



An  
Bord  
Pleanála

## Inspector's Report ABP-309781-21.

### Development

Modifications to the permitted 1-8 storey over basement and part-lower ground floor hotel. The modifications comprise additional site area to the north and re-alignment of the redline boundary resulting in an increase in the site area of 120m<sup>2</sup> and associated lateral extension with an increase of 21 hotel bedrooms (from 244 to 265 rooms) and the relocation of external plant from fourth to fifth floor.

### Location

0.1401 Ha site on lands at Molyneux Yard, and Engine Alley and the site to the rear of No. 83 Meath Street, Dublin 8 (the site includes No. 75 Molyneux Yard as detailed on Eircode Mapper).

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

4017/20/20.

### Applicant(s)

Midsal Homes Limited.

### Type of Application

Permission.

### Planning Authority Decision

Refuse permission.

<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Midsal Homes Limited.
<b>Observer(s)</b>	St. Catherine's Parish Church Maria O'Reilly Noel Fleming & Others Cllr Marie Devine James Madigan Brid Smith & Tina MacVeigh An Taisce.
<b>Date of Site Inspection</b>	13/05/2021.
<b>Inspector</b>	A. Considine.

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	6
4.0 Planning History.....	8
5.0 Policy and Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations .....	10
5.3. EIA Screening .....	10
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Planning Authority Response .....	13
6.3. Observations .....	13
7.0 Assessment .....	16
7.1. Principle of the development.....	16
7.2. Impacts on the Built Heritage of the area .....	17
7.3. Other Issues.....	18
8.0 Recommendation.....	20
9.0 Reasons and Considerations.....	21
10.0 Conditions .....	21

## 1.0 Site Location and Description

- 1.1. The appeal site is located in the Liberties area of Dublin City Centre, to the northwest of the junction of Molyneux Yard to the east of the site and Engine Alley to the south. St. Catherine's Church lies to the north of the subject site and the site generally comprises the area to the rear of the properties fronting onto Meath Street to the west. The general area enjoys a mix of uses including commercial onto Meath Street and residential to the south-west.
- 1.2. To the east of Molyneux Yard, there is a hard surfaced area which is fenced and laid out for use as a basketball court. The four storey St. Michael House apartments are located to the east of Vicar Street. Vicar Street Music Centre lies to the north-east of the site. Immediately south of this apartment development is a children's playground. To the south of Engine Alley, there are a combination of four storey apartment buildings and two storey terraced housing.
- 1.3. The site has a stated area of 0.1401m<sup>2</sup>, an increase of 120m<sup>2</sup> in terms of the previous development site. There are existing storage sheds located within the site, which was inaccessible on the date of my site inspection and bound by high walls and gates fronting onto Molyneux Yard.
- 1.4. The Board will note that planning permission has been granted on the 30<sup>th</sup> of July 2020, and remains valid, for the demolition of all existing structures on the site and for the construction of a 1-8 storey over basement and part-lower ground floor hotel, PA ref: 5362/19 refers.

## 2.0 Proposed Development

- 2.1.1. Permission is sought, as per the public notices for a development which will principally consist of modifications to the permitted 1-8 no. storey over basement and part-lower ground floor Hotel (7,969 sq.m) comprising 244 no. bedrooms, as granted permission under DCC Reg.Ref. 4262/19. The amendments principally comprise additional site area to the north of the site (to the rear of No. 83 Meath Street) and the re-alignment of the redline boundary to the rear of No. 82 Meath Street, resulting in an overall increase in the site area by 120 sq.m from 1,281 sq.m to 1,401 sq.m; the provision of an associated lateral extension and rationalisation of the existing

floorspace to provide a 265 no. bedroom hotel (8,155 sq.m); the relocation of external plant from fourth to fifth floor level; and all associated site works above and below ground, all at 0.1401 Ha site on lands at Molyneux Yard, and Engine Alley and the site to the rear of No. 83 Meath Street, Dublin 8 (the site includes No. 75 Molyneux Yard as detailed on Eircode Mapper).

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

- Plans, particulars and completed planning application form,
- Planning Report
- Architectural & Urban Design Statement
- Engineering Reports
- Operational Waste Management Plan
- Outline Delivery and Servicing Management Plan
- Daylight/Sunlight Analysis
- Photomontages
- Archaeological Assessment

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. It is considered that the proposed modifications to the permitted scheme, by reason of its scale and design, would be visually overbearing and obtrusive and would seriously injure the character of and setting of the adjacent protected structure, St. Catherine's Church. The proposed development would contravene Policy CHC1, CHC2 and CHC4 of the Dublin City Development Plan 2016-2022 in relation to the protection of the special interest and character of protected structures and architectural conservation areas, would set a precedent for further similar development and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the window fenestration proposed on the northern elevation and the proximity to the adjacent site to the north, it is considered that the proposed development would seriously injure the amenities of the adjoining property, by reason of overlooking. As a result, the proposed development would be contrary to the proper planning and sustainable development of the area.

## **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 also includes an Appropriate Assessment Screening Report.

The planning report notes the proposed amendments to the overall development including the introduction of a number of new windows on the northern elevation with 6 windows at first and second floor levels and an additional 5 windows at third and fourth floor levels. The amended proposal removes the previously permitted obviated windows on the northern elevation facing St. Catherine's Church which were originally proposed to prevent overlooking into the church grounds.

The report further notes that the proposal allows for a slight increase in the setback to the northern boundary with the acquisition no. 83 Meath Street, the footprint of the building has been increased towards the northern site boundary by approximately 1m at 1<sup>st</sup> to 3<sup>rd</sup> floors and by 4m at 4<sup>th</sup> floor level.

The report concludes that the inclusion of 20 new windows on the northern elevation less than 6m from the boundary of the church property will introduce an unacceptable level of overlooking over that previously permitted. It is further concluded that the relocation of the plant, together with the relocation of the building towards the church boundary will increase the sense of overbearing from the church grounds. The report concludes that proposed development is not acceptable. The Planning Officer recommends that permission be refused for the proposed development, for reasons relating to impacts to the protected structure and injury to the amenities of existing properties to the north by reason of overlooking.

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

### 3.2.2. Other Technical Reports

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

**Transportation Planning Division:** It is considered that the proposed amendments are acceptable subject to the conditions of the parent permission being attached. It is noted that the cycle storage at lower ground floor level has been reduced and that parking at ground floor level has been increased slightly.

The applicant was previously requested to provide a runnel / bike ramp on the stairs to allow access to the lower ground level parking. This has not been shown in the submitted plans and should be included in the linking of the application to the parent permission and conditions.

**City Archaeologist:** It is recommended that the application comply with Condition 13 of the previous grant of planning permission Reg Ref: 4262/19.

### 3.2.3. Prescribed Bodies

None.

### 3.2.4. Third Party Submissions

There is 1 no. third party objection/submission noted on the planning authority file from Fr. Niall Coghlan. The issues raised are summarised as follows:

- Notes that St. Catherine's Church, protected structure underwent substantial repairs and renovations following a fire in 2012.
- Generally, in favour of the renovation of the area.
- A similar proposal has already been approved by DCC, noting that the revised proposal adds 21 bedrooms.
- It is considered that by reason of the design, scale, bulk and mass the development would seriously detract from the setting and character of the

protected structure and area of conservation value in the vicinity of the church, contravening policies of the CDP.

- It is requested that the church be protected from damage during the proposed works, including during excavations for basements, foundations and substructure.
- Windows adjacent to the church should be fitted with obscure glazing or measures to prevent overlooking.

## 4.0 Planning History

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

**PA ref: 4262/19:** Permission granted for the construction of a 1-8 storey over basement and lower ground floor hotel on the site by Dublin City Council subject to 15 conditions.

The Board will note that a third-party appeal submitted, was withdrawn prior to the Board making a decision on the case (ABP-307839-20 refers).

In addition, ABP-308033-20 relates to an application for leave to appeal by Ioannis Vasileios Theodoridis and Smaragda Voutsas. The Board refused leave to appeal for the following reason:

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of conditions imposed by the planning authority to which the grant is subject.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The Dublin City Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. The site is zoned Zone Z5: City Centre in the Dublin City



Development Plan 2016-2022 which seeks “To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”.

5.1.2. Chapter 11 of the Plan deals with Built Heritage and Culture and section 11.1.4 outlines a strategic approach to protecting and enhancing built heritage based on the existing and ongoing review of Protected Structures, ACA’s, Conservation Areas and Conservation Zoning Objective Areas.

5.1.3. The following policies of the CDP are relevant:

**CHC1:** Seek the preservation of the built heritage of the city.

**CHC2:** Ensure that protected structures and their curtilage is protected.

**CHC4:** To protect the special interest and character of all Conservation Areas.

5.1.4. With regard to tourism related developments, the development plan promotes the provision of tourism infrastructure, including hotels. Section 6.4 of the development plan refers to the promotion of tourism as a key driver for the city’s economy, particularly through making the city attractive for visitors, international education, business tourism and conventions. Section 6.5.3 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.

5.1.5. The following policies of the CDP are relevant:

**Policy CEE12:** To promote and facilitate tourism as one of the key economic pillars of the city’s economy and a major generator of employment.

**Policy CEE13:** To promote and support the development of additional tourism accommodation at appropriate locations throughout the City’.

**Policy CEE14:** To recognise that many of our key tourist attractions are in regeneration areas with challenges of dilapidated buildings, vacant sites and public domain in need of improvement, and to develop projects such as Dublin that will address these challenges.

5.1.6. Section 16.2.2.2 of the plan related to Infill Development and states that the particular character of the city and its concentration of historic buildings means that most re-development opportunities are for ‘infill development’ ie. gap sites within

existing areas of established urban form. It is particularly important that proposed development respects and enhances its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

## 5.2. 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 3.8km northeast of the site and South Dublin Bay SAC (site code 00210) is located 4.4km east of the site. The North Dublin Bay SAC (site code 000206) and North Bull Island SPA (site code 004006) are located approximately 6.8km to the north-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 amendments to a previously permitted development on the site which includes the demolition of existing structures on the site and the construction of a 1-8 storey over basement hotel building. The site has a stated area of 0.14ha. The site is located in an urban area that might reasonably come 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 a further 21 hotel bedrooms to the already permitted 244 rooms to provide

265 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 planning history associated with the site, 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**

- 6.1.1. This is a first-party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The appeal document sets out a summary of the permitted development on the site and the rationale for the proposed amended development as proposed. Due to the purchase of lands to the rear of No. 83 Meath Street, it is submitted that this recently acquired site can only be utilised as part of the permitted hotel scheme. The current proposal seeks to rationalise the floorplans of the permitted development which will result in the provision of an additional 21 hotel rooms, bringing the total to 265 rooms.
- 6.1.2. The grounds of appeal are summarised as follows:
- The increase in the overall site area has presented an opportunity to rationalise the northern wing of the permitted building, reducing its bulk along the northern elevation and improving set back distances to the boundary.

- The additional site has a width of 6.108m and has resulted in the reduction of the plot ratio from 4.9 to 4.6, demonstrating that the proposal is not seeking to overdevelop the site.
- At lower levels, the rationalisation has increased the separation distance to the boundary.
- The removal of the obviated windows has resulted in the proposed building now being located between 5.85m and 6.1m from the northern boundary, up from 1.5m.
- To the north-west, the permitted building is 7.322m from the new boundary while the current proposal is 5.85m from the boundary, a difference of 1.472m and to the north-east, the permitted distance from the new northern boundary is 7.537m while the proposed is 6.152m, a difference of 1.385m. This is not considered to have a material impact on the rear of the neighbouring St. Catherine's Church.
- The proposed additional 21 hotel rooms represents a sustainable use of this inner-city infill site.
- Moving up to the fourth floor, the separation distance will decrease from 9.732m to 5.850m which is more aligned with the lower levels.
- The proposed development provides a comparable elevation onto Molyneux Yard with no material difference between permitted and proposed.
- The appeal notes that permission has been granted for the Vicar Street Hotel directly opposite the rear of St. Catherine's Church and it is submitted that ultimately both permitted hotels will serve to enclose the rear and side of the church which is entirely appropriate in this inner-city context.
- With regard to the second reason for refusal, it is submitted that the proposed scheme does not materially impact on the setting of St. Catherine's Church having regard to the separation distances proposed.
- The obviated windows were originally proposed to prevent overlooking of the rear of No. 83 Meath Street. Now that this site forms part of the subject application site, it is submitted that standard windows would offer a nice view

for residents to the Church without impacting on the future development potential of an adjoining site.

- If the Board are minded to grant permission, the applicant will accept a condition requiring the windows on the northern boundary to be obviated as they were in the permitted scheme.

It is requested that permission be granted for the proposed development.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

There are seven observers noted on the file with regard to the first-part appeal. The observations are summarised as follows:

1. Fr. Niall Coghlan:  
The submission reflects the concerns raised during the PAs assessment of the proposed development.
2. Ms. Maria O'Reilly:
  - Fully supports the two reasons for refusal.
  - Raises concerns in terms of the manner in which the applicant has sought to increase the development.
  - There is no mention of the Meath Street Grotto which is positioned immediately behind the new boundary of the development site.
  - The value of the Grotto to the local community is greater than the developer can understand, as a spiritual and contemplative sanctuary for residents and visitors and is a much-used green area.
  - An alternative use for the newly acquired space to the rear of No. 83 Meath Street should be considered.

3. Noel Flemming & Others:

- This observation includes 4,619 signatures identify as the Friends of Meath Street Grotto.
- It is requested that the Board uphold the PAs decision to refuse permission for the extension to the hotel which will now extend to the boundary wall of the Grotto.
- Given the importance of the Grotto as a much-loved community site, offering spiritual sanctuary for residents and visitors it is requested that the space be protected due to its importance to the cultural heritage and history of the Liberties.
- The history of the Grotto is provided, noting that it was constructed in 1944 as a monument to those who died in the Great Wars.

4. Cllr. Maire Devine:

- The impact of the proposed development on the Meath Street Grotto, priests house and No. 82 Meath Street cannot be overstated.
- The development includes deep excavation to a depth of 7.4m and directly threatens the integrity of no. 82 Meath Street, which is over 300 years old.
- The hotel extension will negatively impact Meath Streets only open space, the Grotto and the Priests House.

5. James Madigan

- Impact of the development on Nos. 81 and 82 Meath St, including the basements is raised as a concern. The submission sets out a detailed history of the buildings together with their importance in the streetscape.
- Notes the planning applications in relation to the properties in the vicinity and questions whether a masterplan for the area has been prepared.
- The impact of the proposed basement is a concern in terms of the impact on the adjacent properties.

- It is considered that the Grotto will be overwhelmed by the new hotel extension, will impact on the light in the space and will ruin the sense of calm within the community refuge.
- Questions whether the development will impact on the opening of the Grotto during the construction phase.
- The proposed extension to the hotel will negatively impact the Priests House.
- There is an oversaturation of transient accommodation in the Liberties.

6. Brid Smith & Tina MacVeigh:

- Impact of the development on the Thomas Street ACA and buildings on Meath Street.
- The proposed extension moves closer to important buildings involving deep excavations for the basement.
- Impact of the development on the Priests House and Grotto also noted.
- The community supported the original application, and the proposed extension is a rebut to the community and a breach of the previously understood good will arrangement.
- It is submitted that the original application which received planning permission is sufficient development of the site in terms of mass and scale within its location and from the point of view of its intended purpose.
- There are already a number of hotels in the area, and a hotel on the old Boland's site on Caple Street was refused on the grounds of over-concentration of tourist accommodation.
- It is requested that the Board uphold the DCC reasons for refusal.

7. An Taisce:

- An Taisce wish to endorse the decision of DCC to refuse permission for the proposed development on the grounds that the permitted development is already a large and bulky structure for the backland site. The proposed extension will result in increased overbearance on, and harm to the amenities

of the protected structure, St. Catherine's Church and its adjacent grotto, an important neighbourhood feature.

## 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 including the planning history associated with the subject 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. Impacts on Built Heritage
3. Other Issues
4. Appropriate Assessment

### 7.1. Principle of the development

- 7.1.1. The Board will note the planning history associated with the subject site, and the existing grant of planning permission for the construction of a part 1 to part 8 storey over basement and lower ground floor level hotel, which will provide for 244 bedrooms. The principle of the hotel is therefore acceptable on these Z5 zoned lands. The site is currently underutilised and the proposed development will see the regeneration of the overall site, which is in line with local policies for this area of the Liberties.
- 7.1.2. The proposed development seeks to amend the permitted development following the acquisition of an area of land to the rear of No. 83 Meath St. to the north of the original site boundary. The area in question amounts to 120m<sup>2</sup> with an approximate depth of 6m and a length of 20m. In principle, I have no objection to the proposed development. I note that the Planning Authority refused permission for the proposed extension for two reasons, primarily relating to the impact of the development on St. Catherine's Church, protected structure by reason of the scale and design being visually overbearing and obtrusive, injuring the character and setting of the protected



structure, contrary to the policies of the Dublin City Development Plan. The second reason for refusal relates to overlooking and impacts to existing amenities of adjacent properties. I propose to address these issues as part of this assessment.

## **7.2. Impacts on the Built Heritage of the area**

- 7.2.1. The Board will note that the PAs decision to refuse permission, together with all third-party observations submitted to the Board, primarily relate to the impact of the development on the character of and setting of the adjacent protected structure, St. Catherine's Church, which now, with the additional area of land included within the overall site area, bounds the subject site. The proposed development seeks to amend the previously permitted hotel scheme in a manner which will result in the building being located closer to the boundary with the church and grotto.
- 7.2.2. To the north-west, the previously permitted building was 7.322m from the new boundary while the current proposal is 5.85m from the boundary, a difference of 1.472m. To the north-east, the permitted distance from the new northern boundary was 7.537m while the proposed is 6.152m, a difference of 1.385m. In the context of the permitted scheme, I do not consider these differences to be so significant as to have a material impact on the character and setting of St. Catherine's Church in principle.
- 7.2.3. In terms of the proposed amendments to the northern elevation, I would agree that the introduction of the windows as proposed represents a change from the previously permitted development. I also note that the fourth-floor level as proposed, and in particular, the extension of this floor towards the northern boundary, represents a visual impact in terms of the potential for overlooking of, and overbearance from, the church grounds. The perceived increased height on this elevation is inappropriate and should the Board be minded to grant permission, a condition requiring the omission of the proposed bedrooms 13, 14, 15 and 16 on this level should be included. The building line of this level should revert to the permitted line with proposed bedroom no. 17 occupying parts of the space of the previously permitted bedrooms no. 10 and 11. The proposed northern windows at this level should also be agreed with the Planning Authority prior to the commencement of development.

7.2.4. The PAs second reason for refusal relates to the window fenestration proposed on the northern elevation and the potential for injury to the amenities of the adjoining property, by reason of overlooking. The permitted development provided for obviated windows at this elevation in order to protect the development potential of the rear of no. 83 Meath Street, as indicated in the first-part appeal. I note the applicant considers that as this space is now part of the overall hotel site, these windows are no longer required and that standard windows would offer a nice view to the Church for residents of the hotel, without impacting on the development potential of an adjoining site. It is also noted that the applicant will accept a condition requiring the windows on the northern boundary to be obviated as permitted.

7.2.5. I have considered this matter very carefully and in light of the third-party observations. Having undertaken a site inspection which included a visit to the Grotto in the grounds of St. Catherine's Church, I consider that the concerns of the third-parties are well founded. The Grotto space is certainly a calm oasis and is clearly a very important amenity for the residents of this area of Dublin City. I further consider that it is wholly appropriate to seek the protection of this space for the benefit of the local residents from inappropriate overlooking. As such, and should the Board be minded to grant permission for the amendments to the previously permitted hotel development, I consider it appropriate that the standard windows as proposed be omitted and that the obviated windows be provided in accordance with the original permitted scheme.

### 7.3. **Other Issues**

#### 7.3.1. **Overshadowing**

The Board will note that the application for the amendments to the hotel scheme included a sunlight and daylight analysis to address the potential impacts on a number of properties in the vicinity of the site. The assessment focus on the VSC of windows and includes the results of previous assessments for the development. The Board will note that the analysis relates to the originally proposed development for the site and did not take account of the amendments made to the permitted scheme following the request for further information at that time, PA ref 4262/19 refers.

I note that no specific assessment of the impact of the amendments to the permitted development on the amenity space associated with St. Catherine's Church has been submitted with the current application. I could not access the Dublin City Council Online Planning Service to view the previous sunlight / daylight assessment due to works on the PAs system, but I note from the information on the current appeal file that the 'the submitted shadow analysis shows that the proposal would not have an excessive impact in respect of overshadowing, and that any impacts would be consistent with the city centre location'<sup>1</sup>. I would note that the impacts referred to would have related to the area of the rear of No. 83 Meath Street, which now comprises part of the wider site.

I do not consider that the proposed minor amendments to the scheme are so significant as to warrant concerns with regard to the amenity space associated with St. Catherine's Church and Grotto.

#### **7.3.2. Basement Works**

I note the third-party concerns in relation to the excavation for the basement associated with the proposed development<sup>1</sup>. I am satisfied that this matter has been addressed by the parent permission associated with the site.

#### **7.3.3. Water Services**

I am satisfied that the nominal extension to the permitted hotel is acceptable in terms of water services and is unlikely to give rise to concerns in this regard. I also note that the Engineering Dept. – Drainage Division of Dublin City Council raised no objection subject to compliance with conditions.

#### **7.3.4. Roads and Traffic**

Having regard to the planning history of the subject site, I am satisfied that all matters relating to roads and traffic issues have been addressed. I note the requirement of the Transportation Planning Division of Dublin City Council in terms of the previous request to provide a runnel / bike ramp on the stairs to allow access to the lower ground level parking. This has not been shown in the submitted plans. I

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<sup>1</sup> PAs planning officers report relating to PA ref 4262/19.

also note that the cycle storage area at lower ground level appears to have been reduced while parking ground floor level has been increased. Overall, I have no objections to the proposed development in terms of roads and traffic matters and I agree that a condition of planning permission should be included to link the subject appeal to the parent permission and conditions.

#### **7.3.5. 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.

The Board will note that the development lies outside the boundary of the area of Dublin City affected by the Luas Cross City Section 49 Levy Scheme. No development contribution in this regard is payable.

#### **7.3.6. Appropriate Assessment**

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 3.8km northeast of the site and South Dublin Bay SAC (site code 00210) is located 4.4km east of the site. The North Dublin Bay SAC (site code 000206) and North Bull Island SPA (site code 004006) are located approximately 6.8km to the north-east of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

## **8.0 Recommendation**

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

## 9.0 Reasons and Considerations

Having regard to the permitted development on the site and in the area, to the provisions of the Dublin City Development Plan 2016-2022, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or general amenities of adjoining properties. It is further considered that the proposed amendments to the permitted hotel, Planning Authority reference 4262/19 refers, subject to compliance with the stated conditions, would not seriously detract from the character or setting of St. Catherine's Church and Grotto. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows:
  - (a) The proposed bedrooms nos 13, 14, 15 and 16 on the fourth-floor level shall be omitted and the building line at this level shall revert to the previously permitted line.  
Proposed bedroom no. 17 shall occupy the space of the previously permitted bedrooms no. 10 and 11 as appropriate.  
The proposed windows on the northern elevation at this level shall be agreed with the Planning Authority prior to the commencement of development.

- (b) The standard windows proposed on the northern elevation shall be omitted and replaced with the obviated windows in accordance with the original permitted scheme.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity, visual amenity and to protect the public amenity area of the Grotto in the grounds of St. Catherine's Church.

3. All conditions attached to the parent permission, Planning Authority Reference 4262/19 refers, shall be strictly adhered to.

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

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A. Considine  
Planning Inspector  
19<sup>th</sup> July 2021