

3. Máire Devine,
4. Dermott Hayes,
5. Father Paddy O'Reilly,
6. Jack Roche,
7. James Madigan,
8. Ken Fitzgerald and others,
9. Anthony Redmond.

Date of Site Inspection

16th January 2025

Inspector

Catherine Hanly

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued by Dublin City Council on the 9th July 2024 subject to 4no. conditions.
- 3.1.2. Condition no. 3 requires the development to comply with the conditions and duration of Planning Ref. **4262/19**, as amended by ABP Ref. **308627-20**. I note that the ABP reference number which has been included for the amendment application is incorrect and should state ABP Ref. **309781-21** (as correctly stated in the public notices).
- 3.1.3. Condition no. 4 requires that the windows on the northern elevation shall be omitted and replaced with obviated windows.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The proposed plans do not reflect the amendment required under condition no.2 of ABP Ref. **309781-21** and Planning Authority ref. no. **4017/20**. Condition no. 2 required the replacement of standard windows on the northern elevation with obviated windows. It is recommended that this condition be repeated on any permission.
- The relocation of the bar from the lower ground floor level to the ground floor level remains compliant with the *Dublin City Development Plan 2022 – 2028 (Dublin CDP)* which requires a mix of uses onto the street level under section 15.12.1.1. The bar and restaurant uses would become amalgamated and would provide sufficient engagement with the street level.
- The elevational changes are unlikely to impose a negative visual impact on the wider area.
- The increase in height by 0.58m to cater for lift overruns is unlikely to impact negatively on the visual amenity of the Thomas Street ACA, St Catherine’s Church and Grotto or the surrounding area. The increase in height is

considered minimal and unlikely to affect sunlight, daylight, cause overshadowing or undermine the streetscape.

- The modifications include the re-location of the refuse storage room from the basement to ground floor level, near to the new access from Molyneux Yard. The revised location is acceptable.
- The Conservation Officer requested that the applicant submit a heritage impact assessment which would examine the impact of the amended development on the Grotto. The Planning Authority determined that having regard to the fact that the amendments proposed are of a minor nature and that the principle of a hotel on the site is already established, that the request for a heritage impact assessment is unreasonable.
- A full Appropriate Assessment of the project is not required
- The amendments will have no adverse negative impacts on the surrounding streetscape or visual amenity of the area. The development is consistent with the zoning.

3.2.2. Other Technical Reports

- Archaeological Report: Recommends the inclusion of condition no. 13 from ABP Ref. **397781-21** and Reg. Ref. **4017/20**, which required an Archaeological Impact Assessment.
- Conservation Report: Recommends requesting Additional Information in relation to a heritage impact assessment which would examine the impact on the Grotto at St Catherine's Roman Catholic Church.
- Drainage Report: No objection. Recommends the inclusion of 2no. conditions.
- Transportation Planning Report: No objection subject to the inclusion of 4no. conditions.

3.3. Prescribed Bodies

- 3.3.1. An observation was received from An Taisce, which considers that the development represents an overdevelopment of the site. In addition to the issues referenced in the grounds of appeal and the Third-Party observations, the issues include the following:

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 – see also Chapter 12, Objective CUO38.’*

5.5. Chapter 11: Built Heritage and Archaeology

5.5.1. Policy BHA7:

‘It is the policy of Dublin City Council:

Architectural Conservation Areas

(a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which

- Structural Damage
 - The appellant is concerned that their historic buildings will be structurally damaged by the proposed development. The Lark Inn buildings date to c. 1680 AD and has a strong commitment to the community.
- Consultation
 - The developer has not engaged with the appellant or shown them a detailed schedule of works.
- Planning Process
 - The appellant’s concerns have not been taken into account by the Planning Authority.

6.2. Applicant Response

6.2.1. The applicant’s response to the grounds of appeal can be summarised as follows:

- Structural Damage
 - The amendments include internal configuration of floor areas and minor adjustments to external elevations. The principle of a hotel on the site has already been established. The proposed works would not increase the footprint of the building.
 - A response has been submitted from Barrett Mahony Consulting Engineers who have stated that the development “*will not increase the impact on the structural integrity of the properties at No’s. 79-81 Meath Street and that the findings of the two impact assessment reports will not change as a result of the proposed amendments*”.
 - A Noise and Vibration Impact Assessment accompanied the parent permission under Ref. **4262/19**. Section 4.1.2 of the report states “*Considering the low vibration levels at close distances to the piling rigs, vibration levels are not expected to pose any significance in terms of cosmetic or structural damage to buildings in proximity to the development works. In addition the range of vibration levels is typically below a level which would cause any disturbance to occupants of adjacent buildings*”.

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

Inspector: _____ **Date:** _____

	waste generated would be significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use.	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed development consists of a hotel with 235 no. bedrooms and is therefore not considered exceptional in the context of neighbouring buildings.</p> <p>Owing to the serviced urban nature of the site, I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the</p>	<p>The application site is not located in or immediately adjacent to any European site.</p> <p>The closest Natura 2000 site is the South Dublin Bay Special Area of Conservation (site code 000210), South Dublin Bay Proposed Natural Heritage Area (site code 000210) and South Dublin Bay and River Tolka Estuary Special Protection Area</p>	No

area, including any protected structure?	(site code 004024) which are located 4.3km from the site.	
Conclusion		
There is no real likelihood of significant effects on the environment.		
EIA is not required.		

Inspector:

Date: