



An
Bord
Pleanála

Inspector's Report

ABP-319461-24

Development	Retention and completion of modifications including demolition. Retention of store. Change of use to tourist hostel and all associated site works.
Location	10/11 Liberty Lane, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3125/24
Applicant	Cathal Garrad
Type of Application	Retention & Planning Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Cathal Garrad
Date of Site Inspection	21 st March 2025
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1.1. The site is tightly configured, and L shaped in nature and is accessed from Liberty Lane with a stated area of approximately 0.03 ha at nos. 10/11 Liberty Lane, Dublin 8. The site is located within the historic city core of Dublin City Centre, approximately 273m southwest of St. Stephen's Green within the Local Authority area of Dublin City Council. The area is characterised by a mixture of retail, commercial, recreational and nightlife uses. The site is located on a bend in the single-width laneway with its western elevation fronting onto Liberty Lane. The laneway upon which the site is located includes a notably established pattern of decorative graffiti along its full extent, including the site frontage. The laneway functions as an access road between Camden Row and Kevin Street and provides for access to the rear of properties fronting onto Wexford Street.
- 1.1.2. The site itself currently consists of a flat roofed vacant 2 storey structure with a rendered blockwork, oriented strand board and corrugated metal finish, including a single storey corrugated and oriented strand board structure to the rear. An external metalwork stair is located along the southern elevation providing access to the 1st floor. No access to the 1st floor is provided internally. The front boundary of the site consists of a metal gate and brick wall.
- 1.1.3. The existing internal layout of the vacant structures largely reflects the submitted drawings with some rooms containing furniture relating to a previously unauthorised use, which is accepted by both the appellant and the Planning Authority. Water intrusion is evident throughout the 2-storey structure, with significant water damage in ceilings, walls and floors on both levels. The single storey structure to the rear is not reflective of a bike store or maintenance store, as included in the submitted drawings. Rather, it includes what appears to be a kitchenette with 1 no. desk space and an associated shower and toilet area.
- 1.1.4. The site is bounded to the south by the Opium nightclub venue and restaurant (a 2-3 storey structure), to the west by Liberty Lane roadway and St Kevins Park (a small recreational area including the protected remains of a church and graveyard – RPS Ref.1145), to the east by the rear of nos. 28/29 Wexford Street (3-4 storey structures), including a number of residential units above ground floor and to the north by a covered outdoor area associated with no.30 Wexford Street (the Jar

public house). In terms of the wider surrounds, features of note include the Green line Luas approximately 190m to the east of the site and TUD Aungier Street approximately 189m to the north of the site.

2.0 Proposed Development

2.1.1. The proposed development and development proposed to be retained is described as follows:

- Retention of existing 2 storey structure constructed as part of previously granted permission but not in accordance with the approved layout and height.
- Completion of layout and elevational modifications to existing structure including partial demolition (39m²) to create landscaped courtyard and new front boundary fence with piers.
- Proposed change of use from permitted office/retail to tourist hostel.
- Retention of 29m² single storey bike store/maintenance store.

2.1.2. The proposed drawings show numerous changes to the existing internal layout, building elevations and external space, significantly reducing the number of rooms to allow for dorms and an accessible bedroom providing 34 no. bedspaces and an open communal area/entrance area to the front. Externally, the existing stairs is proposed to be removed, and minor demolition is proposed to create a landscaped courtyard within the centre of the site thereby reducing the building footprint.

Information/Documentation:

2.1.3. Along with the standard drawings and information, the application was accompanied by:

- 3D images.
- Operational & Management Plan (including a short Traffic Statement/Mobility Management Plan).

2.1.4. The following table outlines the key characteristics of the proposed development:

Key Characteristics	
Site Area	0.0325ha
Total floorspace	368m ²
No. of bedspaces	34
Plot ratio	1.13
Site coverage	57%
Height	2 storeys
Car parking	0
Cycle parking	10

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dublin City Council (the Planning Authority) decided to REFUSE permission for the proposed development on the 21st March 2024 for the following reason:

- The proposed development and development proposed to be retained is in an area where there is a demonstrable overconcentration of tourist accommodation which would negatively impact the dynamic mix of uses in the city centre and fail to sustain the vitality of the inner city as outlined in the Z5 zoning objective. Contrary to Policy Objective CEE28 of the Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's report concluded that permission for the proposed development and development proposed to be retained should be refused for the reason set out above. The Planning Officer concluded that:

- The site condition and its characteristics remain unchanged since consideration of the previous application (3553/23 (ABP Ref. PL29S.317464)).

- The existing building was not built in line with the planning permission granted in 2017 (Ref. 2113/17) and does not have an existing valid permission.
- Tourist Hostel use is listed as a permissible use under the Z5 zoning objective.
- The proposed development has been amended to address the design quality of accommodation which was raised as an issue previously under a separate application (3553/23 (ABP Ref. PL29S.317464).
- Policy CEE28 of the Development Plan covers the broad range of tourist accommodation concepts which are required to be fully considered in the event of an assessment of an over-concentration of visitor accommodation.
- Acknowledged that there isn't an overconcentration of tourist hostels in the area.
- Information submitted in support of an application for a hotel development on a neighbouring site (5494/22 (ABP Ref.316103-23) indicates an over-concentration of hotel development in the area.
- Concern relating to the over-concentration of visitor accommodation by virtue of the number of available and consented hotel bedspaces which would undermine the mix of uses and vision for the city centre, as set out in Policy CEE28 of the Development Plan.
- Amendments have resulted in the reduction of bedspaces from 40 to 34.
- Amendments to window opening sizes and blocking up of windows facing onto 3rd party property, along with increased engagement with the public street have helped to improve the acceptability of the quality of accommodation.
- Internal consultee reports have not raised any objections to the proposed development or development proposed to be retained.

3.2.3. Other Technical Reports

- Archaeology Section – no objection subject to numerous conditions.
- Drainage Section – no objection subject to compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version.

- Transportation Planning Section – no objection, subject to 5 no. conditions reducing the number of secure staff cycle parking spaces from 10 to 2 and requiring the provision of 2 no. visitor cycle parking spaces to the front within the curtilage of the site.
- Environmental Health Section – no objection subject to numerous conditions.

3.3. Prescribed Bodies

- 3.3.1. Transport Infrastructure Ireland - requests a Section 49 contribution for Light Rail if the proposed development is not exempt.
- 3.3.2. Irish Water/Uisce Éireann – no response received.
- 3.3.3. National Transport Authority – no response received.
- 3.3.4. Department of Housing, Local Government & Heritage – no response received.

3.4. Third Party Observations

- 3.4.1. None.

4.0 Planning History

Subject Site:

- 4.1.1. 3553/23 (ABP Ref. PL29S.317464) – Permission REFUSED by the Board in 2023 for retention and completion of modifications (layout and elevational) to existing two storey building, retention of bike store/maintenance store and change of use from office/retail use to tourist hostel.

Reasons for refusal include poor design and quality of tourist hostel accommodation, contrary to Objective CEE28 of the Development Plan. Significant detrimental impact on the amenity and privacy of existing dwellings.

- 4.1.2. E0601/22: Enforcement Notice 1 dated 14th November 2022. The unauthorised use of the unauthorised structure referred to above as residential accommodation at 10 Liberty Lane, Dublin 8.

Notice 2 dated 14th November 2022: Unauthorised development comprising a 2-storey structure of approx. 320m² in area at 10 Liberty Lane, Dublin 8.

- 4.1.3. S0294/20: Section 152 Warning Letter dated 1st July 2020 regarding Short-Term Letting.
- 4.1.4. 2113/17 – Permission GRANTED for a new 3-storey building to contain a ground floor retail unit, and office unit on the 2nd and 3rd floor levels, including ancillary works, and cycle parking. At the time that application was lodged the site comprised a yard.

The proposed development in the aforementioned applications compare to the proposed development in the subject appeal as follows:

	2113/17 - Granted	2113/17 – As built	3553/23 (ABP Ref. PL29S.317464) - Refused	3125/24 (ABP Ref.319461-24) – Subject appeal
Ground floor	Open plan retail unit with double door entrance and separate office access with internal stair and lift core and a bike store below the stairs. Extensive fenestration proposed along the extent of the site frontage.	16 no. rooms including communal toilet facilities served by 13 no. windows and accessed by a single door entrance to the front.	12 no. rooms comprising 7 no. bedrooms, 2 no. storerooms, a lounge kitchenette, an accessible w.c., and a shower / toilet room. A reception desk is shown in the entrance corridor. 12 no. windows proposed, including a glazed folding double door.	7 no. rooms comprising 2 no. bedrooms (1 no. 8 bed dorm w/ 2 no. ensuites and a double bed accessible bedroom w/ ensuite), an accessible w.c., plant and storerooms and a combined reception/entrance foyer/lounge/dining/kitchen area. A lift core is also located adjacent to the accessible w.c. 3 no. windows are proposed to be blocked up. Ground floor fenestration is proposed to be altered to include a double door entrance to the foyer/reception area.
1st floor	Open plan office space at 1 st and 2 nd floor with fenestration to the front	14 no. rooms accessed from a central space	9 no. rooms comprising 7 no. bedrooms and 2 no. storerooms. The bedrooms would comprise bunk bedrooms	3 no. rooms comprising 8 bed dorms (one dorm w/ ensuite) and ancillary toilets and showers. A lift core is also located adjacent to the

	and rear and a central light well.	served by 16 no. windows.	and 2 no. double bed bedrooms. 17 no. windows proposed.	internal stairway. 2 no. windows are proposed to be blocked up.
External	Proposed to abut the western, northern and southern boundaries with an open yard to the rear. Elevation comprised a contemporary office building with more extensive glazing on each floor and retail glazing at ground floor along the front elevation.	External stairwell and single storey bike store/maintenance store to the rear with w.c. Setback from the western, northern and southern boundaries. Existing elevation comprises doors and windows of varying sizes.	The existing external stairs proposed to be removed, and an internal stair provided. An external paved area to the front proposed for seating and bin storage. Existing shower located off the single storey bike store and external toilet to remain, with minor changes. Setback from the western, northern and southern boundaries to be retained.	The existing external stairs is to be removed, and an internal stair provided. The external paved area is extended to the rear of the site and is proposed for seating to the front with the boundary to the front delineated by piers and metal fencing. A landscaped courtyard is proposed within the centre of the site requiring demolition of 39m ² of the existing structure, with external bin storage located adjacent. The existing shower located off the bike store and external toilet is to remain, with minor changes. The setback from the western, northern and southern boundaries is to be retained.

Overall	3 storey building finished in granite, metal and brick providing retail and office space.	2 storey building finished in rendered blockwork, strand board and corrugated metal cladding providing 30 no. rooms.	2 storey building with a light rendered finish to the front and a combination of light and dark grey coloured metal cladding to the side and rear providing 40 no. bedspaces for a tourist hostel use and 10 indoor cycle parking spaces to the rear.	2 storey building finished in white render to the side and a combination of contemporary yellow brickwork, dark grey plaster and light grey Equitone fibre cement panels to the front with a retractable awning providing 34 no. bedspaces for a tourist hostel use and 10 indoor cycle parking spaces to the rear.
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Neighbouring Sites of Relevance:

- 4.1.6. 3150/22 (ABP Ref. PL29S.313366) – Permission REFUSED by the Board in 2023 for alterations and amendments to additional floors and units plus associated site works at DIT / TUD site, Kevin Street Lower, Dublin 8 to the west of the site.

Reasons for refusal include overdevelopment and overbearing impact on the visual and residential amenities of the area by way of increased density, height, mass and volume. Contrary to the provisions of the Development Plan.

- 4.1.7. 5494/22 (ABP Ref.316103-23) – Permission REFUSED in 2023 for demolition of existing buildings on site and construction of an 8-storey hotel comprising 81 no. bedrooms at 3/4 Kevin Street Lower and Liberty Lane, Portobello, Dublin 8 approximately 69m to the north of the site. **This appeal is currently before the Board for consideration, at the time of writing.**
- 4.1.8. Web1420/21 – Permission GRANTED in 2021 for a change of use of the rear service yard (148 sqm) for outdoor licenced use at 30 Wexford Street (also accessed off Liberty Lane to the rear) to the northeast of the site.
- 4.1.9. 2682/20 (ABP Ref. PL29A.309217) – Permission GRANTED by the Board in 2021 for a 1-14 storey (over 3-storey basement) mixed-use (commercial office, residential, creche, café, exhibition space) development (as amended) at DIT / TUD site, Kevin Street Lower, Dublin 8 to the west of the site.
- 4.1.10. 3711/19 (ABP Ref. PL29S.305796) – Permission GRANTED by the Board in 2020 for alterations to the existing second floor rooftop smoking area and retention of internal alterations at 37/38, Camden Row, Dublin 8, D08 T6N3 and Opium, 26 Wexford Street, Dublin 2, D02 HX93, 13/14 Liberty Lane, Dublin 8, D08 NF86 to the south of the site.

5.0 Policy Context

5.1. Dublin City Development Plan 2022-2028

- 5.1.1. The following sections, policies and objectives of the Development Plan are of relevance to the proposed development:

- Map E - Zoning Objective Z5 (City Centre) - *‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’.*
- The following protections apply to the site:
 - Within the statutory archaeological designation for the historic city core (DU018-020).
 - Within the Zone of Archaeological Constraint for Recorded Monument DU018-020078 (Church) and DU018-020971 (Graveyard).
 - The tail end of the eastern edge of the site falls within the Aungier Street, Wexford Street and Camden Street Conservation Area. It is not considered necessary to apply relevant conservation policies to this part of the site due to the low-level nature of development proposed to be retained in this part of the site and its lack of visual connection to or disruption of the properties fronting onto Wexford Street located wholly within the Conservation Area.
- Chapter 4 – Shape & Structure of the City:
 - Policy SC11 – Compact Growth – *‘In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors’.*
- Chapter 6 – Economy & Enterprise:
 - Policy CEE8 – The City Centre – *‘To support the development a vibrant mix of office, retail, tourism related and cultural activities in the city centre’.*
 - Policy CEE28 – Visitor Accommodation – *‘To consider applications for additional hotel, tourist hostel and aparthotel development having regard to’:*
 - *The existing character of the area in which the development is proposed including local amenities and facilities;*

- *The existing and proposed mix of uses (including existing levels of visitor accommodation i.e. existing and permitted hotel, aparthotel, Bed and Breakfast, short-term letting and student accommodation uses) in the vicinity of any proposed development;*
- *The existing and proposed type of existing visitor accommodation i.e. Hotel Classification/Rating, Hostel Accommodation, Family Accommodation, Alternative Accommodation etc., in the vicinity of any proposed development;*
- *The impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre including residential, social, cultural and economic functions;*
- *The need to prevent an unacceptable intensification of activity, particularly in predominantly residential areas;*
- *The opportunity presented to provide high quality, designed for purpose spaces that can generate activity at street level and accommodate evening and night-time activities’.*
- Policy Objective CEE01 - Study on the Supply and Demand for Hotels, Aparthotels and Hostels.
- Chapter 11 – Built Heritage & Archaeology:
 - Policy BHA26 – Archaeological Heritage – Promotes the protection of Records of Monuments and Places (RMPs), including known burial grounds and disused historic graveyards.
- Chapter 15 – Development Standards:
 - Section 15.13.9 - Hostels / Sheltered Accommodation / Family Hubs – States that there is an onus on all such applications to demonstrate that they will not result in an undue concentration of such uses.

- Section 15.14.3 – Short Term Tourist Rental Accommodation –
‘Applications for Short Term Tourist Rental Accommodation will be considered on a case by case basis in certain locations that may not be suitable for standard residential development such as tight urban sites where normal standards or residential amenity may be difficult to achieve. Applications may also be considered in locations adjacent to high concentration of night / time noisy activity where standard residential development would be unsuitable’.
- Appendix 5 – Transport & Mobility – Bicycle Parking Standards:
 - Hotel (including Hostels) – 1 per 5 staff (long term) - To be determined by the planning authority on case-by-case basis (Short stay/visitor).
- Appendix 15 – Land Use Definitions:
 - Hostel (Tourist) – *‘A building, or part thereof, which would provide meals/ refreshments, sleeping accommodation and entertainment to residents/ tourists only, and is other than a hostel where care or short term homeless accommodation is provided’.*

5.2. Natural Heritage Designations

5.2.1. The closest site of natural heritage interest to the proposed development is the Grand Canal proposed Natural Heritage Area (002104) which is located approximately 720m to the south of the proposed development. Other sites of relevance include:

- The Royal Canal proposed Natural Heritage Area (002103) located approximately 2.12km to the north of the proposed development.
- North Dublin Bay proposed Natural Heritage Area (000206) located approximately 3.26km to the northeast of the proposed development.
- South Dublin Bay and River Tolka Estuary Special Protection Area (004024) located approximately 3.55km to the east of the proposed development.
- South Dublin Bay proposed Natural Heritage Area (000210) located approximately 3.55km to the east of the proposed development.

- South Dublin Bay Special Area of Conservation (000210) located approximately 3.55km to the east of the proposed development.
- Booterstown Marsh proposed Natural Heritage Area (001205) located approximately 5.21km to the southwest of the proposed development.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development and development proposed to be retained, the location of the site within a serviced urban area at a remove from areas of environmental sensitivity, and the criterion set out in Schedule 7 of the Regulations, 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 stage (see Appendix 2) and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 1st party appeal was submitted by Cathal Garrad on the 5th April 2024 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:
- Several previous planning applications both onsite and in the vicinity of the site are referenced, including Ref. 2113/17, WEB1420/21, 5494/22, 3553/23 (ABP Ref. 317464-23).
 - Design aspects have been introduced to the proposal to overcome quality and design issues identified in 3553/23 (ABP Ref. 317464-23), with supporting 3D views demonstrating the impact of these changes.
 - Consistent with Policy CEE28 of the Development Plan.
 - Disagree with the Planning Authority's assessment of the proliferation of visitor accommodation which grouped hostel accommodation with hotel accommodation.

- There is no proliferation of tourist hostel type accommodation within 500m of the site, according to both the Hostelworld and Booking.com websites.
- The Board agreed that hostel and hotel accommodation should not be considered cumulatively when assessing the proliferation of visitor accommodation (see ABP Ref. 317464-23), and that there is not an overconcentration of hostel accommodation in the area.
- The Planning Authority considered the quality and design of the proposed development to be acceptable.
- The uses in the surrounding area largely cater for younger people under 30 who are not catered for by the current visitor accommodation provision in the area, which largely consists of hotel accommodation.
- The evolution of surrounding uses to all-day beer gardens and live venues limits the use of the site, with a hostel being one of the few remaining suitable uses.
- The low footfall and considerable number of non-trading units on Liberty Lane makes a retail use on this site unviable.
- The proposed development will provide fair value short-stay accommodation in a central area of the city which would help to alleviate the accommodation crises and the lack of options for budget tourists.
- Section 15.14.3 of the Development Plan relating to short term lets describes the characteristics of the subject site as a suitable area for short term lets.
- The proposed development will help to activate the street frontage along Liberty Lane and will introduce daytime footfall to the area.
- The proposed development would be consistent with the Z5 zoning.
- There is a risk of Dublin's reputation suffering damage internationally due to the lack of affordable tourist accommodation provided.

6.2. Planning Authority Response

6.2.1. The Planning Authority requests that the Board upholds the decision of the Planning Authority to refuse permission. In the event of a grant of permission, the Planning Authority request that the following conditions be applied:

- A condition requiring the payment of a Section 48 development contribution.
- A condition requiring the payment of a Section 49 Luas X City development contribution.

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Site Planning & Legal Status
- Principle of Proposed Development & Development Proposed to be Retained
- Concentration of Use
- Design & Quality of Accommodation & Impact on Residential Amenity
- Other Matters

7.2. Site Planning & Legal Status

7.2.1. Although not included in the Planning Authority's reasons for refusal, I consider that the planning and legal status of the site has been called into question by the Planning Authority as it is asserted in the Planner's Report that the existing structure has not been constructed in line with the previous planning permission (2113/17) and does not have a valid planning permission. The Planner's Report also references several planning enforcement notices, relating to the structure and the use of the

site, issued by the Planning Authority prior to the submission of the planning application. It is not clear whether these enforcement notices have been resolved and there is no evidence on the public files of any compliance submissions relating to the previous planning permission (2113/17). Notwithstanding the foregoing, I note that the subject proposal seeks permission for the retention of the existing structures onsite and for works to the layout, elevations and landscape. I therefore do not consider the site planning and legal status to be of relevance to my assessment of the proposed development.

7.3. Principle of Proposed Development & Development Proposed to be Retained

- 7.3.1. The zoning objective covering the site, Zoning Objective 5, seeks to '*consolidate and facilitate the development of the central area*' of Dublin City Centre by providing a mix of uses. Hostel (Tourist) is listed as a permissible use under Zoning Objective 5 and is described in Appendix 15 of the Development Plan as a building providing meals/refreshments, sleeping accommodation and entertainment to residents only. Having examined the submitted plans and particulars, I am satisfied that the proposed development would fulfil this function, and that the principle of the proposed development is thus acceptable. I note that the Planning Authority has not contested the principle of the proposed development on this basis. In addition, I consider that the proposed development would provide for the consolidation and intensification of infill brownfield lands, in line with Policy SC11 of the Development Plan and would add to the vibrant mix of tourism related uses in the City Centre and in the immediate vicinity, in line with Policy CEE8 of the Development Plan.
- 7.3.2. Regarding the principle of the development proposed to be retained, I note the established acceptability of a 3-storey structure on this site. This serves to demonstrate the acceptability of the scale and height of the development proposed to be retained.
- 7.3.3. I note the separation of the existing 2 storey structure from and subservience to existing properties within the adjacent Conservation Area. In addition, I note the lack of visibility of the single storey structure to the rear of the site. I consider that this demonstrates the minimal visual impact of the structures proposed to be retained and their acceptability in principle. Having regard to the foregoing, I consider the principle of the proposed development and development proposed to be retained to

be generally acceptable and to not negatively impact the adjacent Conservation Area.

- 7.3.4. I note that the appellant referred to the suitability of the site for Short Term Tourist Rental Accommodation, as set out in Section 15.14.3 of the Development Plan. In my opinion, this does not align with the proposed tourist hostel use which provides a service to guests differing to that of the function of short-term tourist rental accommodation. Thus, I do not consider this Section of the Development Plan to be applicable to the proposed development and development proposed to be retained.

7.4. Concentration of Use

- 7.4.1. Notwithstanding the general acceptability, in principle, of the proposed development and development proposed to be retained, the Planning Authority has raised concerns with the overconcentration of hotel uses arising from the proposed development and that this would be contrary to Policy Objective CEE28 of the Development Plan relating to additional visitor accommodation, which encompasses tourist hostel uses. I note that this represents the sole reason for refusal by the Planning Authority of the proposed development and development proposed to be retained. The appellant contends that the Board has previously considered that the tourist hostel use does not come within the scope of a hotel use and that the proposed development would not lead to an overconcentration of hostel uses in the area, notwithstanding the suggested overconcentration of hotel uses in the area. I note that the Board's previous determination was made in relation to an onsite application for a similar development that was refused permission upon 1st party appeal to the Board (3553/23 (ABP Ref. PL29S.317464)). I also note that Section 15.13.9 of the Development Plan states that there is an onus on applicants for hostel development to demonstrate that their proposal would not result in an undue concentration of such uses.
- 7.4.2. Having examined the Planner's Report, I note that reference is made to a report from a previous nearby application for a hotel which is currently before the Board (5494/22 (ABP Ref.316103-23)). This report indicates that there is a clear overconcentration of hotel uses in the area by way of consented and existing hotels. However, I do not consider this to represent robust evidence considering the Planning Authority's commitment to undertake an analysis of the supply and demand

for tourism accommodation in the city centre, as set out in Policy Objective CEE01 of the Development Plan. In the absence of this analysis, I consider that the Planning Authority has not presented robust evidence in support of their determination. In any case, I am of the view that the proposed tourist hostel use differs to that of a hotel use as it provides for a more limited range of services. I therefore agree with the previous determination of the Board under ref. 3553/23 (ABP Ref. PL29S.317464) on this matter and do not agree with the Planning Authority that the application of Policy Objective CEE28 of the Development Plan incorporates both hotel and hostel uses, as I am of the view that they are intrinsically different forms of accommodation.

- 7.4.3. In assessing the proliferation of hostel uses in the area, I note that the Planning Officer's Report accepted that there is no overconcentration of tourist hostels in the area and the appellant has provided further evidence generated from reviews of accommodation websites, in support of this. Having reviewed the planning register for developments within 1km of the area, I am satisfied that the proposed development would not lead to an over-concentration of hostel uses in the area. I note that 1 no. proposal for tourist hostel development in close proximity (500m) to the site remains undetermined at the time of writing – (3560/24 (ABP-320119-24)). In addition, there does not appear to be an operational tourist hostel within 500m of the site.
- 7.4.4. The location of the site on an access laneway to the rear of an arterial route into Dublin City Centre proliferated by a wide range of uses, provides for an environment that would be mutually complementary to a tourist hostel use. When considered in tandem with the low proliferation of hostel uses in the area, I am satisfied that the proposed development would not compromise the character of the area and would serve to generate activity at street level. Indeed, I note the appellant's contention that the use of the site for any other use such as residential, office or retail is limited due to noise concerns and low footfall. I am therefore satisfied that the proposed development would be compliant with certain elements of Policy Objective CEE28 and Section 15.13.9 of the Development Plan.

7.5. Design & Quality of Accommodation & Impact on Residential Amenity

- 7.5.1. I note that the Planning Authority have accepted the appellant's modifications to the proposed development which have been proposed due to a previous onsite refusal

relating to the design and quality of the proposed hostel accommodation (3553/23 (ABP Ref. PL29S.317464). Whilst hostel / tourist hostel is referenced in planning legislation and regulations and in the Development Plan, there are no quantitative standards for tourist hostels to which the Board can have regard. However, Policy CEE28 of the Development Plan does provide criteria for assessment of tourist hostel development and requires that regard is had to the opportunity presented to provide high quality, designed for purpose spaces.

7.5.2. In respect of addressing previous concerns relating to the design and quality of hostel accommodation, I note that the appellant has proposed the following changes to the proposed development:

- Drawing no. G16.2.P3/07 (Existing/Proposed Elevation to Liberty Lane) shows that the fenestration at ground floor level is proposed to be altered. The frontage design is proposed to be altered across ground floor and first floor level.
- Drawing no. G16.2.P3/08 (North Elevation Existing and Proposed) shows 1 no. window at ground floor level to be blocked up.
- Drawing no. G16.2.P3/09 (South Elevation Existing and Proposed) shows extensive changes to the southern elevation at ground floor and first floor level, including the landscaped courtyard area.
- Drawing no. G16.2.P3/10 (East Elevation Existing and Proposed Also Front of Shed) shows some changes to the fenestration at ground and first floor level including widening of window opes and blocking up of windows.
- The ground floor and 1st floor plans show a reduced number of bedrooms and expansive 8 bed dorms resulting in a decrease in the number of proposed bedspaces from 40 to 34. The plans also show the introduction of a lift core facilitating access for disabled persons.
- The 1st floor plans show the glazing on the eastern elevation to be obscured but this is not reflected in the relevant elevational drawings. The shared toilet and showering areas are also relocated away from the stairways which is proposed to be restructured.

- The ground floor plans show an open plan area with multiple access points from the western and southern frontages. Internal subdivision is also substantially reduced.
- The proposed 3D view from Liberty Lane shows a front boundary area delineated by steel railings and plastered pillars with decorative graffiti shown on the pillars.
- The proposed 3D views also show contemporary yellow brickwork, dark grey plaster and light grey Equitone fibre cement panel external finishes, with a retractable awning to the front of the site.

7.5.3. I consider the reduced number of windows directly facing onto neighbouring boundaries to be acceptable as it improves the amenity of future guests and reduces overlooking of neighbouring properties, despite their proximity. I consider the widening of windows and the provision of a landscaped courtyard area surrounded by large windows at ground and 1st floor level to be satisfactory as this would provide greater access to natural daylight thereby enhancing the amenity of future guests. I am also of the view that the reduced internal subdivision would serve to improve the amenity of future guests as it provides for larger communal areas and spacious dorms. I also consider the provision of an internal lift core to be acceptable as this would improve the accessibility of the hostel accommodation for disabled persons. The increased interaction of the proposed development with the street also serves to better assimilate with the street frontage thereby improving the design and visual appearance of the proposed development. Accordingly, I consider the proposed changes above to improve the design and quality of the hostel accommodation by way of enhanced amenity and accessibility, increased access to natural daylight, improved visual appearance, assimilation with the street frontage and reduced overlooking of neighbouring residential units. I consider these improvements to satisfactorily address the Board's previous reasons for refusal under ABP Ref. PL29S.317464. I do not consider the proximity of nightlife activities to be of material significance due to the largely transient nature of tourist hostel guests. In the event of a grant of planning permission, I consider it necessary to impose a condition detailing the type of obscured glazing at 1st floor level along the eastern elevation, in

the interests of the residential amenity of neighbouring properties, which I do not consider to be compromised in spite of their proximity to the site.

- 7.5.4. Having regard to the foregoing, I am satisfied, subject to conditions, that the proposed development and development proposed to be retained would constitute a high quality, designed for purpose tourist hostel development, as required under Policy Objective CEE28 of the Development Plan. Although I observed a blocked up single door entrance to the rear of no.28 Wexford Street along the southern elevation within the proposed bike store/maintenance, I do not consider the proposed development to have any negative impact on this property as it can be accessed from Wexford Street to the front of the property.

7.6. Other Matters

Parking:

- 7.6.1. Drawing no. G16.2.P3/05 (Proposed Ground Floor Plan) indicates 10 no. secure cycle parking spaces to the rear of the site within the existing single storey bike store proposed for retention. No differentiation between staff and visitor cycle parking is outlined in the drawing. The Planning Authority's Transportation Section considered the number of proposed cycle parking spaces to be excessive in light of the predicted low number of staff required to operate the proposed tourist hostel, the cycle parking standards set out in Appendix 5 of the Development Plan and the tight accessibility of the bike store to the rear of the site. The projected small number of operational staff associated with the tourist hostel is outlined in the appellant's Operational & Management Plan which indicates minimal staffing of the proposed development with reliance on self-check-in and offsite maintenance. I am therefore satisfied that 2 no. secure staff cycle parking spaces would suffice, and I agree with the Planning Authority's Transportation Planning Section that the cycle parking spaces should be separated from the maintenance element of the bike store, with access to lockers and a changing area provided. I also agree that 2 no. visitor cycle parking spaces should be provided to the front of the site, as proposed by the Planning Authority's Transportation Section. In the event of a grant of planning permission, I consider it appropriate to apply conditions requiring the provision of 2 no. visitor cycle parking spaces to the front of the site and 2 no. staff cycle parking

spaces within the existing bike store proposed for retention, with appropriately segregated changing, locker and maintenance areas.

- 7.6.2. I note that no vehicle parking is provided as part of the proposed development which I consider to be typical of a tourist hostel development of this scale in such an accessible location. I am therefore satisfied with this vehicle parking approach.

Drainage:

- 7.6.3. I note that no drainage information has been submitted as part of the application. Despite this, the Planning Authority's Drainage Section have not objected to the proposed development and development proposed to be retained, subject to 1 no. condition requiring compliance with the Greater Dublin Regional Code of Practice for Drainage Works Version. In the event of a grant of planning permission, I consider it appropriate to apply a condition requiring compliance with the Planning Authority's Drainage Section requirements.

Waste Management:

- 7.6.4. I note that minimal waste management information has been submitted as part of the application. The bin store area is proposed adjacent to the proposed landscaped area in the centre of the site and the sole window serving the ground floor accessible bedroom. I do not consider this to be an acceptable location for the proposed bin store as I am of the view that its proximity to the sole window serving the ground floor accessible bedroom would be detrimental to the amenity of the occupants of said bedroom. I am therefore of the view that the proposed bin store should be located towards the front of the site within a secure compound to hide it from site and to limit accessibility to staff members. In the event of a grant of planning permission, I consider it necessary to relocate the proposed bin store to the front of the site within a secure compound, in the interests of the amenity of future guests. I also consider this location to be more accessible for the purposes of waste collection services which the appellant's Operational & Management Plan indicates are provided daily.

Archaeology:

- 7.6.5. Policy BHA26 of the Development Plan promotes the protection of RMPs. I note that the site is located within the Zone of Archaeological Constraint for Recorded

Monument DU018-020078 (Church) and DU018-020971 (Graveyard) and is also located within the Historic City Core. This infers that archaeological features could be found in this area. Notwithstanding this, I note the applicant's submitted Archaeological Impact Assessment under ref. 2113/17 which concluded that nothing of archaeological significance was found onsite. Given this and the fact that the Planning Authority's Archaeological Section did not object to the proposed development, I am satisfied that the proposed development would not negatively impact any archaeological features, subject to conditions. In the event of a grant of planning permission and given the conclusions of the appellant's previously submitted Archaeological Impact Assessment, I consider it appropriate to apply a condition requiring the notification of the Planning Authority where archaeological material is discovered during site works.

Construction & Demolition:

- 7.6.6. I note that no construction and/or demolition plan has been submitted as part of the application. I also note several conditions proposed by the Planning Authority's Environmental Health Section which largely relate to construction and demolition. I consider that these proposed conditions could be appropriately addressed by way of the application of standardised construction and demolition management conditions, if the Board were minded to grant permission. Thus, in the event of a grant of planning permission, I consider it appropriate to apply a condition requiring the submission of a construction and demolition plan, prior to the commencement of development.

Lighting:

- 7.6.7. I note that no lighting is proposed at the entrance to or along the frontage of the site on Liberty Lane. Given the nature of Liberty Lane as a rear access lane with minimal public lighting, I consider it appropriate to require street lighting to the front of the site to create a safe and visible environment for future guests. In the event of a grant of planning permission, I consider it appropriate to include a condition requiring the provision of lighting to the front of the site.

8.0 AA Screening

- 8.1.1. I have considered the proposed development and development proposed to be retained in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.1.2. The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, 3.55km from the proposed development and development proposed to be retained.
- 8.1.3. The proposed development and development proposed to be retained is located within an urban area and comprises the retention of the existing 2 storey structure and single storey bike store to the rear, modifications to the elevations and layout, change of use from retail/office to tourist hostel and all associated site works including minor demolition works to the 2 storey structure.
- 8.1.4. Having considered the nature, scale, and location of the proposed development and development proposed to be retained I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.
- 8.1.5. The reason for this conclusion is as follows:
- Small scale and domestic nature of the development.
 - The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.
- 8.1.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation

I recommend that planning permission be GRANTED for the proposed development and development proposed to be retained for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the Z5 zoning of the site, the lack of existing, consented or proposed tourist hostel uses in proximity to the site, its location within the historic city core and a zone of archaeological constraint, the design and layout, relationship to surrounding properties and the general visual appearance of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would provide for an acceptable design and quality of tourist hostel accommodation, would not negatively impact on the residential amenities of neighbouring properties or the future occupants of the development, would align with the prevailing character and setting of the surrounding area and would be in accordance with the provisions of the Dublin City Development Plan 2022-2028, particularly Policy Objective CEE28. The proposed development is, therefore, in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed development and development proposed to be retained 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 and development proposed to be retained shall be amended as follows:
 - a) Relocate the proposed bin store to the front of the site adjacent to the front boundary of the site within a secure compound.
 - b) Provision of 2 no. secure staff cycle parking spaces within the bike store to the rear of the site proposed to be retained, with segregated changing, locker and maintenance areas.

- c) Provision of 2 no. visitor cycle parking spaces to the front of the site.
- d) Confirmation of the type of obscured glazing to be implemented at 1st floor level along the eastern elevation.
- e) Street lighting shall be provided to the front of the site along Liberty Lane. Such low-level lighting shall be designed as such to be fixed downwards, shall not be affixed to neighbouring properties and shall be provided prior to the operation of the development.

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 interests of visual and residential amenity.

3. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

5. If, during the course of site works any archaeological material is discovered, the City/County Archaeologist/Planning Authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

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

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which

shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

7. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity

8. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

10. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Line in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Conor Crowther
Planning Inspector

10th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319461-24		
Proposed Development Summary	Retention and completion of modifications including demolition. Retention of store. Change of use to tourist hostel and all associated site works.		
Development Address	10/11 Liberty Lane, Dublin 8		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	<input checked="" type="checkbox"/>	Class 10(b)(iv) [Urban Development] where the mandatory thresholds are 2ha, 10ha or 20ha depending on location.	Proceed to Q3.
No	<input type="checkbox"/>		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>		
No	<input checked="" type="checkbox"/>		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	0.03ha/5ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: Conor Crowther Date: 10th April 2025

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319461-24
Proposed Development Summary	Retention and completion of modifications including demolition. Retention of store. Change of use to tourist hostel and all associated site works.
Development Address	10/11 Liberty Lane, Dublin 8
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development has a modest footprint, comes forward as a standalone project, confines works within the boundaries of the site, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated in an urban area on a brownfield site consisting of a 2-storey structure located within the historic city core. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the City Development Plan.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Having regard to the relatively modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)