



An
Bord
Pleanála

Inspector's Addendum Report ABP-316103-23

Development	Demolish part of 3-storey building and 2-storey extension, retain and re-use concrete floors of 3-storey building and construct an additional 5-storey building comprising a hotel containing 81 bedrooms, and all ancillary site development works.
Location	3-4 Kevin Street and Liberty Lane
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	5494/22
Applicant(s)	Derek Murtagh
Type of Application	Planning permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Derek Murtagh
Observer(s)	Philip O'Reilly
Date of Site Inspection	11 th July 2024
Inspector	Mary Kennelly

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1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-316103-23 dated 18th July 2024.
- 1.2. On 8th of August 2024 the board decided to defer consideration of this case and to issue section a 132 notice to the applicant regarding the following:
 - a) The board may consider that the evaluation of the proposed development in relation to Section 15.14.1.1 of the Dublin City Development Plan 2022-2028 requires further consideration, and that further information may be necessary for the purpose of enabling it to determine this appeal.
 - b) Noting the information to date, the applicant is invited to provide commentary in relation to Section 15.14.1.1 of the Development Plan which
 - Requires an operational management plan demonstrating how the proposed development will be serviced, including how loading, waste collection and traffic/drop off services will be accommodated.
 - Seeks to encourage the provision of publicly accessible facilities during the day and night to generate street level activity.
- 1.3. This report considers the submissions made on foot of the request for an operational management plan and the provision of publicly accessible facilities.

2.0 Response to the Board's Decision to Request Further Information

- 2.1. The applicant responded to the Board's request on the 9th of September 2024. The response provided an operational management plan prepared by Tent Engineering and revised drawings showing the incorporation of a café into the foyer of the proposed hotel, together with Computer Generated Images of the lobby and café areas. The Board should note, however, that the revised drawings relate to the scheme that was the subject of the P.A. decision (i.e. 8-storey, 81 bed hotel) and **not** the scheme submitted as part of the first party appeal.
- 2.2. The main provisions of the revised/additional information may be summarised as follows:

(a) Operational Management Plan

Details have been provided regarding the proposed servicing plan including how loading, waste collection and traffic/drop off services will be accommodated. Some of the main provisions are as follows:

- **Storage** - The main storage areas are located on the ground floor with direct access to the service areas. The primary storage areas to support hotel operations are for bed linen and general storage, located on the first floor. Guest storage, such as a luggage room, will be situated adjacent to the hotel reception on the ground floor.
- **Deliveries** – the hotel will have ‘minimal servicing requirements’ as it is located in the heart of the city and will consist mainly of deliveries of linen and toiletries by small vans and refuse collection, which will be accessed via Liberty Lane. The development will not significantly increase the number of deliveries to the site as the hotel does not have a restaurant.
- **Refuse collection** – the bin store is accessed from Liberty Lane the Development Property Management company will oversee the weekly movement of bins to a collection point on the day of refuse collection. Collection can be managed using traditional refuse lorries safely, with bins wheeled to and from collection point, similar to existing practices relating to residential properties nearby. An autotrack is submitted showing refuse lorries turning left onto Kevin Street from Liberty Lane.
- **Liberty Lane is adequate for servicing** - Liberty Lane is a quiet, one-way street, typically used by adjacent businesses for servicing. The footpath has been widened on this elevation to minimise pedestrian obstruction during short loading and unloading periods.
- **Vehicle pick-up and drop-off** – no parking is provided, and most guests will arrive by public transport. There is a taxi rank at Cuffe Street (180m) away. The entrance on Liberty Lane has been designed to accommodate a temporary taxi drop-off location, with a locally widened footpath.

- **Bicycle parking** – bicycle parking is provided in a secure area which is accessed from Liberty Lane and will be monitored by CCTV.
- **Hotel operations** – approx. 15-30 full/part-time staff will be employed with 16 employees on-site at any one time.

(b) Publicly Accessible Facilities

Revised ground floor plan indicates the introduction of a small café which would be publicly accessible and located within the foyer of the hotel. In addition, seating is provided within the foyer area and associated elevation changes are proposed by providing a glazed screen onto Liberty Lane. A number of computer-generated images have also been provided to demonstrate how the proposed café and foyer would provide for greater public accessibility.

- 2.1. Copies of the plans and documents received were circulated under **Section 131** to the planning authority and the third-party observer, as directed by the Board on the 23rd of September 2024 (last date for response was 14th October 2024). No response was received from the planning authority. Correspondence to Philip O'Reilly was returned undelivered and reissued to him and to the planning authority on the 16th of October 2024. Last day for response was 2nd of November 2024.

3.0 Further Submissions

- 3.1. No response was received from the planning authority.
- 3.2. A response was received from Philip O'Reilly on the 1st of November 2024. The main points made may be summarised as follows:
 - **Overdevelopment of the site** – irrespective of the proposed changes to the façade and internal grounds floor arrangements, the building is too large for this very small site and is too tall for the streetscape. The intensity of the use is excessive for this busy, narrow street and extremely narrow laneway.
 - **Operational Management Plan is unworkable** – the stated servicing requirements appear to represent highly inefficient management and do not make commercial sense. It is not credible that bins would be collected once a week and that the bins would have to be moved to the street. This indicates

that the physical environment is not adequate to handle the operation. Short loading and unloading periods for servicing an 81-bedroom hotel with a commercial use on the ground floor is unrealistic.

- **Vehicle access is hazardous and untenable** – The proposed vehicle pick-up and drop-off area is unrealistic. Taxis will stop where it is convenient for them and Liberty Lane is not a suitable location for a temporary set-down area. The vehicle swept path drawings show trucks exiting Liberty Lane on to Kevin Street such that they would have to sweep out into the eastward traffic carriageway and no right-turns are permissible. This represents a serious traffic hazard to both pedestrians and traffic travelling in both directions on Kevin Street. It is a blind junction with no visibility for pedestrians on Kevin Street or for trucks exiting Liberty Lane.
- **Information irrelevant to planning** – much of the operational management plan contains information relating to legal requirements such as welfare provisions for staff, cleaning arrangements and operational procedures such as checking in/out, which are legal requirements and are irrelevant to the planning application. Fire prevention information is a matter for the architects and engineers to present to the local authority in relation to compliance with the Building Regulations. It suggests that the hotel would be no ordinary hotel but one with special circumstances and not a normal commercial operation as suggested.
- **No need for street level activity** – Kevin Street does not need any generation of street-level activity as it is a hive of activity.

4.0 **Assessment**

- 4.1. The Board sought further information relating to two matters, namely, the operational management and servicing of the hotel and the provision of publicly accessible facilities during the day and night to generate street level activities. The submissions from the applicant provided revised details on the operation and servicing of the hotel and of the layout and use of the ground floor with associated minor elevational changes at ground floor level. However, it is noted that these revisions relate to the original scheme for an 8-storey building providing for 81 hotel bedrooms with a café

at ground floor level and not to the revised scheme submitted as part of the grounds of appeal.

- 4.2. It is important to note that the allocation of floorspace to various activities and elements of the use has changed as set out in the following table:

Activity/use	Original scheme 21/12/22	Revised Scheme 09/09/24
Reception	14.5m ²	<3.5m ²
Lobby	10m ²	48m ²
Lounge	13m ²	63m ²
Social Hall	35.5m ²	—
Luggage room	8m ²	4.8m ²
Staff room	9m ²	9m ²
WC	7m ²	7m ²
Water storage	21m ²	—
Switch room	6m ²	—
Service room	6m ²	—
Bin store	14.5m ²	9.85m ²
Bicycle store	11.5m ²	9.75m ²
Total GF Floor space	150m ²	154.9m ²

- 4.3. The revised scheme (09/09/24) appears to have changed the guest entrance from Liberty Lane to Kevin Street and introduced a glazed screen to the Liberty Lane elevation, although it is not clear whether this glazed screen includes a sliding door. However, the area labelled as ‘Lobby’ (inside the glazed screen) seems to double as a café space with a coffee dock and tables on either side of this space. Thus, if an entrance is proposed from Liberty Lane, there is likely to be conflict between guests and café patrons. As the reception desk, which has been reduced from a 4.3m wide desk to a 1.5m wide desk, is also located to the side of the coffee-dock, immediately adjacent to the elevators and entrance to the staircase, the potential for conflict is

increased. It is considered, therefore, that the circulation space around the café and reception is inadequate to cater for an 81-bedroom hotel with a café. Similarly, the area labelled as 'Lounge' (63m²) is directly inside the entrance from Kevin Street, with a seating area (c.21m²) and the remainder providing for circulation space leading to the reception desk.

- 4.4. It is considered, therefore, that the proposed amendments to the ground floor area would introduce a café which would be open to the public and would provide for greater interaction with the street. This would fulfil a CDP objective (15.14.1.1) to encourage publicly accessible facilities intended to generate street level activity. However, the layout as proposed seems unrealistic in terms of providing spaces that would function effectively, and it is doubtful whether the proposed café would be successful and/or whether it would interfere with the functioning of the hotel lobby/reception area. In effect, it raises the question as to whether there is room for both uses to be accommodated in such a tight space.
- 4.5. In terms of the operational management of the hotel, it is noted that reduced floors areas have been allocated to the guest luggage room (8m² – 4.8m²), to the bin store (14.5m² to 9.85m², or 14 bins to 8 bins) and to the bicycle store (11.5m² to 9.75m²) and a number of service areas have been omitted, namely, water storage (21m²), the switch room (6m²) and the service room (6m²). In addition, it is stated that the bins would be moved to a collection point on the street once a week, which seems to be unrealistic for an 81-bedroom hotel, particularly if the area for bin storage has been reduced. There is no explanation or justification for the reduction in these floor areas which appears to be proposed in order to accommodate the café.
- 4.6. The use of Liberty Lane for servicing, loading and unloading and a 'temporary taxi set-down' is also of concern as the lane is very narrow, is one-way and there are traffic restrictions for traffic entering Kevin Street with a ban on right-turn movements. The refuse truck swept path appears to require trucks to swing out onto the opposing carriageway due to the tight angle of the junction, which represents a traffic hazard. There are some commercial units fronting onto Liberty Lane, but the upper floors are in residential use with windows and balconies directly overlooking the narrow lane. Thus, the proposed servicing arrangements would give rise to a traffic hazard and additional noise and disturbance to the residents of Liberty Lane.

- 4.7. **In conclusion**, it is considered that the proposed amendments contained in the submission received on the 9th of September 2024 would provide for an active and a publicly accessible facility with the café on the ground floor but would be at the expense of the efficient management and proper functioning of the hotel. It is considered that the issues raised in my initial report regarding the servicing arrangements have not been adequately addressed and are likely to exacerbate the problems in terms of the impact on residential amenity and traffic safety in the vicinity of the development.
- 4.8. The recommendation in my initial report was to **refuse** planning permission on three grounds, which were similar to those of the planning authority decision, and which broadly related to the following issues:
- Overconcentration of hotels in the area which would undermine the provision of a dynamic mix of residential, social, cultural and economic uses and would be contrary to Policies CEE28 and 14.14.1 of the Development Plan.
 - Overdevelopment of the site by reason of a building of excessive height, scale, massing and architectural design resulting in an obtrusive and overly dominant feature in the streetscape which would adversely affect the setting of a Protected Structure and Conservation Area, notwithstanding the revisions contained in the revised scheme submitted with the grounds of appeal. The proposal would be contrary to Policies BHA9, 15.4.2, 15.5.2 and Table 3 of Appendix 3 of the Development Plan.
 - Notwithstanding the submission of a revised scheme of reduced scale with the grounds of appeal, serious injury to the residential amenities of the opposing properties on Liberty Lane by reason of overbearance, overlooking, potential noise and disturbance and access to daylight and sunlight.
- 4.9. It is considered that the assessment of these issues remains unchanged. Furthermore, the response to the S132 Notice received on the 9th of September 2024 does not, in my opinion, provide for a satisfactory standard of development which would address the issues raised in my assessment and would not adequately address the issues raised by the Board.

5.0 Recommendation

I conclude that the applicant has failed to adequately address the issues as raised by the Board in its Direction on the 8th of August 2024. I therefore recommend that planning permission be refused for the reasons and considerations set out below.

6.0 Reasons and Considerations

1. Having regard to the location of the site in an area of the City Centre which currently has a high level of hotel development, to the policies of the City Development Plan to avoid an over concentration of hotels in such areas, to the relatively poor range of existing and proposed mix of uses in the vicinity of the site and to the Z5 zoning of the site and wider objectives for the city to create a rich and vibrant range of uses in the city centre, it is considered that the proposed development would exacerbate the existing over-concentration of hotel developments and prevent the delivery of other uses in the southeast quadrant of the city such as residential, social, cultural and economic uses and would fundamentally undermine the vision of the City Development Plan for the provision of a dynamic mix of uses within the city centre and fail to sustain the vitality of the inner city. The proposed development would therefore be contrary to Policies CEE28 and 15.14.1 of the Dublin City Development Plan 2022-2028 and to the proper planning and sustainable development of the area.
2. Notwithstanding the revisions proposed in the grounds of appeal, it is considered that the proposed development, by reason of its excessive height, scale, massing and architectural design, would be a visually obtrusive and overly dominant feature resulting in an abrupt transition within the historic terrace which would detract from the prevailing height, scale and architectural character of the traditional streetscape which incorporates an important Protected Structure and forms part of a conservation Area. The proposed development would, therefore, result in overdevelopment of the site, would negatively impact the setting of the Protected Structure and would seriously injure the amenities and setting of the Conservation Area. The proposal would, therefore, contravene policies BHA 9, Sections 15.4.2 Architectural Design Quality and 15.5.2 Infill Development and would fail to comply with the

performance criteria set out in Table 3 of Appendix 3 of the current Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the design, scale, height and massing of the proposed building, to the proximity of the proposed hotel building and its terraces and large number of windows on the western elevation to the residential properties the western side of Liberty Lane, and to the results of the Daylight and Sunlight Assessment submitted with the application, the Board is not satisfied, notwithstanding the submission of a revised scheme of reduced scale with the grounds of appeal, that the proposed development would not seriously injure the residential amenities of the opposing properties on Liberty Lane by reason of overbearance, overlooking, potential noise and disturbance and access to daylight and sunlight. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Mary Kennelly
Senior Planning Inspector

7th of April 2025