



An
Bord
Pleanála

Inspector's Report ABP309470-21

Development

Protected Structure: Removal of floorspace including fabric of Protected Structure and the construction of a 98 bedroom Hotel ranging from 1 to 8 storeys in height.

Location

Nos. 133 and 133A Capel Street, Nos. 136A and 136B Capel Street, Nos. 7 and 7A Meetinghouse Lane and No. 23 Little Mary Street, Dublin 1.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

3274/20.

Applicant

Cathedral Leisure Limited.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party -v- Grant.

Appellants

- (i) Perrie Ogden
- (ii) Mannix Flynn
- (iii) K and M Evans Trading Limited

Observer

Pat Coyne

Date of Site Inspection

20th May, 2021.

Inspector

Paul Caprani.

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	6
4.0 Planning Authority's Decision	8
4.1. Decision	8
4.2. Documentation Submitted with the Planning Application	8
4.3. Initial Assessment by Planning Authority	12
5.0 Planning History.....	14
6.0 Grounds of Appeal.....	15
6.1. Appeal on behalf of K and M Evans Trading Limited	16
6.2. Appeal by Perrie Ogden.....	16
6.3. Appeal by Councillor Mannix Flynn	17
7.0 Appeal Responses.....	18
8.0 Observation	18
9.0 Planning Policy	18
10.0 EIAR Screening Assessment	21
11.0 Planning Assessment.....	22
12.0 Appropriate Assessment	31
13.0 Conclusions and Recommendation.....	32
14.0 Reasons and Considerations	32
15.0 Conditions	32

1.0 Introduction

ABP309470-21 relates to multiple third party appeals against the decision of Dublin City Council to issue notification to grant planning permission for an 8 storey hotel development on lands to the rear of both Capel Street and Little Mary Street with limited frontage onto both streets. The grounds of appeal argue that the size and scale of the proposed development is inappropriate within the context of the existing historic streetscape and that the proposal represents an overdevelopment of the site which will significantly impact on the amenity of existing tenants in the vicinity.

2.0 Site Location and Description

- 2.1. The appeal site is roughly rectangular in shape and is located in a backland area to the rear (west) of Capel Street and the rear (south) of Little Mary Street. Access is also provided to the site from Meetinghouse Lane to the south. The site comprises of an amalgamation of buildings which are briefly categorised and summarised below¹.
- 2.2. No 133 and 133A Capel Street, No's 136A and 136B Nos 7 and &A Meetinghouse Lane and No. 23 Little Mary Street are according to the development description, all protected structures.

Building A

This narrow elongated building fronts onto No. Little Mary Street. It is a three storey structure formally accommodating a shop/retail unit at ground floor level and a vacant flat at first and second floor level above the retail unit. The floor plans indicate that the area behind the main retail unit incorporates a "reception area" at ground floor level. It dates from the early 19th Century. This reception area links with the largest building on the site to the south (Building B).

¹ The Nomenclature for the buildings is the same as that used in the inset map contained in the right top-hand corner on each of the drawings.

Building B

Building B is a large three storey structure which was formerly used as a bakery, it dates from the 1860-1880's. It extends from Building A (fronting onto Mary Street) to Meetinghouse Lane to the south. It was until quite recently used as an off street a car park at ground floor level with two levels of office development above. Access to this car parking level is provided via a covered laneway from 133 Capel Street (Gateway House to the east). The ground floor accommodates a colonnade of arched bays and some remnants of 19th Century industrial wrought Ironwork associated with the original bakery. Prior to the establishment of the bakery the site was used as a presbyterian meeting house. Parts of the external stone walls associated with the meeting house are still located on site. The upper floors of this building have been the subject of more recent refurbishment for office use. These offices are now vacant.

Building C

Building C is a small rectangular building to the south-east of Building B adjacent to the southern boundary of the site and to the rear of buildings fronting on Mary's Abbey to the south. According to the information contained on file, this building was formerly used as a biscuit factory and now accommodates three storeys of vacant office space. It dates from the 1870's but has been extensively remodelled over the years.

Building D

Building D is the second largest building on the site and is located to the immediate north of Building C and the immediate east of Building B. It accommodates storage and vacant space at ground floor level. It also accommodates a mezzanine floor which previously housed shower rooms and a sauna. The first floor level above the mezzanine floor accommodates a large area of storage space. It originally housed a former presbyterian meeting house dating from the early 18th Century. It was substantially rebuilt in the 1870's.

Building E

Building E is located at the south-eastern corner of the site. It comprises of a structure with a lower floor to ceiling height accommodating vacant office space which is illuminated by rooflights and also accommodates a larger building on its

south-eastern corner which accommodates storage space. Buildings fronting onto Capel Street back onto this building.

Building F

Building F is located at the north-eastern corner of the site and provides a narrow frontage onto Capel Street via 133 Capel Street "Gateway House". This building is a Protected Structure comprising of two storeys above a ground floor level and the entrance area fronting onto Capel Street. The rear part of the structure essentially comprises of a covered laneway leading to the former bakery building (Building B). Vehicular access to the parking area on the ground floor of Building B was provided along this laneway. The Board will note that the upper two floors of the building fronting onto Capel Street do not form part of the current planning application.

No. 23 Little Mary Street (Building A) and No. 133 Capel Street (building F) are Protected Structures. The area of the site also fronts onto the Capel Street Architectural Conservation Area.

Two rights of way are indicated on the site plan. One leading to the site from Capel Street to the ground floor entrance of Building F and one to the south of the site from Meetinghouse Lane. The site has a stated area of 2,120 square metres. The area surrounding the site is characterised by mixed uses with commercial/retail predominating at ground floor level with residential and vacant floors above. The southern access to the site is provided via Meeting House Lane. The entrance to this lane is very narrow but it widens out beyond the entrance. Meeting House Lane provides access to K&M Evans, an art and stationary supply shop. The LUAS red line runs along Chancery Street contiguous to Meeting House Lane.

3.0 Proposed Development

- 3.1. Planning permission is sought for the construction of a hotel on the subject site. As part of the layout, it is proposed to incorporate much of the fabric of the existing buildings particularly at ground floor level.
- 3.2. At ground floor it is proposed to create a new entrance and reception area off the Little Mary Street entrance at No. 23. Entrances are also proposed off Meetinghouse

Lane and Capel Street. Much of the walls associated with the original buildings including the stone arches in Building No. B are to be retained as part of the proposal. At ground floor level it is proposed to provide a new bar/café area together with a small courtyard area off the Capel Street entrance. An external courtyard area is also proposed to be located along the western side of the new hotel. A conference space, a kitchen as well as toilets and storage areas are also to be located at ground floor level.

- 3.3. The mezzanine floor is to be retained above the ground floor level accommodating additional restaurant seating as well as kitchen area and toilets. The mezzanine floor is to overlook the colonnade of arched bays on the ground floor of Building B. At first floor level it is proposed to incorporate a new function room, bar and stage area centrally within the hotel whereas bedrooms are to be located in the western half of the building overlooking the courtyard below.
- 3.4. The central and eastern part of the hotel incorporates a roof at second floor level (above Building D and E). Additional bedrooms are to be located along the western side and in the upper floor of Building C at second floor. The western portion of the site is to accommodate additional bedrooms at third, fourth, fifth, sixth and seventh level. Each of the upper floors above second floor level accommodate between 13 and 16 bedrooms. In total it is proposed to provide 98 bedrooms. The building rises to a height of just over 28 metres. The upper floors incorporate a mixture of black PPC aluminium fins, full height fixed glazing and fixed black and opaque glazing.
- 3.5. It is proposed to incorporate planting at some of the upper floors within the proposed small terrace platform areas. The development will also include modifications to non-original shopfronts and the replacement of floor slabs throughout.
- 3.6. The development includes cycle parking spaces, hard and soft landscaping including landscaping of courtyards and the landscaping of inaccessible upper level outdoor spaces. The development will be accessed via No. 133 Capel Street, No. 7 Meetinghouse Lane and 23 Little Mary Street. No car parking is proposed to serve the hotel.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Dublin City Council issued notification to grant planning permission for the proposed development subject to 20 conditions.

4.2. Documentation Submitted with the Planning Application

- 4.2.1. A number of documents/reports were submitted with the original application to the Planning Authority. The contents of these documents are briefly summarised below:

A **Drainage Strategy Report** prepared by Taylor and Boyd. It sets out details of the existing drainage network for the disposal of waste and surface water from the site. It states that the site is of a very low risk of flooding. It sets out details of the foul water and surface water strategy including the SuDS components to be incorporated into the scheme. Details of the proposed management and maintenance of drainage systems are also set out in Section 6 of the report.
- 4.2.2. A separate report from Taylor and Boyd also sets out the envisaged temporary works required to be carried to as part of the development.
- 4.2.3. A Screening Report for Appropriate Assessment was also submitted. It notes that in carrying out the AA screening report, mitigation measures have not been considered. It concludes based on the screening exercise carried out, that it can be concluded that the possibility of any significant impacts on any European sites whether arising from the project itself or in combination with other plans or projects can be excluded beyond a reasonable scientific doubt on the basis of best scientific knowledge available.
- 4.2.4. A Historic Background Report prepared by Rob Goodbody – Historic Building Consultant. This report sets out details of the historic uses associated with the site and its surrounding areas. It notes that the site once accommodated a Presbyterian meeting house, a biscuit factory and a Presbyterian school. The ordnance survey maps from the mid-19th century indicate that the site was subsequently occupied by a church. By the late 19th century the Presbyterian Church had moved from the site and the area accommodated the expansion of a bakery which was developed on

site. The baking industry lasted on site until the mid-1980s. The report also sets out details of No. 23 Little Mary Street (which did not form part of the baking establishment on site). It appears that this site was occupied by a modest house from the late 18th or early 19th centuries. The evaluation records and street directories list the sequence of occupiers over the years most of them running business from the premises.

- 4.2.5. A separate Roof Condition Survey for each of the buildings on site was also submitted. It concludes that there are several areas of the roof structure that require immediate attention as there is significant moisture ingress which will lead to latent defects over a short period. The roof structures may require more extensive repairs to rectify the damp which in some cases result in areas of prolonged ponding.
- 4.2.6. A separate Noise Impact Report prepared by FR Mark and Associates concludes that the potential noise impact on the proposed hotel has been assessed with reference to current guidelines and legislation and the noise impact from the operation of the proposed facility can be controlled to fall below existing background noise levels and as such a minimal noise impact will occur. It is therefore submitted that the site is entirely suitable for a hotel development.
- 4.2.7. Also submitted was a Traffic Impact Assessment report by Stephen Reid Consulting which sets out details of the operational traffic and servicing report and also details of a construction traffic management plan. The report notes that there will be no car parking provided as part of the proposed development. In terms of servicing, details of deliveries and collections associated with the operation of the hotel are set out. It states that the trip generation equates to 7 larger truck/refuse truck visits per week and 14 transit van size arrivals per week. Trucks would be at the site for typically 15 to 20 minutes. Loading and servicing of the hotel will take place from Mary's Abbey to the south. Vehicles will arrive via Chancery Street to St. Mary's Abbey where goods would be delivered via Meetinghouse Lane. Traffic will then continue eastwards along Mary's Abbey and continue eastwards onto Capel Street. All servicing and refuse collection activities will be managed by hotel management. All deliveries will be scheduled to occur outside the network AM and PM peak periods.

- 4.2.8. Details of the Construction Management Plan are also set out in the report which details construction traffic and delivery haul routes as well as estimated traffic volumes and traffic management arrangements.
- 4.2.9. An Architectural Heritage Assessment was submitted by Molloy and Associates Conservation Architects. This report describes in detail each of the buildings on site and details the schedule of proposed works. It notes that all the buildings require conservation works to varying extents. No building on site can be retained in its current condition without some form of urgent intervention to safeguard its integrity. It is argued that the proposal will unify diverse buildings and different architectural heritage into one active long-term use. It notes that the principal intervention comprises of the vertical extension above Building B (former bakery at No. 7 Meetinghouse Lane). The proposal will involve retaining the character of the existing buildings on site while simultaneously incorporating a new dynamic use with public access.
- 4.2.10. A separate report was prepared by Courtney and Deery on Archaeology and Cultural Heritage. This report comprises of two separate volumes the first of which includes:
- A visual inspection of the historic fabric of the meeting house.
 - The second report is an archaeological testing report and impact statement.
- 4.2.11. The first report acknowledges that the remnants of the meeting house is a very important architectural survival and adds significantly to the architectural heritage of the city of Dublin. The architectural survey revealed a very solid limestone masonry wall with distinctive rectangular limestone blocks. It is noted that the internal walls associated with the original meeting house were completely demolished when the building was converted into a bakery in the 1860s. However, test excavations suggest that the foundations of the features are likely to lie beneath the floor. It is stated that the new hotel build is designed to have the least possible impact on the existing historic structures.
- 4.2.12. A separate archaeological testing report and impact statement provides details of the evolution of buildings on the site and notes that all the historic buildings will be retained in the new hotel. Two testing programmes located the remains of demolished red brick cellars and clay infill deposits within Building B. Human

remains were also found during the trench testing. Details of the archaeological requirements in respect of the works carried out are provided within this report.

- 4.2.13. Also submitted was a Daylight and Sunlight Assessment prepared by BPG3. In conducting the assessment, reference was made to BRE Guide “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (Second Edition)” and BS82062:2008 – Lighting for Buildings Part 2 Code of Practice for Daylighting. By way of a preamble, it is suggested that it is important to weight up isolated cases of adverse impact on individual residences against the broader benefits which a development can provide in terms of contributing to the vitality and viability of an urban neighbourhood. The assessment undertaken states that the proposed development produces daylight levels which are substantially in line with recommendations provided in the BRE Guide and BS8206. In terms of skylight access, the results of the assessment indicate that skylight access levels available to neighbouring properties with the proposed development in place would comply with advisory targets in most cases. Where it has not been possible to demonstrate full compliance, additional testing was employed to assess significance. On the basis of this more detailed testing, it is concluded that the impacts identified fall within tolerable bounds in all cases.
- 4.2.14. In respect of the levels of sunlight access available to qualifying livingrooms in the immediate neighbourhood, the results of this assessment indicate that full compliance with BRE Guidelines would be achieved in most cases. In the small number of cases where it has not been possible to demonstrate full compliance, it is again concluded that any impacts will fall within tolerable bounds. In terms of levels of sunlight access available to neighbouring outdoor areas, the results of the study demonstrate that full compliance with BRE Guidelines would be achievable in all cases. Therefore, there will be no significant loss of sunlight amenity for outdoor recreational areas located in the immediate environment. It is concluded therefore that the proposed development pays reasonable and appropriate regard to guidance set out in the BRE Guidelines and BS8206.
- 4.2.15. A separate Ground Investigation Interpretive Report by Causeway Geotech was submitted, this report concludes that the implementation of traditional shallow spread foundations is unsuitable on the subject site. The most practical foundation solution

across the site involves the transfer of loading to depth by piling. Foundations should therefore transfer loading to below any made ground or subsoil.

4.2.16. Finally, submitted with the application is an Architectural Design Statement prepared by ODOS Architects. It sets out details of the applicant and the planning history associated with the site. It also provides details of the height, scale and massing of the proposed development. Section 2 of the report sets out details of the site context, the historic context and existing structures on site. Opportunities for the site are also explored. The final section of the report sets out the design rationale for the proposed development on site. Section 4 sets out verified view images.

4.3. Initial Assessment by Planning Authority

4.3.1. A number of letters of objection have been submitted in respect of the proposed development, the contents of which have been read and noted. One observation expressed support for the proposed development.

4.3.2. A report from Transport Infrastructure Ireland recommended that in the event that planning permission is granted measures be put in place to ensure the protection of Luas line infrastructure.

4.3.3. A report from the Engineering Department Drainage Division stated that there was no objection subject to standard conditions.

4.3.4. A report from the Transportation Planning Division recommended further information be requested in relation to:

- How Meetinghouse Lane will remain accessible to adjoining properties during the construction phase of the proposed development.
- The applicant is requested to outline measures to ensure that the proposed development works do not conflict with proposals set out in DCC City Markets Area Draft Public Realm Masterplan.

4.3.5. A report from the City Archaeologist's Department recommends that a detailed archaeological condition be attached in the case where planning permission is granted.

4.3.6. A report from the Conservation Office recommended further visuals showing the impact of the proposal within the medium and long-range context of the city

particularly having regard to the Capel Street Architectural Conservation Area. Specific vantage points within the city are listed in the report.

4.3.7. The initial planner's report assesses the proposed development and considers the principle of development to be acceptable on the subject site. The development is also assessed in terms of:

- Density.
- Building Height and Massing.
- Daylight, Sunlight and Overshadowing.
- Architectural Design and Layout.
- Impact on Adjoining Area.
- Car Parking and Cycle Parking.
- Operational Traffic and Servicing.
- Construction Management.
- Archaeology.
- Appropriate Assessment.

4.3.8. The report concludes that additional information is required as per the Conservation Officer's requirements and the requirements of the Transportation Planning Division.

4.3.9. Further information was submitted which included four of the images which were originally submitted with the planning application documentation and five new images have been prepared in response to the request for further information. In addition to the vantage points requested by the Conservation Officer, an additional longer range view showing the Fruit Market and the proposed development from Mary's Lane and Greek Street is also included. It is argued that the photomontages submitted demonstrate that the proposed development will appropriately and sustainably densify this backland underutilised street in Dublin. The applicant also points out that the proposed development will be screened by surrounding permitted development from many viewpoints in the area including developments which have yet to be developed.

- 4.3.10. With regard to access arrangements onto Meetinghouse Lane, it is stated that the laneway would be kept open for access by existing users during the working day and construction vehicles will not access it. Daytime deliveries can be craned in from Arran Street East. Larger deliveries could be brought in overnight and outside of Luas operating hours by unloading at Mary's Abbey and then hand-trucked or forklifted-in under supervision.
- 4.3.11. It is fully accepted by the developer that any proposal by Dublin City Council for public realm improvement works would take precedent and the developer and the contractor would liaise with Dublin City Council to ensure that there were no conflicts between construction deliveries and activities and the public realm proposals.
- 4.3.12. A further report from the Transportation Planning Division recommended that a number of conditions be attached in the event that planning permission is granted for the proposed development.
- 4.3.13. Likewise, the Conservation Officer's report recommends that planning permission be granted subject to 10 conditions.
- 4.3.14. The final planner's report notes the additional information submitted and notes the response from the internal departments of Dublin City Council which express general satisfaction with the information submitted. On this basis, and having regard to the development plan's objectives in relation to the promotion of commercial development within the city centre, it is considered that the impact of the proposed development is acceptable and it is therefore recommended that planning permission be granted for the proposed development.

5.0 Planning History

- 5.1. One history file is attached.

Under **ABP305177-18** where the Board overturned the decision of the Planning Authority and refused planning permission for a hotel on the subject site. The original hotel submitted comprised of an 8 storey structure rising to a height of 28 metres. However, revised drawings were submitted on foot of concerns raised by the planning authority which reduced the overall height to 14.9 metres. The reduction in height resulted in an essentially three storey hotel on the subject site. The inspector

recommended that planning permission be granted for the revised development. The Board in its decision dated March, 2020 refused planning permission for the reasons and considerations set out below.

Notwithstanding the improved layout at ground floor and mezzanine floor levels in Building B, and the revised approach which reduces the quantum of fabric removal from the Protected Structures and ensures that the significance of the site is further revealed, the Board considered that, having regard to

- *the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018,*
- *the increased height, scale and massing of development recently permitted/constructed in the area,*
- *the poor design response of the revised proposal (submitted to the Planning Authority as significant further information) in contrast with the original proposal, in terms of height, façade, treatment and architectural expression,*

it is considered that the revised proposal would not constitute an adequate response to the context and opportunity of this urban site and would not therefore be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the inspector's recommendation to grant planning permission, the Board considered that the revised proposal would not constitute an adequate response to the context and opportunity of this urban site and would not therefore, be in accordance with the proper planning and sustainable development of the area.

6.0 Grounds of Appeal

The decision of Dublin City Council to issue notification to grant planning permission was the subject of three third party appeals. The contents of each are summarised below.

6.1. Appeal on behalf of K and M Evans Trading Limited

6.1.1. The grounds of appeal state that K and M Evans is a long-established family Art Supply shop. It was originally located on Mary's Abbey but subsequently relocated to Meetinghouse Lane in 2000. The customers arrive on foot or by car via the entrance on Meetinghouse Lane. Deliveries are also made at this entrance with no alternatives. During the application to the Planning Authority, the appellants lodged an observation expressing concerns about Meetinghouse Lane being the access point for all traffic during the construction of the project. This it is argued is unacceptable to the appellants. This would be totally detrimental to the business carried out at the shop. While the applicant responded with a revised traffic management plan which was accepted as satisfactory to the Planning Authority, the appellants do not accept this revised traffic management plan which it is considered would still be catastrophic to their business. Furthermore, the appellants are not satisfied that the traffic movement proposals for the servicing of the development during the operational stage is satisfactory. The proposal will give rise to significant servicing for kitchens, bars, bin stores etc. The traffic generated by the proposal cannot realistically be controlled in the manner proposed in the consultant's report and the disruption to the appellants' business will be catastrophic.

6.2. Appeal by Perrie Ogden

6.2.1. This appellant is the owner of the building at 133 to 136 Capel Street. It notes that Capel Street is located within a designated Architectural Conservation Area which places strong emphasis on the protection of historic characteristics and qualities of the Capel Street and its environs. It is argued that the proposed development does not respect the historic and architectural character of the street and would raise the parapet levels significantly in the immediate area which in turn would overshadow and block light from the appellant's building.

6.2.2. Capel Street is already severely congested with traffic and limited parking. The proposed development will only add to this. With the increased footfall at all the proposed entrances there is potential for obstruction of the appellant's entrances. The laneway at No. 133 Capel Street has never been used as a public thoroughfare to date.

- 6.2.3. There is also potential for light pollution from the proposed signage.
- 6.2.4. Concerns are expressed that the proposed development will result in an unacceptable level of noise being generated from the hotel. The rear part of the buildings fronting onto Capel Street are very quiet particularly at night.
- 6.2.5. It is noted that Dublin City Council Planning Authority have already granted planning permission for two hotels/aparthotels in the immediate vicinity and the development of three hotels/aparthotels within a space of 200 metres is considered to be overdevelopment.
- 6.2.6. It is stated that the electricity supply for the third floor of the appellant's building currently feeds from the meter at the south-western corner of Building B and over the roof of Building E to the appellant's building. No reference to this is made for in the plans. Concern is also expressed that the appellant will not be able to access his building from the covered laneway of No. 133. There appears to be no provision for these matters in the planning proposal.
- 6.2.7. There is also some confusion over the use of the address of 133 Capel Street in the documentation submitted with the application.

6.3. Appeal by Councillor Mannix Flynn

- 6.3.1. The proposal is deemed to be highly insensitive and shows contempt and disregard for those trying to make Dublin a living and sustainable city. The proposal also results in a saturation and overdevelopment of hotels in the area and will throw the balance of a living city/sustainable neighbourhood 'out of sync'. It is suggested that the hotel's industry and tourism in general which depends on cheap flights has been significantly disrupted by the Covid-19 pandemic. Many of the new hotels in the city are empty and cannot fill the rooms. In fact many are used to accommodate the homeless. The proposed development would seriously infringe on the privacy of local residents particularly those living in flats and apartments in adjoining buildings. People are entitled to privacy and the enjoyment of their own homes. The proposal will result in extensive loss of light and overshadowing and could give rise to an excessive level of noise which would also impact on the amenity of the area. The Board should not allow highly inappropriate development to destroy the city.

7.0 Appeal Responses

7.1. It appears that neither the Planning Authority have submitted a response to the grounds of appeal.

8.0 Observation

8.1. One observation was received from Pat Coyne. It states that the proposed development would intensify the existing overconcentration of hotel developments and would prevent the delivery of residential development.

8.2. It is also stated that notwithstanding the fact that numerous requests were made to Dublin City Council for documents pertaining to the application none were made available to the observer.

9.0 Planning Policy

9.1.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The site is governed by the zoning objective Z5 the objective of which is to “*consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity*”. Hotel use is a permitted use under this Z5 zoning objective.

9.1.2. Chapter 6 of the development plan relates to city economy and enterprise. Policy CEE12 seeks 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 and aparthotels, tourist hostels, cafes and restaurants, visitor attractions including those for children.

9.1.3. Policy CEE13(iii) seeks to promote and support the development of additional tourism accommodation at appropriate locations throughout the city.

9.1.4. Policy CEE15 seeks to promote and facilitate the transformation of regeneration areas, specifically inner city areas, as a key policy priority and opportunity to improve the attractiveness and competitiveness of the city, including by promoting high

quality private and public investment and by seeking European Union funding to support regeneration initiatives to the benefit of residents, employees and visitors.

9.1.5. Policy CEE22 seeks to promote and facilitate the crucial economic and employment potential of regeneration areas such as Dublin 1, 7 and 8.

9.1.6. In terms of Building heights the development plan permits heights of up to 28m for commercial buildings in the inner city. The assessment Criteria for higher buildings is set out below:

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas.
- Effect on the historic environment at a city-wide and local level.
- Relationship to transport infrastructure, particularly public transport provision.
- Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for.
- Contribution to public spaces and facilities, including the mix of uses.
- Effect on the local environment, including micro-climate and general amenity considerations.
- Contribution to permeability and legibility of the site and wider area

Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies.

- Adoption of best practice guidance related to the sustainable design and construction of tall buildings.

Evaluation of providing a similar level of density in an alternative urban form.

9.2. **The National Planning Framework.**

- 9.2.1. This national document places strong emphasis on the use of urban land to accommodate development at higher density in order to make better use of underutilised land including infill and brownfield which are serviced by existing facilities and public transport. Compact development seeks to reuse previously developed brownfield land and building up infill sites at appropriate densities to ensure the efficient use of existing social and physical infrastructure.

9.3. **The Urban Development and Building Height Guidelines (December 2018)**

- 9.3.1. This guidance document introduces a more flexible approach to building heights in urban locations. Policy SPPR1 states that in accordance with government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, Planning Authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and the Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building heights.
- 9.3.2. No. 23 Little Mary Street and No. 133 Capel Street are Protected Structures. All the buildings on the western side of Capel Street within the block of the proposed development are also incorporated into the Capel Street Architectural Conservation Area.

9.4. **Capel Street and Environs Architectural Conservation Area**

- 9.4.1. This document was adopted in 2009. Part 1 of this document sets out the background and case for the architectural conservation area. Part 2 of the document sets out the policies and objectives.
- 9.4.2. It is the overall policy of Dublin City Council to protect and conserve the character and setting of the ACA. In terms of views and prospects the clear view of City Hall, Capel Street contributes to the character of the street. It is the objective of the ACA to protect the special view from encroaching development.

9.4.3. In accordance with policies in the development plan it is the policy of Dublin City Council to protect the curtilage of protected structures or proposed protected structures from any works which would cause loss or damage to the special character of the protected structure. Section 8.2.8 states that new development should have regard to the grain and character of adjacent buildings, which shall include height, massing, proportions and plot width.

10.0 EIAR Screening Assessment

10.1. The relevant classes for considerations in relation to EIA Screening is Class 10(b)(iv) “urban development which will involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of the built-up area and 20 hectares elsewhere”. The site is located in a predominantly commercial area and business district and therefore the relevant threshold would be 2 hectares as opposed to 10 hectares. Notwithstanding this point, the area of the site in question is 0.2 hectares and therefore a mere 10% of the threshold which would warrant the provision of an environmental impact assessment report. Therefore, having regard to the modest size of the site together with the nature and scale of the development and the location of the development on an urban brownfield site and the characteristics and likely duration of the potential impacts, I consider that the proposed development is not likely to have significant effects on the environment and therefore the submission of an environmental impact statement is not required.

10.2. Natural Heritage Designations

The site is not located within or contiguous to any Natura 2000 sites in the vicinity. The nearest Natura 2000 sites are as follows:

The South Dublin Bay SAC (Site Code: 000210) is located approximately 3 kilometres to the south-east of the site.

The South Dublin Bay and River Tolka SPA (Site Code: 004024) is also located approximately 3 kilometres to the south of the site.

The North Bull Island SPA (Site Code: 004006) and the North Bull Island Special Area of Conservation (Site Code: 000206) is located approximately 6.3 kilometres to the north-east of the subject site.

11.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings, have had particular regard to the planning history pertaining to the site and the issues raised in the various grounds of appeal and observations submitted. I consider the following issues to be relevant in determining the current application and appeal before the Board.

- Principle of Development
- Access Arrangements
- Impact on Capel Street Architectural Conservation Area
- Overconcentration of Hotels in the Area
- Impact on Amenity
- Overdevelopment of the Subject Site
- Other Issues

11.1. Principle of Development

11.1.1. The subject site is located in an area governed by the Z5 zoning objective. Hotel use, restaurant use and public house use are all permissible uses under this land use zoning objective. The overarching objective of this city centre land use zoning objective is to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity. The development plan states in Section 14.8.5 that 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 which will sustain the vitality of the inner city both by day and night. The existing site comprises of an amalgamation of buildings some of which are historic and accommodated a variety of uses until quite recently. It is considered that the provision of a hotel development on the subject site would fulfil the primary aim of the zoning objective to consolidate and facilitate development within the central area of the city and would constitute an intensive mixed-use development which will support and sustain city life as envisaged under the land use zoning objective. The provision of a hotel would transform this backland

underutilised area into a land use which would contribute to an sustain the vitality of the inner city both by day and by night. Having consulted the various documents in respect of the archaeology, cultural heritage, and architectural heritage produced and submitted in respect of the existing buildings on site, I am satisfied that the applicant in this instance has adopted a design approach which ensures that the historic and architectural integrity of the buildings associated with the site can be incorporated and can contribute to both the function and the architectural aesthetic of the hotel to be provided.

11.1.2. As referred to in the grounds of appeal, there have been a number of developments granted in the vicinity of the site on Little Britain Street, Little Mary Street and on various sites around the fruit and vegetable markets which are five to eight storeys in height and these newer developments represents a significant departure from the predominantly two and three storey character of the area. The wider area therefore is undergoing a transition where sites are being redeveloped at more sustainable densities in line with the provisions of the National Planning Framework in providing more compact development in urban areas at higher densities particularly in the city centre close to high frequency public transport. The Board will be aware that the Luas Red Line runs to the immediate south of the site.

11.1.3. The Dublin City Development Plan also includes numerous policies which seeks to promote and facilitate tourism as one of the key economic pillars of the city's economy in order to become a major generator of employment within the city. In this regard Dublin City Council seeks to support the provision of tourism infrastructure such as hotels/aparthotels and other tourist facilities.

11.1.4. It is my considered opinion therefore having regard to the zoning provisions contained in the development plan and the wider objectives to attract land uses to the city centre which add to the vibrancy and vitality of the city together with national policy which seeks to develop sites at more sustainable densities and encourage more compact development within city centres, that the principle of the hotel development on the subject site is acceptable in principle.

11.2. **Access Arrangements**

11.2.1. The issue of the proposed access arrangements particularly during the construction phase were raised as a concern in the appeal submitted by K & M Evans an Arts and

Stationary supply shop at No. 5 to 6 Meetinghouse Lane off Mary's Abbey. The Board will note from the information submitted with the application, it is proposed that construction and operational traffic will serve the proposed development solely through Meetinghouse Lane.

- 11.2.2. It appears from the planning history file that this issue was raised in the previous appeal before the Board by the current appellants. The Board however while refusing planning permission, did not specifically raise any concerns in relation to the proposed access arrangements which appear to be similar, if not identical, to those proposed under the current application. I can only conclude therefore that the Board did not have any significant concerns in relation to this issue. Notwithstanding this and in the interest of a more comprehensive assessment the issue of access arrangements is assessed below. Meetinghouse Lane is a narrow lane that ends in a cul-de-sac at the southern boundary of the site. Double yellow lines run along both sides of the laneway from the entrance. The laneway widens at its northern end.
- 11.2.3. The original documentation submitted with the planning application included both an operational traffic and service report and a construction traffic management plan which set out details of how construction traffic was to be managed and how the hotel development is to be serviced during the operational phase. Issues concerning traffic management was raised by way of additional information. In response to this query, the applicant states that the proposed laneway would be kept open for access for existing users during the working day and construction vehicles will not access it. It is stated that all day time deliveries will be craned from trucks on Arran Street East and only items that could be brought into the site by hand-truck or forklift or via Capel Street will be permitted. Deliveries could also take place at night-time hours and outside Luas operating hours. Such arrangements in my view could be addressed by way of condition and this would ensure that the appellant's concerns are allayed with respect of conflicting access arrangements during normal working hours.
- 11.2.4. Finally, in relation to this matter I would agree with the conclusions in the previous inspector's report that any details in relation to construction traffic management can be adequately dealt with by way of condition and I do not consider it reasonable having regard to the benefits of developing the subject site that planning permission would be refused on the basis of the temporary impact arising from construction traffic.

11.2.5. In relation to operational traffic, I likewise consider that operational deliveries and services can be managed in a controlled and rational way as is the case for similar type enterprises throughout the city centre and I would therefore agree with the previous inspector's conclusion that careful management of traffic will not result in any overly burdensome impact on the K & M Evans trading arrangements.

11.3. Impact on Capel Street Architectural Conservation Area

11.3.1. Two of the grounds of appeal submitted argue that the proposed development would have an unacceptable impact on the architectural and historic integrity of Capel Street. It is fully acknowledged that Capel Street is an important and historical thoroughfare within the city centre providing a spectacular terminal vista southwards over the River Liffey through Parliament Street and onto City Hall. The street possesses many fine examples of 18th and 19th century architecture. It is important that the integrity of the streetscape and the built environment is maintained through any redevelopment of sites in the vicinity.

11.3.2. The proposed development incorporates a large eighth storey element in the western portion of the site which is considerably in excess of the prevailing scale and character of the buildings fronting onto Capel Street which are predominantly three to five storeys in height. However, the proposed eighth storey element is tucked into the western side of the site, back from any street frontage and therefore in my view will not be readily visible from public vantage points along Capel Street. Specifically, I would refer the Board to Vantage Point 1 and Vantage Point 6 contained in the photomontages submitted by way of additional information. It is clear from the analysis undertaken that the larger element of the proposed development which is set back from the street frontage will not be visible from vantage points along Capel Street. As such it will not impinge upon or detract from the streetscape of Capel Street when viewed from vantage points along that street. I do not accept therefore that the proposed development will impact or adversely affect the visual amenities of the streetscape associated with Capel Street. The higher element of the building is in my view appropriately tucked behind the buildings which front onto Capel Street, Little Mary Street and Mary's Abbey.

11.3.3. While views of the proposed building will be evident from numerous vantage points along the streets to the west along Chancery Street, Mary's Lane and George's Hill

etc., these views are outside the Capel Street and environs Architectural Conservation Area.

- 11.3.4. As mentioned already, the wider area in which the site is located is undergoing significant transition in accordance with national policy objectives to redevelop brownfield sites within the city centre at more sustainable densities. In this regard a number of schemes have been granted planning permission in the vicinity which are a similar size and scale in terms of height than the current application before the Board. Planning permission was granted by the Board under Reg. Ref. 307493-20 for a five to eight storey hotel building at Arran Street to the immediate west of the subject site. Under ABP300987-18 in November, 2018 planning permission was granted for the development of a seven storey structure further north at Little Mary Street, Little Green Street and Anglesey Row. These developments in close proximity to the subject site when developed will ensure that the proposed eighth storey element would not look incongruous or out of place with the evolving and changing character of the area.
- 11.3.5. Finally, in relation to this issue I would refer the Board to its previous decision in respect of ABP305177-18 and part of the reason for refusal. The Board referred to inter alia *“the revised proposal would not constitute an adequate response in the context and opportunity of this urban site and would not therefore be in accordance with the proper planning and sustainable development of the area.”*
- 11.3.6. This in my view infers that the Board, in deliberating on any application on the subject site, would be favourable to the idea of developing the site at a greater density. In coming to its conclusion, The Board had regard to the Urban Development and Building Height Guidelines for Planning Authorities of 2018 and the increased height, scale and massing of development recently permitted and constructed in the area. This suggests that the Board consider that the subject site offered an opportunity to develop at higher and more sustainable densities than that proposed under the previous application. Thus, the principle of higher density development on the subject site would appear to be appropriate in this regard.

11.4. **Overconcentration of Hotels in the Area**

- 11.4.1. Concerns are expressed in some of the appeals that the proposal is exacerbating an already overconcentration of hotels in this area. It is acknowledged that there have

been a number of recently permitted hotel and aparthotel development in the immediate area which were referred to in the previous section above. The hotel use is a permissible use under the Z5 zoning objective. The hotel use will assist in the overarching objective of this land use zoning objective to provide a dynamic mix of uses which will sustain the vitality of the inner city by both day and night. The development will also provide important infrastructure which will allow the tourist economy to develop and grow within the city centre which is also in accordance with development plan policy. The proposal also has the advantages of exposing and giving renewed life to a protected structure which will positively impact on the revitalisation, regeneration and footfall in and around this area of Capel Street.

11.4.2. The concentration of hotels in the vicinity should not in itself constitute grounds for refusal. The proposed land use is compatible with the land use zoning objective for the area and the provision of a hotel use within the city centre will constitute to the revitalisation and increased vitality in this area of the city centre.

11.5. **Impact on Amenity**

11.5.1. One of the grounds of appeal expresses significant concerns that the proposed development will give rise to adverse impacts on surrounding amenity by reason of overshadowing and excessive noise. In relation to the former issue the applicant submitted a comprehensive assessment on daylight as part of the original application. It systematically evaluated:

- The assessment of skylight access levels available to neighbouring accommodation.
- The assessment of sunlight levels available to neighbouring livingrooms.
- An assessment of sunlight levels available to neighbouring recreational areas.

11.5.2. Of the 30 windows assessed in developments to the north and west of the subject site, 25 of them exceed the minimum advisory targets recommended in the BRE Guidelines. Of the five cases where vertical sky component levels fall short only one of these relate to a private residence - a small window on the upper floor of No. 22 Little Mary Street. The remaining four windows relate to the proposed hotel development to the west of the subject site. However, the average daylight factor results obtained for the top floor of No. 22 Little Mary Street indicate that no drop in

internal sky lighting levels would occur as a consequence of the proposed development notwithstanding the drop in the vertical sky component.

- 11.5.3. An assessment of sunlight levels available to neighbouring livingrooms of the 30 windows assessed 29 of them have been found to satisfy minimum targets recommended by the BRE for both annual and winter sunlight access respectively. Again, the second floor of No. 22 Little Mary Street will be adversely affected. The study does however conclude that the impact identified on this second-floor window is within tolerable bounds. In terms of surrounding recreational areas, the proposal would be in full compliance with BRE Guidelines in this regard.
- 11.5.4. The appellants' premises are located on Capel Street. However, the eight-storey element is set back c.35 metres from the rear of the premises fronting onto Capel Street. This is a generous separation distance in a city centre location. The shadow casting diagram submitted indicate that there will be a negligible impact on the appellants' premises in the afternoon period during the vernal equinox. There may be some impact arising from the eighth storey element during the mid-summer months during the evening time. The shadow casting analysis does not model this particular scenario. However, having regard to the city centre location where some level of overshadowing is likely to occur with the redevelopment of city centre sites at more sustainable densities and having regard to the fact that the vast majority of the premises referred to are in commercial rather than residential use, I consider the impact in terms of overshadowing to be acceptable. I would reiterate that the Boards previous decision emphasised the opportunities presented in terms of developing the site in accordance with the new guidelines on building heights. It is inevitable that higher building heights in urban areas will give rise to greater levels of overshadowing.
- 11.5.5. In relation to the issue noise, I note that the application originally submitted to the Planning Authority was accompanied by a detailed noise assessment. In relation to the construction phase, it is likely that elevated noise levels will emanate from the from works undertaken. However, any such impact would be short-term and would not in itself constitute reasonable grounds for refusal as all construction activity results in noise levels above the ambient baseline environment. During the operational phase, the proposed hotel is located within a city centre area where more elevated noise levels can be expected from the surrounding uses both during

daytime and evening time. The noise assessment submitted evaluates the potential for noise from:

- ancillary services and plant.
- Internal activity in the bars and restaurant.
- Patron noise outside from the external terrace/courtyard areas.

It concludes that the noise impact from the operation of the proposed facilities can be controlled to fall below existing background noise levels near the site and as such a minimal noise impact will occur. Thus, the potential impact from the proposed hotel has been assessed with reference to current guidelines and legislation and it is submitted that the site is suitable for a hotel development. On the basis of the analysis undertaken and having regard to the site's location within the city centre and the surrounding land uses, I am satisfied that the proposed development would not give rise to noise generation that would render it incompatible with surrounding land uses and I therefore consider the impact to be acceptable.

11.6. Overdevelopment of the Subject Site

11.6.1. It appears from the information submitted with the planning application that the proposal complies with standards set out in the development plan in respect of site coverage and plot ratio. The standards for the Z5 land use zoning objective in the development plan permits a site coverage of up to 90% whereas the proposal incorporates a site coverage of just less than 80%. Whereas in terms of plot ratio the development plan permits standards for the Z5 zoning objective of between 2.5 to 3. The plot ratio for the proposal is just less than 2.6. Furthermore, I would refer the Board to the numerous guidelines referred to in the Planning Policy section above including:

- Sustainable Urban Housing: Design Standards for New Apartments (2018) (as amended in December 2020).
- The National Planning Framework.
- Urban Development and Building Heights – Guidelines for Planning Authorities (December 2018).

- 11.6.2. The main thrust of the above documents in relation to building height and density of development seek to ensure that significant increases in building heights and overall building densities not only need to be facilitated but are required to be actively sought out and encouraged in the planning process. The National Planning Framework recognises that increased building heights have a critical role to play in delivering more compact growth in urban areas.
- 11.6.3. On the basis of strategic policy therefore, I consider that there is a strong case for permitting a higher quantum of development on the subject site and as such I do not consider that the proposal represents an overdevelopment of the subject site.
- 11.6.4. Again, I would also make reference to the Board's recent decision in respect of a similar type application on the subject site which specifically made reference to the requirements of the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the increased height, scale and massing of development recently permitted in the area both of which would justify a higher quantum of development on the subject site than that which currently exists on site and in the immediate vicinity of the site.

11.7. **Other Issues**

- 11.7.1. A number of other issues were raised in the grounds of appeal which are briefly assessed below.
- 11.7.2. Concern was expressed in relation to the numbering associated with the development and in particular No. 133 Capel Street. The appellants suggest that there are historical issues with regard to the numbering of this section of the street and that the building under his ownership is also No. 133 Capel Street. It is clear from my site inspection that Gateway House is clearly marked as No. 133 Capel Street to the north and south clearly indicated as No. 132 and No. 134 Capel Street. I consider the applicant has therefore adequately described the location and address of the development in the planning notices.
- 11.7.3. Concerns were also expressed that the proposed development will give rise to significant footfall in and around the perimeter block on which the proposed hotel is to be located. This in turn it is argued could give rise to footpath congestion which in turn could have implications for access and servicing of the appellant's premises on Capel Street. Loading bays are located directly opposite the subject site and it is not

considered that any increase in pedestrian activity associated with the hotel will give rise to any access or servicing issues for the appellant's premises to the immediate south of the subject site.

- 11.7.4. Issues with regard to ESB cables serving the appellants property can be addressed in more detail in the construction management plan.
- 11.7.5. With regard to access arrangements the same appellant expresses concerns that the only access available to the rear of his buildings to the south is from the laneway at No. 133 Capel Street. I note from the drawings submitted that there is an existing right of way along this covered laneway. Any issues with regard to access and rights of way are a civil matter between the parties concerned and are not a matter for An Bord Pleanála in adjudicating on the current application and appeal.
- 11.7.6. With regard to access to documentation on Dublin City Council's website, that is a matter for Dublin City Council and not An Bord Pleanála.

12.0 Appropriate Assessment

12.1. An appropriate assessment screening document has been prepared and submitted with the original application which concluded that significant effects are not likely to arise, either alone or in combination with other plans or projects. I note from the screening report that the site is not located within or adjacent to any Natura 2000 sites. The nearest Natura 2000 sites that are found within the potential catchment area of the subject site are:

- The South Dublin Bay and Tolka Estuary SPA – 3 kilometres north-east of the subject site.
- The South Dublin Bay SAC – 4 kilometres to the south-east of the subject site.
- The South Dublin Bay and River Tolka Estuary SPA – 4 kilometres south-east of the subject site.
- The North Bull Island SPA – 6 kilometres north-east of the subject site.
- The North Dublin Bay SAC – 6 kilometres north-east of the subject site.

12.2. I have assessed the information provided and have carried out a site inspection and note that no hydrological or other pathway exists between the appeal site and these Natura 2000 sites and having regard to the nature of the development, its location in a service urban area, and the separation distance to any European site I consider that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

13.0 Conclusions and Recommendation

Arising from my assessment above I recommend that the decision of the Planning Authority in this instance be upheld, and that planning permission be granted for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the zoning objective for the area and the provisions of the Dublin City Development Plan 2016 – 2022, the location of the site in central Dublin and the pattern, character and appearance of existing and permitted development in the area and the proximity to significant public transport facilities, it is considered that the proposed development, subject to compliance with conditions set out below, would constitute an appropriate development at this location, would not seriously injure the amenities of the area, property in the vicinity and would be acceptable in terms of urban design and surrounding residential amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the information submitted on the 21st 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.

Reason: In the interest of clarity.

2. Prior to the commencement of development details of all external finishes to the proposed development including details of external landscaping arrangements at upper floor level, external lighting and public realm finishes shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenities.

3. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposal. The construction materials and details shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

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

4. No additional development shall take place above roof level including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

5. Full details of all external signage for the hotel and the bar/restaurant shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The external signage for the hotel which shall be for informational purposes only shall consist of individual lettering of an appropriate scale details of which shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity and to restrict the extent of

advertising signage in the area.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001 (or any statutory provisions amending or replacing them), no further advertisement signs (including signs installed to be visible through the windows), advertising structures, banners, canopies, flags or other projecting elements other than those agreed in writing with the planning authority prior to the commencement of development shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area and to allow the planning authority to assess any further signage or advertisements through the statutory planning process.

7. Details of the ESB substation design requirements shall be agreed in writing with the planning authority prior to the commencement of development. This shall include details of the location and screening/treatment of the substation access doors.

Reason: To provide an acceptable standard of development and to safeguard the amenities of adjoining residential occupiers.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Monday to Friday inclusive and between 0800 hours to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. Prior to the commencement of development the developer shall submit to and agree in writing with the planning authority a plan containing details for the management of waste (and in particular recycle materials) within the development including the provision of facilities for the storage, separation and collection of the waste and in particular recyclable materials for the on-going operation of the development. No raw materials, finished or unfinished product or parts, crates, packaging materials or waste shall be stacked or stored on the site at any time except within the curtilage of the building or storage areas as may have been improved beforehand in writing by the planning authority.

Reason: To provide an appropriate management of waste and in particular recyclable materials in the interest of protecting the environment and in the interest of the amenity of the area.

11. 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.

Reason: In the interest of public health.

12. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of this development.

Reason: In the interest of orderly development.

13. The applicant shall comply with the following conservation requirements.

- (a) In advance of works commencing on site, the applicant is requested

to clearly identify where the roof structure to Block B shall be reused within the scheme and to submit revised proposals to the planning authority for their written agreement.

- (b) In advance of works commencing on site, the applicant shall provide further information to the planning authority on the industrial, archaeological and historical artefacts that have been found on site and shall provide further information on how they shall be presented in the public areas.
- (c) A drawing and photographic record of the site shall be presented to the Irish Architectural Archive upon completion of the construction works.
- (d) The Conservation Officer shall be given an opportunity to inspect the brick and stone facades prior to any repointing works commencing on site in order to agree a preferred solution to any pointing repairs commencing, which shall be led by best conservation principles. Samples of the materials and site workmanship shall be provided for inspection by and the written approval of the Conservation Officer in advance of works commencing. The applicant shall submit details of five recent examples of specialist brick repointing works carried out by the proposed contractor on protected structures of similar architectural significance in Dublin and associated reference to ensure that the contractor has the requisite expertise for these works.
- (e) A detailed window survey shall be carried out demonstrating the condition of all windows and provided to the planning authority in advance of works commencing on site. The window survey should include a detailed description of existing windows and detail any remnants of historic glazing if found on site. It should include detailed photographs of existing windows. Please note that in the case of historic windows which retain historic glazing new replacement windows will not be permitted. Existing windows shall be repaired. Details of the extent of any required repairs should be

outlined in a Conservation Method Statement. Where windows are clearly shown to be beyond repair, any proposed replacement must be historically correct windows, which are accurately based on originals. Details of the proposed new windows and glazing should be submitted. Any original windows that are proposed for demolition shall be clearly identified on the drawings and described within the architectural heritage impact assessment and the justification for the removal/replacement shall be provided.

- (f) Samples of all new materials including brickwork, stonework, windows, cladding, guarding and roofing materials etc. shall be provided to the planning authority and agreed by the Conservation Officer by written agreement in advance of works commencing on site.
- (g) A conservation professional with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure or fabric.
- (h) All works shall be carried out in accordance with best conservation practice and the Department of Environment Guidelines. The works shall retain the maximum amount of surviving historic fabric in situ including structural elements shall be designed to cause minimum interference with the building structure and/or fabric. Items that have been removed for repair shall be recorded prior to the removal, catalogued and numbered to allow for authentic reinstatement.
- (i) All existing original features shall be protected during the course of refurbishment.
- (j) All repairs of the original fabric shall be scheduled and carried out by appropriately experienced conservation experts of historic fabric, and reference is made in particular to the replacement windows. Full repair and reinstatement schedules (conditioned surveys, specifications and methodologies) shall be submitted to the planning

authority for written agreement prior to commencement to avoid loss of damage to the original fabric and ensure that the character of this proposed structure is not altered.

Reason: To protect the character and integrity and setting of the protected structures.

14. The applicant shall comply with the following archaeological requirements of the planning authority.

- (a) The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the City Archaeologist.
- (b) No construction or site preparation work may be carried out on site until all archaeological requirements of the City Archaeologist are complied with.
- (c) An archaeological method statement for impact mitigation including temporary and enabling works shall be agreed in advance with the City Archaeologist.
- (d) Details of the proposed construction methodology including the phasing of any archaeological excavation, the location of the site compound, shall be agreed with the City Archaeologist prior to the commencement of development.
- (e) Archaeological excavation (licensed by the National Monument Service) as described below shall be carried out prior to the commencement of development.

The site is to be archaeologically excavated by hand to a level of the natural subsoil within the car park in its totality and the piled areas within the meeting house. All in situ features, including post medieval features, including post medieval features must be fully recorded prior to the removal by hand excavation unless methodology otherwise agreed in these areas.

- (i) All piling and wall stripping of the meetinghouse will be monitored by an archaeologist.

- (ii) Removal of the existing ground slab and all ground reduction to formation level is to be monitored by an archaeologist. If archaeological deposits are encountered above the formation of the new building these are to be archaeologically excavated.
- (iii) In the event of in situ articulated human remains being located during the course of this work, the archaeologist retained by the developer shall immediately notify the City Archaeologist and the National Monuments Service.
- (iv) Should archaeological features relating to St. Mary's Abbey or features of great significance be found, the preservation in situ and preservation within the new building shall be required. This may negate or curtail aspects of the development.
- (v) A best practice environmental strategy is to be agreed with the planning authority's archaeologist.
- (vi) A finds – retrieval strategy shall be developed by the licensed archaeologist and submitted for agreement with the National Monuments Service and the City Archaeologist.
- (vii) The developer shall fund the post excavation work and sufficient resources allocated to ensure that correct archaeological procedures are adhered to.
- (viii) The design of the "information walls" proposed by the applicant shall be agreed with the City Archaeologist and included in the final design of the new development.
- (ix) A written and digital report (on compact disc) containing the results of the archaeological investigation and post excavation shall be submitted on completion to this office and to the National Monuments Service.
- (x) Following the submission of the final report to the City Archaeologist, the archaeological paper archive shall be

compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with Dublin City Library and Archive, Pearse Street, Dublin or with another appropriate repository to be agreed with the City Archaeologist within two years of the excavation completion.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

15. Details of the construction management plan and the traffic management servicing plan to be implemented during the course of the construction works and the operation of the proposed hotel facility shall be agreed in writing with the planning authority prior to the commencement of development. Specifically, any plan agreed shall include appropriate mitigation measures to reduce potential impact of both construction and operational traffic on existing businesses on Meetinghouse Lane. All mitigation measures shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure that appropriate servicing arrangements are maintained for existing businesses on Meetinghouse Lane.

16. The applicant shall comply with the following requirements of Transport Infrastructure Ireland.
 - (a) Prior to the commencement of development, a construction traffic management plan shall be submitted for the written agreement of the planning authority and the written approval by TII. The construction traffic management plan shall identify mitigation measures to protect operational Luas infrastructure.
 - (b) Prior to the commencement of development, a demolition and/or construction method statement shall be submitted for the written agreement of the planning authority with written approval by TII. The method statement shall resolve all Luas interface issues and shall

contain a risk assessment for works associated with the interfaces and a suite of mitigation measures for unacceptability high risks.

- (c) Servicing access arrangements including during construction works shall not have an adverse impact on Luas operation and safety.
- (d) Prior to commencement of development, full plans and details of all servicing access arrangements for the development, including during construction, shall be submitted for the written agreement of the planning authority with written approval by Transport Infrastructure Ireland.
- (e) All deliveries made to the development site, including during the construction phase, shall be made to limit interference with Luas operations.
- (f) The proposed development is located in close proximity to a Luas line; the applicant should ensure that there is no adverse impact on Luas operation and safety. The development shall comply with *“Transport Infrastructure Ireland’s Code of Engineering Practice for Works on, near or adjacent to the Luas light rail system”*.

Reason: To ensure a satisfactory standard of development.

- 17. Prior to the commencement of development and on appointment of the main contractor, a construction management plan shall be submitted to Transport Infrastructure Ireland and the planning authority for written agreement. This plan shall provide details of the intended construction practice for development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of traffic safety.

- 18. Prior to the occupation of the development a servicing management plan shall be agreed in writing with the planning authority and Transport Infrastructure Ireland. This shall take into account the restricted nature and multiple uses along Meetinghouse Lane and the Luas line along Mary’s Abbey. A services/facilities manager shall be appointed by the hotel to

ensure implementation and co-ordination of all servicing and refuse deliveries and collections.

Reason: In the interest of traffic safety.

19. Prior to the occupation of development, and on the appointment of a service operator, a mobility management strategy shall be prepared and submitted for agreement of the planning authority. The strategy shall address the mobility requirements of future employees/patrons and shall promote the use of public transport, cycling and walking as well as identifying car club spaces outside the development and in the vicinity of the site. The occupier of the development shall implement measures outlined in the mobility management plan to ensure that future employees/patrons of the hotel comply with this strategy. A mobility/traffic plan manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

Reason: In the interest of sustainable transport.

20. Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. A key/fob access shall be required to the bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.

Reason: In the interest of sustainable transport.

21. Details of all the materials proposed in public areas shall be in accordance with the requirements of Dublin City Council Road Maintenance Division.

Reason: To ensure a satisfactory standard of development.

22. All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

Reason: To ensure a satisfactory standard of development.

23. Details of all noise and dust monitoring requirements shall be agreed in writing with the Environmental Health Section of Dublin City Council prior to the commencement of development.

Reason: In the interest of protecting surrounding residential amenities.

24. The sound levels from any loudspeaker announcements, music or other material projected in or from the premises shall be controlled so as to ensure that the sound is not audible in adjoining premises or at 2 metres from the frontage.

Reason: In the interest of environmental amenity.

25. Prior to the commencement of development details of all plant machinery, chimneys, ducting, filters and extractor vents to be used in connection with the development including the café and restaurant shall be submitted to and agreed in writing with the planning authority. These shall include details of any proposed sound attenuation measures to be incorporated within such plant machinery, ducting filters or extraction vents.

Reason: To safeguard the amenities of property in the vicinity.

26. The proposed bar/restaurant shall not be used for the sale of hot food for the consumption off the premises in the form of a take-away facility.

Reason: To specify the use hereby permitted in the interest of residential amenity.

27. The developer shall pay to the planning authority a financial contribution of €113,472 (one hundred and thirteen thousand four hundred and seventy-two euro) 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. The application of any indexation required by this condition 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.

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.

28. The developer shall pay to the planning authority a financial contribution of €44,916 (forty four thousand nine hundred and sixteen euro) in respect of the LUAS Cross City Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

29. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

Paul Caprani,
Senior Planning Inspector.

2nd June, 2021.