant:

- C16: If a significant area of the working plane (normally more than 20%) lies beyond the no sky line (ie it receives no direct skylight) then the distribution of daylight in the room will look poor and supplementary electric lighting will be required. Appendix D gives guidance on how to plot the no sky line.
- C17: Note that the criteria in C14, C15 and C16 need to be satisfied if the whole of a room is to look adequately daylit. Even if the amount of daylight in a room (given by the ADF) is sufficient, the overall daylit appearance will be impaired if its distribution is poor.

7.3.9. I have considered the report submitted by the applicant with the original application and the report included in response to the PAs further information request. I note that both reports have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) – the documents referenced in Section 28 Ministerial Guidelines. I also note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) but that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines. The concerns raised in the third-party submissions as they relate to the potential impact on light in their homes and amenity spaces are also noted.

7.3.10. In terms of the potential impacts on existing dwellings, I consider that there are two elements to be considered, including loss of sunlight to amenity spaces and overshadowing, as well as the impact of loss of light within homes due to the development.

Sunlight to Amenity Spaces / Overshadowing of existing properties

7.3.11. With regard to sunlight to amenity spaces, Section 3.3.17 of the BRE guidance document provides that for a space to appear adequately sunlit throughout the year, at least half of the garden or amenity area should receive at least 2 hours of sunlight on the 21st March. In terms of existing private amenity spaces, Section 7 of the initial report identifies the amenity spaces of the houses surrounding the subject site as described above. With regard to overshadowing, the Daylight / Sunlight & Overshadowing Report notes that all 9 of the amenity areas assessed, including the private gardens of No. 70 Bride Street and Nos 1-7 John Field Road to the north as well as the courtyard serving Adelaide Square to the east, receive two or more hours of sunlight to significantly less than 50% of their areas in the existing context.

7.3.12. The 2011 BRE Guidance indicates that any loss of sunlight as a result of a new development should not be greater than 0.8 times its former size. The submitted Daylight / Sunlight & Overshadowing Report includes an assessment of impact on ground overshadowing with the existing buildings in place, and with the proposed development in place. Section 3.3.11 of the BRE guidance states that if an existing garden or outdoor space is already heavily obstructed then any further loss of sunlight should be kept to a minimum. In such instances, the guidelines recommend that the sun hitting the ground in the garden/amenity space should not be less than 0.8 times its former value with the development in place.

7.3.13. On the 21st of March, the following are the results:

Amenity Space	Area of space receiving >2 hrs direct sunlight daily	
	Current % area	Proposed % area
No 70 Bride St.	6.45	5.88
No. 1 John Field Road	27.8	0
No. 2 John Field Road	37.69	34.13
No. 3 John Field Road	26.69	0
No. 4 John Field Road	31.55	3.81
No. 5 John Field Road	21.86	1.02
No. 6 John Field Road	36.02	17.42

No. 7 John Field Road	26.11	8.26
Adelaide Square	24.59	11.99

With regard to the shadow analysis, I note that none of the tested neighbouring private amenity spaces pass the BRE requirement, with all having less than 50% of the amenity spaces currently receiving over 2 hours of sunlight on the 21st of March. With the proposed development in place, only 2 properties do not breach the 0.8 times their former value limit, No. 70 Bride St and No. 2 John Field Road. I note that the greatest impact arises in terms of No. 1 and No. 3 John Field Road on the 21st of March. The impact on these properties on the 21st of March will be notable. However, the same properties, on the 21st of June retain either the same or very close to the existing levels of sunlight.

7.3.14. Having regard to the provisions of national and local policies and objectives with regard to urban development including increased densities and regeneration within this area of Dublin City, together with the constraints associated by the subject site in terms of its position immediately south and west of existing housing and residential development, and my assessment with regard to the impact that arises in respect of the impact to sunlight to and overshadowing of existing amenity spaces, I consider that the potential for undue impacts on the amenities of the neighbouring residential properties can be reasonably discounted and that the discretion offered by Section 3.2 of the Sustainable Urban Development and Building Height Guidelines and Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) is such that, a refusal of permission is not warranted with regard to Sunlight to Amenity Spaces / Overshadowing of existing properties. The proposed development involves the redevelopment of an underutilised somewhat derelict site, and positively contributes to urban regeneration, and will contribute directly to employment and tourism in the area, and a such on balance, I consider the impacts associated with the development to be within acceptable limits.

Light from the Sky impact on existing properties:

7.3.15. The BRE guidance for daylight and sunlight is intended to advise on site layout to provide good natural lighting within a new development, safeguarding daylight and sunlight within existing buildings nearby and protecting daylight of adjoining

properties. Section 2 of the guidelines document deals with Light from the Sky and Section 2.2 of the guidelines set out the criteria for considering the impact of new development on existing buildings. The guidance in this regard is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms, and include as follows:

- Consideration of the separation distance – if it is three or more times its height, the loss of light will be small.
- Consideration of the angle to the horizontal subtended by the new development at the level of the centre of the lowest window – if the angle is less than 25° it is unlikely to have a substantial effect on the diffuse skylight in existing buildings.
- Consideration of the Vertical Sky Component (VSC) - If VSC is >27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- If the VSC is both less than 27% and less than 0.8 of its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- In terms of the no sky line (NSL), the Guidelines state that ‘if, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit’.

The Guidelines suggest that the above considerations need to be applied sensibly and flexibly.

7.3.16. In the context of the above, the Board will note that I have employed all of the relevant Guidance documents in order to present a rational assessment of the proposed development, identifying potential impacts arising and consideration on the reasonableness or otherwise of identified potential impacts. My assessment is based on the identified national and local policies which support the increase in density of development within Dublin City centre on appropriately zoned and serviced lands while considering the potential impacts on existing residents.

7.3.17. The Daylight / Sunlight & Overshadowing Report identifies the adjacent residential properties considered sensitive and presents the results of the skylight VSC on the sensitive properties identified. The findings of the report are summarised as follows:

- No. 70 Bride Street will experience minor reduction in daylight and sunlight, within acceptable levels.
- Nos 1-7 John Field Road –
 - A number of windows will experience a reduction in VSC of over 20% and up to 31.92% (No 4 - ground floor W3/40). In this regard, the report notes that the affected windows already have a VSC under 27% and as such, the actual change is lower. A VSC of 15% at ground floor level and 18% at first floor level, would be achieved.
 - In terms of daylight, the report submits that 3 site facing rooms in each of Nos 3-6 John Field Road – ie. all rear rooms - will fall below the criteria for NSL.
 - All properties will fall below the recommended criteria for winter sunlight, retaining between 1-2% winter probable sunlight hours on the ground floor and 1-4% on the first floors, all below the BRE recommended 5% target.
- In terms of Adelaide Square –
 - the report identifies 129 windows, serving 89 rooms that have been identified as habitable or unknown rooms as part of the assessment. The analysis found that 79% (102 of the 129 windows) fully comply with the criteria for VSC and 97% (86 of the 89 rooms) will meet the criteria for NSL.
 - Of the 27 windows that fall below the BRE criteria for VSC, 19 serve 18 rooms that have additional mitigating windows that fully comply with VSC criteria and 16 meet the NSL target of retaining a daylight distribution to over 50% of their areas. The remaining 8 windows serve single aspect rooms, 5 of which will experience alterations in VSC beyond the recommendations in the BRE guidelines, at between 25-38%. These windows, however, will achieve VSC between 17-25%. Seven of the eight

windows will fully comply with the BRE Guidelines for NSL and will retain daylight distribution to over 88% of their room areas.

- In terms of sunlight, 75 of the 99 windows assessed will comply with the recommended criteria for winter sunlight and 86 for annual sunlight. Of the 24 windows falling below the guidelines for winter sunlight, 19 achieve on or below 5% winter probable sunlight. With the development, the remaining five windows will retain between 3-4%. 11 of these 24 windows are orientated north, east or west which limits the quantum of available sunlight hours at certain periods of the day, and particularly during the winter months.
- Of the 13 windows falling below the guidelines for annual sunlight, 11 achieve between 8-18% APSH, with the remaining two windows achieving 20-24% in the existing context.

7.3.18. I am satisfied that the VSC assessment has been targeted to neighbouring windows / rooms / dwellings that are at the most challenging locations and demonstrate the worst-case scenario. Having regard to scale of the proposed development, together with the context of the site within the city centre, the Guidance document provides for judgement and balance of considerations to be applied having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution. In this regard, I acknowledge the national policy to increase development densities on zoned and serviced lands.

7.3.19. In respect of loss of light from the sky, and based on my assessment of the proposed development together with the information before the Board, I am satisfied that the assessment undertaken is robust and comprehensive and that it indicates that the impact on daylight reception to the neighbouring dwellings with the proposed development in place would generally meet the recommended standards set out in the BRE document "Site Layout and Planning for Daylight and Sunlight – a Guide to Good Practice" 2011. While I note the potential loss of skylight for a small number of windows associated with adjacent residential properties, I do not consider this loss to be so significant such as to cause an unacceptable impact on the residential amenity

or daylighting of these homes, and it would not constitute such an impact as would warrant a refusal.

7.4. Roads & Traffic

- 7.4.1. The subject site is located within Area 1 of Dublin City Centre as it relates to parking requirements and provides that a maximum of 1 car parking space per 4 hotel bedrooms is permissible. The development would therefore have a maximum requirement of 62 car parking spaces. No car parking provision is proposed, and the development will see the omission of the existing vehicular access from Bride Street to the site if permitted. The zero-car parking approach is supported by Dublin City Council, and I have no objections in this regard, given the proximity of the site to a variety of public transport modes.
- 7.4.2. Table 16.2 of the Dublin City Development Plan requires that 1 bicycle parking space is provided for every 10 hotel bedrooms. This equates to a requirement of 25 spaces to be provided on the site. The development proposes 30 secure cycle spaces for staff within the courtyard of the development and an additional 20 bicycle spaces are proposed in the public realm to the north-west of the site for public use. Overall, I am satisfied that the development is acceptable in terms of the provision of cycle parking.
- 7.4.3. The Outline Mobility Management Plan submitted following the request for further information indicates that the full MMP is to be prepared following the development of the site. I am satisfied that this is acceptable and can be dealt with by way of condition of permission.
- 7.4.4. A proposed loading bay on Peter Street will be located within the carriageway of the road and will not impact on the footpath. Following a request for further information, the applicant clarified a number of issues in this regard, and I would accept that subject to the final layout of the on-street loading bay and associated markings and hatching being agreed with the Transport Advisory Group of Dublin City Council, the servicing of the site will have little or no impact on existing road users.

7.5. Other Issues

7.5.1. Water Services

The Board will note that the existing buildings on the site have connections to the existing public services. I am satisfied that the proposed development can connect to existing services in the vicinity of the site.

7.5.2. Material Contravention:

The Board will note that the Planning Authority report makes no reference to any material contravention of the Dublin City Development Plan. It is noted that Section 37(2)(b) of the Planning and Development Act 2000, as amended, provides that the Board is precluded from granting permission for development that contravenes materially the development plan, except where it considers that:

- (i) The proposed development is of strategic or national importance;
- (ii) There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned; or
- (iii) Permission should be granted having regard to regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

In terms of the above, I would accept that the subject application seeks to redevelop an existing underutilised urban site to provide a higher density commercial development in the form of a hotel. The subject site is suitably zoned for such purposes. The NPF signals the Government's policy towards securing more compact and sustainable urban development, and the Board will note National Policy Objective 13 refers to building height being based on performance criteria in order to achieve targeted growth. As such, I consider that the proposed development might

reasonably be considered as meeting the requirements of Section 37(2)(b)(i) of the Act.

Section 37(2)(b)(ii) and Section 37(2)(b)(iii) of the Act relates to instances where there are conflicting objectives in the Development Plan or where objectives are not clearly stated as well as having regard to relevant guidelines and national policies. The Board will note that the Planning Report submitted in support of the proposed development acknowledges the policies of the Dublin City Development Plan in relation to building heights. While the Plan includes policies and objectives which seek to provide for higher densities and ensure the efficient use of zoned lands, Section 16.7.2 of the plan seeks to restrict building heights to a maximum of 28m. The applicant, in this regard, considers that the proposed development with increased height is justified in the context of the NPF and the 2018 Building Height Guidelines, which supersede contradictory policies in the CDP.

While I would fully accept that in order to achieve increased and sustainable densities at locations within the city centre, I would also note that the Dublin City Development Plan clearly identifies a number of locations where the principle of taller buildings, above the 28m maximum are deemed appropriate and acceptable in the context of the existing low-rise nature of Dublin. I also note that the subject site is not located within one of the four locations identified in the CDP and is located within a transitional zone at the southern edge of the Z5 zoning in the Plan. As such, I would consider this argument to be subjective in the context of Section 37(2)(b)(ii).

In relation to the Building Height Guidelines, I note the precedents for higher buildings within Dublin City Centre, which would exceed the limits set in the Dublin City Development Plan. I would also acknowledge that the adjacent structures to the site rise to 6/7 storeys. In addition, I would wholly accept that the subject site constitutes an underutilised brownfield site at this city centre location. I would accept that the site is capable of accommodating a development which includes buildings taller than those existing on the site. It is clear that the thrust of the Building Height Guidelines has been applied to the full in the design and scale of the development proposed and that the density of development sought, seeks to maximise the national policy in this regard.

Section 37(2)(b)(iv) relates to the pattern of development in the area and permissions granted in the area since the making of the Plan. I would note that this area of Dublin City has been subject to a number of redevelopment projects which include higher buildings.

I am satisfied that the provisions of Section 37(2)(b)(i) and Section 37(2)(b)(iii) have been met and in this regard, I consider that the Board can consider a grant permission for the proposal.

7.5.3. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

In addition, the site is located in an area which is subject to the Section 49 Supplementary Development Contribution Scheme – Luas Cross City (St. Stephen's Green to Broombridge Line). Should the Board be minded to grant permission in this instance, a condition to this effect should be included.

7.5.4. Concentration of Hotel Use

The Board will note that a number of third-party appellants have raised concerns in terms of the concentration of hotels within 1km of the site. I would note that the proposed use is compatible with the zoning objective afforded to the site and the applicant submitted an Economic Impact Assessment as part of the application. Of note, this assessment identifies a high number of AirBnB properties in the area and the decline in the number of hotel development completions in the area. I would also note that the level of hotel bedspaces in Dublin City has been an issue for many years and that demand is consistently higher than beds available. I am satisfied that the proposed development is acceptable in this regard.

7.5.5. Asbestos Removal

In relation to the concerns of asbestos, this matter is to be addressed prior to demolition. A specialist Asbestos Remover contractor will be used, and the Safety, Health and Welfare at Work (Asbestos) Regulations 2006-2010 will apply.

7.5.6. Other Issues

In terms of the proposed development itself, I note that the applicant has submitted their intention to provide a luxury hybrid hotel model to travellers. In this context, I would note that the development proposes 247 ensuite rooms, the majority of which will have an area of 15.2m². The dimensions of the room are 6.7m x 2.27m, and all include an. The narrow nature of the rooms suggest that the sink will be located within the bedroom and that the double beds will be located under the windows of each room. I note the requirements of the Failte Ireland Hotel Classification Scheme and would accept that the proposed double bedrooms appear to comply with the minimum floor space requirements for such rooms albeit with the sinks located outside the bathrooms.

The Board will also note that the third parties have raised concerns in terms of noise associated with the proposed development. I note that the development includes a bar and service area at ground floor level which will provide animation to the streetscape along both Bride Street and Peter Street during the day and evenings. Given the location of the site within the city centre, together with the zoning objective afforded to the site, I am generally satisfied that the proposed use as a hotel is acceptable and is compatible with the adjacent residential uses. While the introduction of a different commercial offer on the site will change the current dynamic of the area, I am satisfied that the hotel use will not give rise to undue negative impacts in terms of noise.

8.0 Appropriate Assessment

8.1. Introduction

- 8.1.1. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.
- 8.1.2. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly

connected with or necessary to the management of a European site. The applicant, having undertaken an Appropriate Assessment Screening concluded that a Stage 2 AA was not required and did not submit a Natura Impact Statement with the application.

8.1.3. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

8.1.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

Consultations

8.1.5. The Board will note that all prescribed bodies and Local Authority submissions and consultations are summarised above in Section 3 of this report, while all third-party appeal submissions are summarised in Section 6. I note that a number of third parties raised concerns that the proposed development has not been properly assessed for the purposes of AA as foul and surface water will be treated in the Ringsend WWTP, which is currently operating over capacity. No issues relating to AA are noted as having been raised by prescribed bodies or the local authority.

8.2. Applicants Screening for Appropriate Assessment

8.2.1. The applicant submitted an Appropriate Assessment Screening Report, prepared by Scott Cawley which included an overview of the receiving environment and noted that the development is not directly connected or necessary to the management of a

European Site. Figure 1 identifies the 15km radius around the proposed development site and notes the Natura 2000 Sites occurring within this area. Appendix 1 of the AA Screening Report identifies the Natura 2000 Sites within 15km of the site, 19 in total, and Section 3.3.2 identifies that due to the proposal for the development to connect to the Ringsend WWTP, the Zone of Influence of potential effects on water quality extend to designated sites within Dublin Bay. The AA Screening report includes details of all of the sites and the qualifying interests / Special Conservation Interests for which each site is designated. Section 3.3 presents an Assessment of Likely Significant Effects on European Sites and Table 1 presents the summary of the analysis in tabular form.

8.2.2. The AA Screening Assessment concludes that the potential impacts associated with the proposed development do not have the potential to affect the receiving environment and, consequently, do not have potential to affect the conservation objectives supporting the qualifying interest / special conservation interests of European Sites. The AA submitted with the application concludes that there is no potential for likely significant effects on any European Sites and therefore, the proposed development does not require an Appropriate Assessment or the preparation of a Natura Impact Statement (NIS).

8.3. Screening for Appropriate Assessment

8.3.1. Having regard to the information presented, I am generally satisfied that the following sites can be screened out in the first instance, as they are located outside the zone of significant impact influence because the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, it is concluded that no significant impacts on the following sites is reasonably foreseeable. I am satisfied that the potential for impacts on the following 15 Natura 2000 sites can be excluded at the preliminary stage:

Site Name	Site Code	Assessment
Baldoyle Bay SAC	000199	Site is located entirely outside the EU site and therefore there is no potential for direct effects.

		<p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Baldoyle Bay SPA	004016	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Howth Head SAC	000202	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Howth Head Coast SPA	004113	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>

<p>Rockabill to Dalkey Island SAC</p>	<p>003000</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
<p>Dalkey Island SPA</p>	<p>004172</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
<p>Irelands Eye SAC</p>	<p>002193</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
<p>Irelands Eye SPA</p>	<p>004117</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>

		Screened Out
Glenasmole Valley SAC	001209	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Knocksink Wood SAC	000725	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Wicklow Mountains SAC	002122	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p> <p>Screened Out</p>
Wicklow Mountains SPA	004040	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p>

		No pathways for direct or indirect effects. Screened Out
Malahide Estuary SAC	000205	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. Screened Out
Malahide Estuary SPA	004025	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. Screened Out
Rye Watter / Carton Valley SAC	001398	Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. No disturbance to species. No pathways for direct or indirect effects. Screened Out

8.3.2. The Screening Report identified the Natura 2000 sites within 15km of the subject site, within the zone of influence of the project, for the purposes of AA Screening, including as follows:

- North Dublin Bay SAC (Site Code: 000206)

- North Bull Island SPA (004006)
- South Dublin Bay SAC (000210)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- Poulaphuca Reservoir SPA (004063)

8.4. Qualifying Interests for Natura 2000 Sites within Zone of Influence

8.4.1. The closest Natura 2000 sites, and those considered to be within the zone of influence for the proposed development, as there are potential pathways via the surface water drainage and wastewater drainage infrastructure, and therefore, hydrological links to the designated sites, are the South Dublin Bay SAC (& pNHA)(site code 00210) and the South Dublin Bay and River Tolka Estuary SPA (site code 004024) which are located approx. 3.7km to the east of the site. The North Dublin Bay SAC (Site code 000206) and North Bull Island SPA (Site Code 004006) lie approximately 6.4km to the east.

8.4.2. The following table sets out the qualifying interests for each of these sites:

European Site	Qualifying Interests
<p>South Dublin Bay SAC (Site Code: 000210) Located approx. 3.7km to the east of the site</p>	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140]
<p>South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) Located approx. 3.7km to the east of the site.</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Redshank (<i>Tringa totanus</i>) [A162]

	<ul style="list-style-type: none"> • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Wetland and Waterbirds [A999]
<p>North Dublin Bay SAC (Site Code: 000206)</p> <p>Located approx. 6.4km to the east of the site.</p>	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395]
<p>North Bull Island SPA (Site Code: 004006)</p> <p>Located approx. 6.4km to the east of the site.</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144]

	<ul style="list-style-type: none"> • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Turnstone (<i>Arenaria interpres</i>) [A169] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999]
<p>Poulaphouca Reservoir SPA (Site Code: 004063)</p> <p>Located approx. 23km to the south of the site</p>	<ul style="list-style-type: none"> • Greylag Goose (<i>Anser anser</i>) [A043] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]

8.4.3. It is noted that the subject development site is located outside all of the Natura 2000 sites identified above, and therefore there is no potential for direct effects to any designated site. The subject development site is an urban brownfield site and is not located within any designated site. The site does not contain any of the intertidal habitats or species associated with any Natura 2000 site. The existing site is composed entirely of buildings and artificial surfaces, all of which are of negligible biodiversity value, within a heavily built-up area of Dublin City. I would note that the only pathway between the site and the Natura 2000 sites in Dublin Bay are via surface water drainage and wastewater drainage. In addition, the Poulaphuca Reservoir is considered to be within the zone of influence of the development as the SPA is the source of drinking water for Dublin City, including the proposed development site.

8.5. Conservation Objectives:

8.5.1. The Conservation Objectives for the relevant designated sites are as follows:

European Site	Conservation Objectives
<p>South Dublin Bay SAC (Site Code: 000210)</p> <p>Located approx. 3.7km to the east of the site</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets
<p>South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024)</p> <p>Located approx. 3.7km to the east of the site.</p>	<ul style="list-style-type: none"> • The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets. • No site-specific objective has been set for the Grey Plover and it is proposed for removal from the list of Special Conservation Interest for the SPA.
<p>North Dublin Bay SAC (Site Code: 000206)</p> <p>Located approx. 6.4km to the east of the site.</p>	<ul style="list-style-type: none"> • The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Mudflats and sandflats not covered by seawater at low tide [1140] ○ <i>Petalophyllum ralfsii</i> (Petalwort) [1395] • The NPWS has identified a site-specific conservation objective to restore the favourable conservation condition of the following Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets: <ul style="list-style-type: none"> ○ Annual vegetation of drift lines [1210] ○ <i>Salicornia</i> and other annuals colonising mud and sand [1310] ○ Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] ○ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] ○ Embryonic shifting dunes [2110] ○ Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]

	<ul style="list-style-type: none"> ○ Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] ○ Humid dune slacks [2190]
<p>North Bull Island SPA (Site Code: 004006)</p> <p>Located approx. 6.4km to the east of the site.</p>	<ul style="list-style-type: none"> ● The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets.
<p>Poulaphouca Reservoir SPA (Site Code: 004063)</p> <p>Located approx. 23km to the south of the site</p>	<ul style="list-style-type: none"> ● There is a generic conservation objective to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA: <ul style="list-style-type: none"> ○ Greylag Goose (<i>Anser anser</i>) [A043] ○ Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]

8.6. Potential Significant Effects

8.6.1. The AA Screening Report, submitted with the application, includes an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives. In order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- Habitat loss / alteration / fragmentation: The subject site lies at a remove of some 3.7km from the boundary of any designated site. This separation distance is increased in terms of the course of the drainage network in Dublin City. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- Disturbance and / or displacement of species: The site lies within a heavily urbanised environment. No qualifying species or habitats of interest, for which the designated sites are so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000

site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.

- **Water Quality:** The proposed development is to connect to existing public water services, and the AA Screening report references the Ringsend Wastewater Treatment Plant. It is noted that the Ringsend Treatment Plant is not currently compliant with its emission limit standards, but that work is underway to increase capacity. It is noted that notwithstanding the current issues with the WWTP, evidence suggests that no negative impacts to the Natura 2000 sites in Dublin Bay, and the habitats and species they support, are occurring from water quality.

The Board will note that the Ringsend WWTP is licenced to discharge treated effluent for a population equivalent of an average of 1.65 million, but the weekly averages can spike at approximately 2.36 million PE. This variation is associated with storm water inflows during periods of wet weather as the existing network works off a combined system for foul and surface water in many parts of the city, including in the vicinity of the subject site. The Board will also note that notwithstanding the capacity issues at the plant, the Liffey Estuary and Dublin Bay are currently classified by the EPA under the WFD 2010-2015 as being of 'unpolluted' water quality status. With the upgrading of the WWTP, the pollution level of future discharges to Dublin Bay will decrease in the medium to longer term. Having regard to the scale of the proposed development in the context of the overall licenced discharge at the Ringsend WWTP, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality within Dublin Bay.

- In addition, the Board will also note the policy of the Dublin City Development Plan, Policy S118 refers, to require new development within the City to provide SUDs as a measure to reduce flood risk and improve water quality. The proposed development includes proposals for an on-site attenuation system in accordance with this policy, which will restrict storm water flow from the site for any storm duration. The receiving sewer will therefore have increased hydraulic capacity during such rain events, thereby enhancing the current capacity of the combined sewer and preventing the development from

contributing to overflow events at the Ringsend WWTP.

The submitted Construction & Demolition Management Plan identifies environmental issues which may arise during the construction phase in terms of water services management, waste management including the management of construction and demolition waste, control of fuels and lubricants, air quality management and dust mitigation, noise and vibration management and construction traffic management. I am satisfied that the pollution control measures to be undertaken at the site are standard practices for development within urban sites in order to protect local receiving waters, even without the potential for hydrological connection to Natura 2000 sites. In any case, I am generally satisfied that in the absence of the measures indicated, the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distance to such sites, the nature and scale of the development and the lack of a direct hydrological connection.

8.7. In Combination / Cumulative Effects

- 8.7.1. In relation to in-combination impacts on water quality in Dublin Bay, the submitted AA Screening Report notes that other projects carried out within the functional area of the Dublin councils, including Dublin City, Dun Laoghaire-Rathdown, Fingal and South Dublin, can influence conditions in Dublin Bay via rivers and other surface water features. It is concluded that Dublin Bay is currently unpolluted, and the proposed development will not result in any measurable effect on water quality in Dublin Bay. Therefore, there is no possibility of any other plans or projects acting in combination with the proposed development to undermine the conservation objectives of any of the qualifying interests or special conservation interests of the European Sites in or associated with, Dublin Bay as a result of water quality effects.
- 8.7.2. Having regard to the contribution of the proposed development to the wastewater discharge from Ringsend, together with all other matters raised above, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. In addition, I would note that all other projects within the Dublin Area which may influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA.

8.7.3. I am satisfied that sufficient information lies before the Board such that it can be concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 site which lies within the zone of influence of the proposed development site.

8.8. **Conclusion on Stage 1 Screening:**

8.8.1. I have considered the AA Screening report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

9.0 **Reasons and Considerations**

Having regard to:

- (a) the policies and objectives in the Dublin City Development Plan 2016-2022;
- (b) the zoning objective afforded to the site
- (c) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (d) the nature, scale and design of the proposed development;
- (e) the pattern of existing and permitted development in the area,
- (f) the submissions and observations received and
- (g) the report of the Inspector,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information submitted to the Planning Authority on the 18th day of December 2020, 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to the commencement of development, proposals for the recording, salvaging and re-use of the queen-post truss roof of the former Molyneux Chapel shall be submitted to and approved in writing by, the Planning Authority.

Reason: In the interests of heritage conservation.

3. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including external fronts, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

5. 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. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

6. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Full details of proposed green roofs including construction and maintenance plan shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated.

Reason: In the interest of public health.

8. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

9. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

11. Site development and building works shall be carried out only between 0800 to 1900 hours 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 residential amenities of property in the vicinity.

12. 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 hours of working, noise management measures and offsite disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

13. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of public safety and residential amenity.

14. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

15. The applicant shall comply with the following Transportation Planning Division requirements:

- a) Prior to commencement of development, all works to the public footpath and carriageway on Peter Street and Bride Street including loading bay, realignment of kerb line, widening of footpath, pedestrian crossing, removal of existing dishing and alterations to line markings and pay and display parking scheme shall be agreed in writing with the planning authority. Materials proposed in public areas and areas to be taken in charge shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works shall be at the applicant's expense.
- b) Prior to occupation of the development, the existing utility cabinets located on Peter Street and which bound the existing building façade are to be relocated to the proposed back of footpath i.e. positioned against the proposed building line to ensure maximum footpath width on Peter Street. Any works shall be at the applicant's expense.
- c) Staff cycle parking shall be provided prior to occupation of the development and in accordance with the approved Ground Floor Plan and shall be secure, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development for staff. Key/fob access shall be required to access staff bicycle compounds. Visitor and staff cycle parking design shall allow both wheel and frame to be locked.

Reason: In the interest of the proper planning and sustainable development of the area.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation and demolition works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. Prior to the commencement of development, an archaeological method statement for impact mitigation (including temporary and enabling works) shall be provided for the written agreement of the City Archaeologist. The method statement shall contain:

- a) A detailed archaeological and historical desktop study of the subject site, to include industrial heritage.
- b) A copy of the license application to the National Monuments Service.
- c) Details of the proposed construction methodology, including the phasing of any archaeological excavation, and the location of site compound.
- d) The methodology for the appropriate conservation and structural repair of the historic northern graveyard boundary

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

18. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Such lighting shall be provided prior to the making available for occupation of the development.

Reason: In the interests of amenity and public safety.

19. Prior to the commencement of any development, a landscape scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted, shall be submitted to and agreed in writing by the Planning Authority. The approved landscaping scheme shall be implemented in the first planting season following completion of the development, and any trees and shrubs which die or are removed within 3 years of planting shall be replaced in the following planting season.

Reason: In the interests of amenity, ecology and sustainable development.

20. Details of the fritted glazing to be applied to windows facing John Field and Adelaide Square shall be submitted to and agreed in writing by the Planning Authority prior to first operation of the hotel. The glazing shall be installed as approved and retained thereafter.

Reason: In the interests of neighbouring amenity.

21. Prior to the commencement of development, a scheme for the commissioning of artwork to be installed as part of the development, including timescales, shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interest of cultural development.

22. 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 Bord 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.

23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

A. Considine
Planning Inspector
04/11/2021