



An  
Bord  
Pleanála

## Inspector's Report ABP-309677-21.

<b>Development</b>	Demolition of existing 2 storey over basement building and construction of 3 storey over ground floor and basement building (5 floors in all) with restaurant use at basement and ground floor and hotel use in upper floors.
<b>Location</b>	1-4 Merchant's Arch, 15 Temple Bar, Dublin 8.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3451/20.
<b>Applicant(s)</b>	Tom Doone.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with Conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Frank McDonald & Temple Bar Residents
<b>Observer(s)</b>	TII An Taisce Crampton Buildings Residents Group.
<b>Date of Site Inspection</b>	13/05/2021.
<b>Inspector</b>	A. Considine.

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the heart of Temple Bar, Dublin City centre, at the junction of the northern side of Temple Bar Square and Merchant's Arch.
- 1.2. The site has a stated area of 0.0113 hectares and is currently occupied by a flat roofed, two-storey over basement building which includes a number of smaller retail units at ground floor. It is submitted that the first floor of the building is currently used for storage. The building adjoins a three-storey building to the east while the buildings further east revert to two storeys. On the western side of Merchant's Arch, a narrow pedestrian and partly covered laneway which joins Wellington Quay to the north to Temple Bar to the south, the buildings range from two to three storeys in height.
- 1.3. To the south of Temple Bar, and on the junction with Crown Alley is the four storey, red bricked Telephone Exchange building, protected structure. The subject building joins 48-49 Wellington Quay to the north, which is a protected structure.

## 2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the demolition of the existing 2 storey over basement building, currently in use for retail with ancillary storage and the construction of a new 3 storey over ground floor and basement building (five floors in all). The ground floor and basement will be in restaurant use while the upper floors will be in use as a hotel. Part of the ground floor will provide a reception for the proposed hotel on the upper floors. The ground floor elevation to the laneway will contain the entrance to the hotel, the restaurants and contain display cases for art, all at 1-4 Merchant's Arch, 15 Temple Bar, Dublin 2.
- 2.2. The application included a number of supporting documents including as follows;
  - Cover letter
  - Plans, particulars and completed planning application form,
  - Planning Report
  - Comments on conservation issues
  - Architects Report.

- 2.3. Following a request for further information, the applicant submitted a justification for the proposed 4-storey over basement building at the site notwithstanding the opinion of the Board in the previous appeal assessment. The response further submits that there has been a decline in 'bricks and mortar' retailing and that the existing retail floor area in the city exceeds demand. In terms of the request to change the use of the restaurant to retail, it is submitted that the PA could not grant permission for a use that was not included in the statutory notices.
- 2.4. In terms of the request to set back the building by the Transportation Planning Department, it is submitted that it makes no sense to further reduce the width of the building and following the existing line retains the small kink in the building, retaining the quirkiness of the laneway. This should be retained.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to grant planning permission for the proposed development subject to 16 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, internal technical reports, planning history and the County Development Plan policies and objectives. The report submits that the applicant has sought to take into account the Boards comments under the previous refusal of permission in terms of the solid to void ratio of the ground floor elevation on the laneway. The report also includes an Appropriate Assessment Screening Report.

The initial Planning Report concludes that further information is required in relation to the development in terms of the comments of the Board in the previous application with regard to the overall height of the proposed building, the proposed use of the basement and ground floors as a restaurant and the issues raised by the Transportation Planning Division.

Following the submission of a response to the FI request, the final planning report concludes that proposed development is acceptable. The Planning Officer recommends that permission be granted for the proposed development, subject to 15 conditions.

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

### 3.2.2. Other Technical Reports

**Drainage Division:** No objection subject to compliance with conditions.

**City Archaeologist:** Proposed development is in the zone of archaeological constraint for the recorded monument DU018-020 (Dublin City). Remains of late C17th / C18th development may survive at subsurface level within the subject site. Condition recommended.

**Transportation Planning Division:** The report notes the planning history of the site. No objections to lack of car or cycle parking are raised given central location. It is submitted that a set-back would be preferred along Merchant's Arch to match the existing western building line of 48-49 Wellington Quay, to improve pedestrian accessibility.

Servicing arrangements are required as the approved Part 8 scheme for Temple Bar Square precludes loading and refuse collection within the square. Details of construction management plan are needed.

Further information is required.

Following the submission of the response to the FI request, the Division recommended conditions for inclusion in any grant of permission.

### 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 notes the location of the protected structure Merchant's Hall adjacent to the site, and part of the same holding. The submission raises a number of concerns in regard to the proposal as follows:

- Notes the previous refusal by ABP for a 5-storey building on the site, having been reduced to 4 storeys by the Planning Authority (ABP ref: 305942-19 (PA ref 3164/19) refers).
- The proposed development is contrary to the ABP decision which stated that the subject plot is insufficiently wide to accommodate a building greater than 3 storeys.
- Issues raised in relation to the proposed restaurant use as it would create the conditions for the potential seeking of licenced use and potentially transforming the bar in Merchant's Hall into a superpub.
- Both the PA and the Board previously refused permission to link the Merchant's Bar to the site under ABP ref 301816-18 (PA ref 2547/18)
- The retention of small shop units is favoured at this location as being appropriate to the location and contributing to the tourist attraction of the area and which would have regard to the narrowness and intimacy of the historic, granite-flagged lane, a key north – south pedestrian route.

It is requested that permission be refused.

#### 3.2.4. **Third Party Submissions**

There are 2 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- Both submissions note the planning history of the site, including the planning history of Merchant's Hall.
- The decisions to refuse planning permission for similar development were welcomed which considered that the development would lead to a significant intensification of the existing use and that a licenced premises of the scale would have a detrimental impact on the historic fabric of the site and of the local area.

- It cannot be credibly argued that Temple Bar needs another restaurant.
- The proposed 9 hotel bedrooms are a token contribution and are secondary to achieving a restaurant at ground and basement levels.
- There is currently no basement level at 1-4 Merchants Arch.
- No individual units are being proposed to replace the current diversity and tight urban grain on the east side of Merchant's Arch.
- The photographs submitted with the application of Merchant's Arch do not accurately reflect the current situation.
- The issue of appropriate scale is central to the objection.
- The proposal does not comply with development plan policies.
- Impact of the proposed development on the residential amenities of adjacent properties who already suffer due to the impact of the number of restaurants in the area.

#### 4.0 Planning History

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

**ABP-301816-18 (PA ref: 2547/18):** Permission refused for the re-development of the site to provide for an enlarged restaurant / public house for the following reasons:

1. Having regard to the existing scale of the existing public house/restaurant at 48/49 Wellington Quay, and the extent of additional floorspace that is envisaged for such use at numbers 1 – 4 Merchant's Arch, it is considered that the proposed development would lead to a significant intensification of the existing use, and that a licensed premises of this significant scale would have a detrimental impact on the historic fabric and character of the subject site and of the local area. Furthermore, having regard to the resultant expansion of the public house/restaurant use into Merchant's Arch and Temple Bar Square, it is considered that the proposed development would lead to an over concentration of licensed premises in this area of the city, which it is the policy of the planning authority to discourage and restrict, and



would lead to conditions that would seriously injure the residential amenities of existing residents in the area, by reason of additional levels of noise and disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the protected structure status of nos. 48/49 Wellington Quay, a building of significant historical importance and architectural character, it is considered that the proposed development would be contrary to sections 11.1.5.3 and 11.1.5.4 of the Dublin City Development Plan 2016 – 2022, where it is the policy of the planning authority to discourage any development which does not relate sensitively to, and complement the special character of, a protected structure. This policy is considered to be reasonable and in accordance with national policy in relation to Architectural Heritage Protection. The proposed merging of two or more units or buildings into one unit or building at ground and / upper floor level through the demolition of dividing walls or the provision of interconnecting doors or entranceways can only be permitted in exceptional circumstances, and it is considered that, in this instance, no such exceptional circumstance to warrant such intervention has been proven. In addition, it is considered that the proposed link between 48/49 Wellington Quay and Number 4 Merchant's Arch at ground floor, through the historic elliptical staircase, which is an important part of the special interest and character of the protected structure, would cause serious injury to the plan form of the staircase hall as well as negatively impacting on the clarity of the architectural space of the elliptical staircase hall concerned. The proposed development would, therefore, have a detrimental impact on the essential qualities of the protected structure, thereby materially affecting its character, would conflict with the policies of the Dublin City Development Plan 2016 – 2022, and would be contrary to the proper planning and sustainable development of the area.

**ABP-305942-19 (PA ref: 3164/19):** Permission refused on appeal for the demolition of the existing 2 storey over basement building and the construction of a new 4 storey over ground floor and basement building (six storeys in all). The ground floor and basement will be in retail use while the upper floors will be in use as boutique hotel. The Board refused for the following 3 reasons:

1. It is considered that the proposed development, by reason of its height relative to surrounding buildings, scale, massing and bulk at this prominent site, would constitute overdevelopment of the site and would be out of character with the pattern of development in the vicinity. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
2. The proposed development of a part four, part five storey over basement building on a narrow plot, adjoining and bounding a narrow busy laneway, does not integrate well into Temple Bar Square where the prevailing height is three-storey. The subject plot is insufficiently wide to accommodate a building greater than three storeys. The subject site does not read as a traditional corner plot wherein a higher building can create a landmark feature. The proposed largely blank elevation onto Temple Bar Square, with a lack of fenestration on the first and second floors and the use of a double height window from the fourth and fifth floors, at the end of the vista leading from the Central Bank down Crown Alley is visually discordant. It is considered, therefore, that the proposed development is contrary to the policy (Policy CHC4) of the current development plan for the area to protect Conservation Areas.
3. It is considered that the proposed development of a single large retail unit at ground floor level, to replace a series of smaller retail premises fronting onto Merchants Arch, would have a detrimental impact on the scale, urban grain and vibrancy of the area. In considering this issue, the Board had regard to the Z5 zoning objective for the area as provided for in the Dublin City Development Plan, 2016-2022, which is to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity, and considered that the loss of the existing mix of small-scale commercial units which contribute to the existing vibrancy and character of the Temple Bar area would not be in accordance with the zoning provisions for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. Dublin City Development Plan 2016-2022

5.1.1. The subject site is zoned Z5 City Centre, which has the stated objective ‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’. Section 14.8.5 of the development plan states that the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. Permissible uses within the mixed use Z5 zone include both hotel and restaurant uses.

5.1.2. Development management standards for Z5 zones include an indicative plot ratio of 2.5-3.0 and indicative site coverage of 90%.

5.1.3. Policies and objectives

**Policy SC25:** promotes development which incorporates exemplary standards of high quality, sustainable and inclusive urban design, urban form and architecture benefitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.

5.1.4. **Policy CHC1:** seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

**Policies CHC2 & CHC4:** seeks to ensure the protection of the special interest, character and setting of Protected Structures and Conservation Areas.

**Section 11.1.5.6** refers to Conservation Areas.

5.1.5. Section 6.4 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. Section 6.5.3 deals with tourism/visitors and states that it is important to continue to develop our tourism infrastructure such as visitor accommodation of various types and a range of cafés and restaurants.

**Policy CEE12:** Promote and facilitate tourism, including the necessary significant increase in hotels, cafes, restaurants etc.

## 5.2. Natural Heritage Designations

The site is not located within or directly adjacent to any Natura 2000 sites. The South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.7km northeast of the site and South Dublin Bay SAC (site code 00210) is located 3.5km east of the site.

## 5.3. EIA Screening

- 5.3.1. 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.

- 5.3.2. The proposed development comprises the demolition of an existing two storey building and the construction of a 4 storey over basement building to include a restaurant at ground and basement level and hotel rooms on the upper floors. The site has a stated area of 113m<sup>2</sup>. The site is located in an urban area that comes within the above definition of a “business district”. The site is below the threshold of 2 ha for a ‘business district’ location. In addition, the development proposes 9 hotel bedrooms in total. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

- 5.3.3. 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.

- 5.3.4. Having regard to the nature and scale of the development, together with the urban / built nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

This is a third-party appeal against the decision of the Planning Authority to grant planning permission for the proposed development. The issues raised reflect those raised with the PA during their assessment of the proposed development and are summarised as follows:

- The development would fundamentally alter the scale and urban grain of the unique Merchant's Arch laneway, which is in a designated Conservation Area.
- It would extinguish four existing retail units, all of which were trading successfully before Covid pandemic.
- There are already more than enough restaurants throughout the Temple Bar area, including in the immediate vicinity of the site.
- The appellant is convinced that the proposed restaurant would inevitably become yet another licenced premises, with a detrimental impact on the area.
- The submission includes a summary of the planning history of the site and sets out the argument that there is already an abundance of restaurants in the area. In addition, the appeal submits that the planning assessment failed to take into account Section 2.3.5 of the city plan which aims to 'facilitate healthy competition by providing for a variety of floor-plates in the retail core...while

promoting other streets to ensure vitality.’ There is no evidence to indicate that the existing 4 retail units will not re-open after lockdown ends.

- The appeal sets out the history of the area.
- Failure to apply conservation policy.
- Impacts associated with another licenced premises in the area which is already having a detrimental impact on the amenities of residents in the area. Existing restaurants in the area have changed to bars without the benefit of planning permission.

It is requested that permission be refused.

## 6.2. Applicant Response

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

- The previous reasons for refusal were considered by the design team.
- The response notes that the PA accepted the proposed development and granted permission.
- In terms of the height of the building relative to its plot width the following is noted:
  - The Boards opinion in terms of height and plot width was considered and a study of the area would suggest that the prevailing plot widths are similar and have four or five storey buildings as a common characteristic. Examples are provided.
  - It is submitted that the assessments submitted indicate that the site is capable of successfully accommodating a four-storey building.
  - While the opinion of the Board is respected, it is submitted that the studies carried out disprove it.
- Scale, Architectural Design and Massing:

- It is not accepted that the development will fundamentally alter the urban grain of the unique Merchant's Arch Laneway or that the existing building is of architectural merit.
- It is submitted that the proposed development improves the grain of the existing site, and the use and fenestration of the building engages with the lane.
- The development will not compromise the character of the Merchant's Arch Lane in terms of daylight, paving, brick arches and walls and stone walls. Rather, the proposed development will enhance the lane and Temple Bar Square.
- Activation of the Laneway:
  - In terms of the use, it is argued that there is an oversupply of retail floorspace within the city centre.
  - With the improvements to Temple Bar Square and the encouragement for outdoor dining, it is submitted that it is reasonable to assume that there will be demand for a restaurant.
  - The restaurant can provide a counter opening onto the laneway to supply coffee and takeaway food.
  - In terms of existing tenants, given the poor condition of the building and small size of the units, the leases are short and rent payable negligible.
  - Movement of people through the lane will continue irrespective of the condition of the buildings and their occupation and nature of tenancies.
  - It is requested that the Board accept the contention that urban renewal which includes modern buildings can facilitate vibrancy and liveliness within an urban context.

The response concludes requesting that the Board support the decision of the PA to grant permission of the proposed development.

The Board will note the enclosure of an Architects Report with the response to the third-part appeal.

### 6.3. Planning Authority Response

None.

### 6.4. Observations

There is one third-party observation noted in relation to the subject appeal from Crampton Building Residents Group. The issues raised reflect those submitted to the Planning Authority and are summarised as follows:

- Biggest issue living in Crampton Buildings is noise from nearby pubs, as well as fumes, dirt and grease from restaurants.
- Since Merchant's Arch became a pub, there have been endless problems with noise due to heavily amplified music made worse by the doors kept open and a loudspeaker fixed to the entrance lobby.
- Refers to planning history of site.
- Further short-term accommodation will further damage the residential aspect of Temple Bar.
- The merging of 4 smaller units will move the area away from the original idea of the area to develop as an arts/cultural/residential quarter.
- Issues with the height and the impact of recent developments which have changed the character of the area.
- There is no need for an additional restaurant in the area as there is a disproportionate number of cafés and restaurants.
- Other properties in the area, having secured permission developments which did not include a bar, have changed the use without the benefit of planning permission.

### 6.5. Other Responses

**TII:** Notes the location of the site within the area for adopted S49 Supplementary Development Contribution Scheme under S49 of the Planning and Development Act.



**An Taisce:** The submission supports the third-party appeal and raises concerns in terms of the following:

- Height / Volume of the proposed building in the context of the Boards previous refusal.
- Proposed use in the context of the existing number of restaurants in the area and would create the conditions for the subsequent seeking of licenced use – examples of such provided.
- An Taisce would strongly favour the retaining of the existing situation with the series of small shops having regard to their contribution to the ‘sense of place’ and the general setting of the adjacent Merchant’s Hall.

## 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. Planning History
3. The proposed use and impacts on the Temple Bar Area
4. Height and Design
5. Other Issues
6. Appropriate Assessment

### 7.1. **Principle of the development**

- 7.1.1. The subject site lies within the heart of Temple Bar, to the north-east of Temple Bar Square and across from the Telephone Exchange Building protected structure. The site lies to the immediate south of Merchant’s Hall protected structure, and has

frontage onto both Merchant's Arch Lane to the west and Temple Bar to the south. The existing building to the east rises to three storeys in height.

- 7.1.2. The subject site is located in an area covered by the Z5 zoning objective which has the stated objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. The principle of a restaurant and hotel development is acceptable and in accordance with the zoning objective for the subject site.

## 7.2. Planning History

- 7.2.1. The Board will note that this site, and building, has been the subject of two previous ABP decisions, in 2018 and 2019. The description of the development and the reasons for refusal for both proposals are detailed in Section 4 of this report above, ABP-301816-18 and ABP-305942-19 refer.

ABP-301816-18 (PA ref: 2547/18)

- 7.2.2. The issues arising in this proposal related to the use of the ground and first floor levels as an enlarged restaurant / public house, connecting to the existing Merchants Arch bar on 48/49 Wellington Quay. The reasons for refusal included as follows:

- The intensification of existing use and that the scale of the resulting licenced premises would have a detrimental impact on the historic fabric and character of the site and local area and would lead to an over concentration of licenced premises in this area of the city with resulting impacts on existing residential amenity.
- Detrimental impact on the essential qualities of the Protected Structure, affecting its character in conflict with the policies of the CDP.

- 7.2.3. The Board will note that the building the subject of the current appeal was deemed to have been suitable for re-use and refurbishment under this application. There was no proposed increase in height of the building as part of this application.

ABP-305942-19 (PA ref: 3164/19)

- 7.2.4. The Board will note that this proposed development sought the demolition of the existing building on the site and the construction of a 5 storey over basement building which included a single retail unit at ground and basement level while the

upper floors will be used as a boutique hotel. The reasons for refusal included as follows:

- Issues with height, scale, massing and bulk at this prominent site would constitute overdevelopment and would be out of character with the pattern of development in the vicinity.
- The proposed building does not integrate well into Temple Bar Square where the prevailing height is three storeys. Issues raised regarding width of the plot to accommodate the proposed building as well as fenestration plans which were considered to be visually discordant. The Board concluded that the development is contrary to Policy CHC4 of the CDP.
- The Board considered that the proposed development of a single large retail unit at ground floor level, to replace a series of smaller retail premises fronting onto Merchants Arch, would have a detrimental impact on the scale, urban grain and vibrancy of the area.

7.2.5. In terms of the issues raised in the previous appeal cases, and similarities with the current appeal before the Board, I note that while the current appeal continues to seek to remove the existing 4 small retail units at ground floor and replace them with a restaurant, there is no current proposal to connect into the adjacent public house to the north as previously proposed. In this regard, concerns around the scale of the licenced premises or impacts to the historic fabric, character and essential qualities of the protected structure – and in particular the historic elliptical staircase, which is an important part of the special interest and character of the protected structure - do not arise.

7.2.6. As such, the continuing issues arising in relation to the proposed development at the site include:

- The proposed use and impacts on the Temple Bar Area
- Height and Design

7.2.7. I note that the Board was satisfied that the principle of demolition, in the context of the City Development Plan Policy SIO20 which seeks to promote sustainable design and construction to help reduce emissions from the demolition and construction of buildings, was acceptable and that a case for demolition had been made under the

previous application on the site. I don't propose to comment any further in this regard.

### **7.3. The proposed use and impacts on the Temple Bar Area**

- 7.3.1. The Board will note that the proposed use as a restaurant and a hotel are uses which accord with the zoning objective afforded to the site.
- 7.3.2. I note the concerns of the appellants, and the documentary evidence provided which suggests that former restaurants in the Temple Bar area have been changed to fully licenced premises, with 7-day publicans licences issued through the courts, without the benefit of planning permission. There is a concern that this will happen in this case too. While I acknowledge the submissions, the Board will note that enforcement of planning decisions is a matter for the local authority and is outside the remit of the Board. In addition, I would note that there is no current appeal before the Board for the use of the proposed restaurant as a public house / licenced premises, although I do accept that a restaurant is likely to hold an alcohol licence. However, I consider that it would be inappropriate to consider the possible future actions of the applicant as part of the subject application.
- 7.3.3. The Board, in its determination of the previous appeal which included a restaurant element – albeit an extension to the existing public house / restaurant at Merchant's Arch, concluded:
- 'having regard to the resultant expansion of the public house/restaurant use into Merchant's Arch and Temple Bar Square, it is considered that the proposed development would lead to an over concentration of licensed premises in this area of the city, which it is the policy of the planning authority to discourage and restrict, and would lead to conditions that would seriously injure the residential amenities of existing residents in the area, by reason of additional levels of noise and disturbance.'
- 7.3.4. Having regard to the location of the subject site, it could not be argued that the area is lacking in restaurant / café or other food outlets. The applicant does not counter or address the concerns of the appellant regarding possible future changes to the restaurant, rather states that the existing available retail floor area in the city exceeds demand and that during lockdowns, operators of non-essential retail in the city

centre 'discovered that when sit-in restaurants/coffee shops were not operating, patrons were unwilling to come into the city for retail purposes only'. While I acknowledge the first party comments in this regard, I do not consider that the context of a global pandemic and extensive lockdown for all non-essential retail is an adequate justification to reduce the retail offer in Dublin City or in Temple Bar. It is likely that none of the existing retail offer within the subject building were opened during the lockdown period, and it is highly unlikely that people travelled into the city for non-essential retail purposes during that period or to visit restaurants / cafés.

7.3.5. In terms of the existing uses associated with the building, I note that the ground floor is occupied by 4 small retail units which include Lynch's Tech Repair Shop, a takeaway waffle café and Mojós Records all of which front onto Merchant's Arch Lane, as well as the Dublin Vintage Factory shop which is a vintage clothing store with frontage onto Merchant's Arch Lane and Temple Bar Square. The lane is a narrow but very busy pedestrian route from Henry Street shopping area north of the River Liffey via the Ha'penny Bridge to Temple Bar and onto Dame Street to the south. The lane includes the Merchant's Hall Protected Structure to the north and is very characterful, opening onto Temple Bar Square with the imposing Telephone Exchange Buildings in its vista. The area includes a large number and variety of bars, restaurants and cafes, all of which co-exists alongside small independent traders.

7.3.6. I note that Temple Bar is identified as a Conservation Area in the City Development Plan, and as such, Section 11.1.5.6 – Conservation Area-Policy Application - requires all new development to have regard to the local context and distinctiveness and the contribution to the local scene of buildings, landmarks, views, open spaces and other features of architectural, historic or topographical interest. This section of the Plan also notes that it is not only the visual elements that contribute to the character of a Conservation Area and that land uses and activities are fundamental to the character and appearance of conservation areas. In this context, I would agree with the previous inspector, and indeed the Board, that the presence of the smaller independent traders and retail premises substantially contribute to the vibrancy and character of the Temple Bar area, and in particular, Merchant's Arch Lane, and that their loss would damage the diversity and uniqueness of the Merchant's Arch laneway.

- 7.3.7. Section 11.2.5.3 of the Dublin City Development plan also deals with Cultural Hubs and Quarters across the city and acknowledges the importance of Temple Bar as the key cultural, creative quarter, along with The Liberties, of the city. Policy SC25 of the Plan seeks to promote development which incorporates exemplary standards of high quality, sustainable and inclusive urban design, urban form and architecture benefitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods. In this regard, and notwithstanding the elevational treatment of the proposed building along the laneway, which I will discuss further below, I am not satisfied that the previous concerns of the Board, which I consider to be reasonable, have been adequately addressed as part of the current proposal. I consider that if permitted, Merchant's Arch Lane would be significantly negatively changed by the proposed development.
- 7.3.8. I also note that Temple Bar, while being one of the busiest tourist areas in Dublin City with numerous bars and restaurants, is also home to a number of permanent residents. The impacts on the residents associated with the uses in the area are identified and articulated in the third-party appeal and observations. I am not satisfied that the residential amenity concerns in terms of noise and disturbance due to late-night activities, raised have been adequately addressed by the applicant. I consider it reasonable to conclude that the development of a further restaurant would give rise to an overconcentration of such uses and would lead to conditions which would seriously injure the residential amenities of existing residents in the area.
- 7.3.9. The Board will note that the applicant submitted a comment on conservation issues as part of the planning application where it is submitted in relation to the existing building on the site that, 'it is generally accepted that this structure was originally a three-storey building with a pitched roof'. It is submitted that the proposed development of a four-storey building is a compromise between the original permission granted by Dublin City Council for five stories and the preferred height of the Board. I also note at Section 3.2 of the Comment, the reference to the proposed development to provide 'a bar and restaurant with toilet facilities in the basement'. In the context of my assessment above, this reference to a bar is a concern. I would also note that no material evidence has been provided to suggest the comment regarding the original height of the building on the site.

## 7.4. Height and Design

- 7.4.1. The proposed development seeks to replace the existing two-storey building over basement with a four storey over basement – I note the description of the development as a three storey over ground floor and basement (five storeys in all). I acknowledge the commentary with regard to the possibility that the building was three storeys with a pitched roof as stated in the Comment on Conservation Issues submitted with the application but note that no evidence for this assumption has been provided.
- 7.4.2. Having regard to the planning history of the site, the Board has previously considered that a five storey (over basement) building was not acceptable as the height relative to the surrounding buildings would be out of character with the pattern of development in the vicinity. The Board also noted that a building of that scale on a narrow plot adjoining a narrow busy laneway, would not integrate well into Temple Bar Square. The Board considered that the plot width is insufficient to accommodate a building with a height greater than three storeys and that the subject site does not read as a traditional corner plot where in these circumstances, a higher building can create a landmark feature.
- 7.4.3. In acknowledging the 2018 Building Height Guidelines which encourage a more proactive and flexible approach in securing compact urban growth, together with the policies with regard to building heights in the Dublin City Development Plan, Section 16.7.1 of the Plan requires that buildings make a positive contribution to the urban character of the city and create opportunities for place-making and identity. This is particularly important in the context of the subject site given its location within the conservation area, its presence on Temple Bar Square, and the context of the prevailing three storey buildings in the vicinity. In addition, the Plan includes a number of policies pertaining to urban form and architecture, Section 4.5.9 refers.
- 7.4.4. While the applicant has sought to argue that there are examples of buildings of the height proposed, and higher, on plots with a similar width to that of the subject site, I would note that the examples presented do not compare with the subject site. The examples primarily front onto Dame Street and in a streetscape where the overall height of the buildings is four to five stories. The identified buildings are also located on a street where vehicular traffic is present and the streets are wider, lending

themselves more appropriately to higher buildings. Of particular note, however, is the context of the subject site in terms of Merchant's Arch Lane and Temple Bar Square. While the corner site location is acknowledged, I would agree with the Boards previous determination that due to the presence of the narrow pedestrian laneway which is partly covered, the site does not read as a prominent corner site which might reasonably accommodate a higher, landmark building such as the site to the south which accommodates the Telephone Exchange Building for example. The extent of street frontage of the building on both Temple Bar and Crown Alley on this corner appropriately facilitates the prominent Telephone Exchange Building. Other examples presented by the applicant do not reflect the nuances of the subject site and in my opinion are therefore, not particularly relevant to the argument for a higher building on the subject site.

7.4.5. The Dublin City Development Plan includes a number of policies which seek to preserve the built heritage that makes a positive contribution to the character, appearance and quality of local streetscapes, Policy CHC1 refers. In addition, the Plan seeks to ensure the protection of the special interest, character and setting of Protected Structures and Conservation Areas within Dublin City, Policies CHC2 and CHC4 refer. Of particular note, Policy CHC4 provides that development will not:

1. Harm buildings, spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area
2. Involve the loss of traditional, historic or important building forms, features, and detailing including roof-scapes, shop-fronts, doors, windows and other decorative detail
3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors
4. Harm the setting of a Conservation Area
5. Constitute a visually obtrusive or dominant form.

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 which ensure future long-term viability.

- 7.4.6. In terms of the above, I have already concluded that the loss of the 4 small independent retailers from this site, which substantially contribute to the vibrancy and character of the Temple Bar area, and in particular, Merchant's Arch Lane, would damage the diversity and uniqueness of the Merchant's Arch laneway and would result in the loss of the traditional building form and features which contribute positively to the character of the Temple Bar Conservation Area. I further do not consider that the height of the proposed building is acceptable at this location in the context of the narrow width of the plot and the scale of adjoining buildings.
- 7.4.7. I note the current proposal before the Board has amended the elevational treatment of the proposed building from the previous proposal for the site. The southern elevation, onto Temple Bar Square continues to propose a double height window at second and third floors, in an effort to make the proposed building read as a three storey. The proposal, however, does not address the context of the site within the conservation area or the character of the adjacent properties, primarily three storeys in height and represents a discordant feature in the wider streetscape. I do not consider that the proposal before the Board contributes positively to the character or distinctiveness of Temple Bar Square and would, if permitted negatively affect the historic Merchant's Arch laneway, particularly when viewed from the south along Crown Alley, contrary to Policy CHC4 of the Dublin City Development Plan.
- 7.4.8. With regard to the elevation onto Merchant's Arch Lane, I would acknowledge that the applicant has endeavoured to reflect the current situation of smaller retail units through improvements to the solid to void ratio to address previous concerns in terms of the impact of the development on the scale, urban grain and vibrancy of the lane. While I would acknowledge the third-party submissions regarding the proposed provision of space to display art and cultural notices as tokenistic, I would consider that in the event of a grant of planning permission, these features should be provided with a condition attached to address how they will be maintained and updated.

## 7.5. Other Issues

### 7.5.1. 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.

## 7.6. Appropriate Assessment

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 Board will note that the subject site comprises a developed site and that the proposed development seeks to replace the existing building on the site. The existing building on the site is connected to public services and I note the nominal scale of the proposed development in the context of the volume of wastewater arising, which will discharge through the public system to the Ringsend Wastewater Treatment Plant. This is the only hydraulic link to the designated sites located within Dublin Bay.

### 7.6.1. Consultations:

The Board will note that no issues relating to AA arose in any third party, prescribed body or Dublin City Council internal department submission.

### 7.6.2. Screening for Appropriate Assessment:

The Board will note that the Planning Report submitted with the planning application refers to Screening for Appropriate Assessment. The document identifies 4 Natura 2000 sites which could potentially be affected by the development as follows:

- Dalkey Islands<sup>1</sup>
- North Dublin Bay SAC (Site Code: 000206)
- North Bull Island SPA (004006)
- South Dublin Bay and River Tolka Estuary SPA (004024)

I note that no further details are provided in relation to the screening exercise undertaken or reasons why other sites within the zone of influence have been screening out. The AA Screening notes that:

- Inert construction and demolition waste will be removed by a licenced contractor and disposed of in accordance with the Waste Management Act
- Foul and surface drainage infrastructure will be separated up to the final point of entry to the municipal sewer.
- Combined effluent and storm water will be sent to the Ringsend WWTP.

The AA Screening concludes that having regard to the nature of the proposed development and location of the site, no AA issues arise, and the proposed development would likely not have a significant effect individually or in combination with other plans and projects on a European Site.

### 7.6.3. Qualifying Interests for Natura 2000 Sites within Zone of Influence

The site is not located within or directly adjacent to any Natura 2000 sites. The South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.7km north-east of the site and South Dublin Bay SAC (site code 00210) is located 3.5km east of the site. The North Dublin Bay SAC (& pNHA)(Site Code 000206), and North Bull Island SPA (Site Code 004006) lie approximately 5.6km to the east.

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

European Site	Qualifying Interests
<b>South Dublin Bay &amp; River Tolka Estuary SPA</b>	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</li> </ul>

<sup>1</sup> I take this reference to mean Rockabill to Dalkey Island SAC (Site Code: 003000) located approximately 11.6km to the east and Dalkey Island SPA (Site Code: 004172) located approximately 13.4km to the south-east of the site.

<p><b>(Site Code: 004024)</b></p> <p>Located approx. 2.7km to the north-east of the site.</p>	<ul style="list-style-type: none"> <li>• Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</li> <li>• Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</li> <li>• Grey Plover (<i>Pluvialis squatarola</i>) [A141]</li> <li>• Knot (<i>Calidris canutus</i>) [A143]</li> <li>• Sanderling (<i>Calidris alba</i>) [A144]</li> <li>• Dunlin (<i>Calidris alpina</i>) [A149]</li> <li>• Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</li> <li>• Redshank (<i>Tringa totanus</i>) [A162]</li> <li>• Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</li> <li>• Roseate Tern (<i>Sterna dougallii</i>) [A192]</li> <li>• Common Tern (<i>Sterna hirundo</i>) [A193]</li> <li>• Arctic Tern (<i>Sterna paradisaea</i>) [A194]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>
<p><b>South Dublin Bay SAC</b> <b>(Site Code: 000210)</b></p> <p>Located approx. 3.5km to the east of the site</p>	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> </ul>
<p><b>North Dublin Bay SAC</b> <b>(Site Code: 000206)</b></p> <p>Located approx. 5.6km to the east of the site.</p>	<ul style="list-style-type: none"> <li>• Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>• Annual vegetation of drift lines [1210]</li> <li>• Salicornia and other annuals colonising mud and sand [1310]</li> <li>• Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</li> <li>• Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>• Embryonic shifting dunes [2110]</li> <li>• Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</li> <li>• Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> <li>• Humid dune slacks [2190]</li> </ul>

	<ul style="list-style-type: none"> <li>• Petalophyllum ralfsii (Petalwort) [1395]</li> </ul>
<p><b>North Bull Island SPA</b> <b>(Site Code: 004006)</b></p> <p>Located approx. 5.6km to the east of the site.</p>	<ul style="list-style-type: none"> <li>• Light-bellied Brent Goose (Branta bernicla hrota) [A046]</li> <li>• Shelduck (Tadorna tadorna) [A048]</li> <li>• Teal (Anas crecca) [A052]</li> <li>• Pintail (Anas acuta) [A054]</li> <li>• Shoveler (Anas clypeata) [A056]</li> <li>• Oystercatcher (Haematopus ostralegus) [A130]</li> <li>• Golden Plover (Pluvialis apricaria) [A140]</li> <li>• Grey Plover (Pluvialis squatarola) [A141]</li> <li>• Knot (Calidris canutus) [A143]</li> <li>• Sanderling (Calidris alba) [A144]</li> <li>• Dunlin (Calidris alpina) [A149]</li> <li>• Black-tailed Godwit (Limosa limosa) [A156]</li> <li>• Bar-tailed Godwit (Limosa lapponica) [A157]</li> <li>• Curlew (Numenius arquata) [A160]</li> <li>• Redshank (Tringa totanus) [A162]</li> <li>• Turnstone (Arenaria interpres) [A169]</li> <li>• Black-headed Gull (Chroicocephalus ridibundus) [A179]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>

The subject development site is a fully developed urban site which includes no virgin ground or any open space, and therefore, does not contain any of the intertidal habitats or species associated with any Natura 2000 site. The existing site is composed entirely of artificial surfaces within a heavily built-up area of Dublin City. 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. 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.

#### 7.6.4. Conservation Objectives:

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

European Site	Conservation Objectives
<p><b>South Dublin Bay &amp; River Tolka Estuary SPA</b> <b>(Site Code: 004024)</b></p> <p>Located approx. 2.7km to the east of the site.</p>	<ul style="list-style-type: none"> <li>• The NPWS has identified site-specific conservation objectives to <b>maintain</b> the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets.</li> <li>• 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.</li> </ul>
<p><b>South Dublin Bay SAC</b> <b>(Site Code: 000210)</b></p> <p>Located approx. 3.5km to the east of the site</p>	<ul style="list-style-type: none"> <li>• The NPWS has identified a site-specific conservation objective to <b>maintain</b> the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets</li> </ul>
<p><b>North Dublin Bay SAC</b> <b>(Site Code: 000206)</b></p> <p>Located approx. 5.6km to the east of the site.</p>	<ul style="list-style-type: none"> <li>• The NPWS has identified a site-specific conservation objective to <b>maintain</b> 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"> <li>○ Mudflats and sandflats not covered by seawater at low tide [1140]</li> <li>○ <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</li> </ul> </li> <li>• The NPWS has identified a site-specific conservation objective to <b>restore</b> 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"> <li>○ Annual vegetation of drift lines [1210]</li> <li>○ <i>Salicornia</i> and other annuals colonising mud and sand [1310]</li> <li>○ Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</li> <li>○ Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</li> <li>○ Embryonic shifting dunes [2110]</li> <li>○ Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</li> <li>○ Humid dune slacks [2190]</li> </ul>
<p><b>North Bull Island SPA</b> <b>(Site Code: 004006)</b> Located approx. 5.6km to the east of the site.</p>	<ul style="list-style-type: none"> <li>● The NPWS has identified site-specific conservation objectives to <b>maintain</b> the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets.</li> </ul>

#### 7.6.5. Potential Significant Effects

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 from the boundary of any designated site. This separation distance is increased in terms of the course of the drainage network in Dublin City. The site is entirely built on and 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. While no survey for qualifying species or habitats of interest, for which the designated sites are so designated, was undertaken, having regard to the fact that 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. As the site is already developed, the new development is unlikely to give rise to new or additional disturbances associated with the operational phase of the development due to noise or light.

- **Water Quality:** The proposed development is to connect to existing public water services, and the Ringsend Wastewater Treatment Plant. 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.

#### **7.6.6. In Combination / Cumulative Effects**

In relation to in-combination impacts, I am generally satisfied, having regard to the limited scale of the proposed development, 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.

#### **7.6.7. Conclusion on Stage 1 Screening:**

I have considered the short AA Screening section of the submitted Planning Report, together with the available information with respect to the Natura 2000 sites in the vicinity of the site, 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 above, 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.

## 8.0 Recommendation

I recommend that planning permission be refused for the proposed development for the following stated reasons.

## 9.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its height on a narrow plot and relative to surrounding buildings, scale, massing and bulk at this prominent site adjoining the narrow and busy Merchant's Arch Laneway, an important pedestrian route from Henry Street to the north of the River Liffey via the Ha'penny Bridge to Dame Street to the south, would constitute a development which would be out of character with the pattern of development in the vicinity and would represent a visually discordant feature within the Temple Bar Conservation Area, contrary to the requirements of Policy CHC4 of the Dublin City Development Plan 2016-2022, which seeks to protect the special interest and character of such conservation areas. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development of a single large restaurant unit at ground floor level, to replace a series of smaller retail premises fronting onto Merchants Arch, would have a detrimental impact on the scale, urban grain and vibrancy of the area. It is the stated objective of Z5 zoning objective for the area, as provided for in the Dublin City Development Plan, 2016-2022, to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity, and it is considered that the loss of the existing mix of small-scale commercial units which contribute to the existing vibrancy and character of the Temple Bar area, and particularly Merchant's Arch Lane, would not be in

accordance with the zoning provisions for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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A. Considine

Planning Inspector

14<sup>th</sup> July 2021