



An
Bord
Pleanála

Inspector's Report

ABP-320598-24

Development

PROTECTED STRUCTURE:

Retention of change of use of ground floor from retail (as permitted under Dublin City Council Reg. Ref. 2343/14) to licensed premises with food service.

Location

Dollard House, 2-5 Wellington Quay and 1-5 Essex Street East, Dublin 2

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3796/24

Applicant(s)

Keywell DAC

Type of Application

Retention Permission

Planning Authority Decision

Dublin City Council

Type of Appeal

First Party

Appellant(s)

Keywell DAC

Observer(s)

None

Date of Site Inspection

17th October 2024

Inspector

Gerard Kellett

1.0 Site Location and Description

- 1.1.** The subject site relates to Dollard House, 2-5 Wellington Quay and 1-5 Essex Street East, Dublin 2, which is a Protected Structure (DCC Reg. Ref. No. 8360), located on the south side of Wellington Quay. The subject building was built as a printing works in 1888. From 1980-2016 it was in use as offices. In 2005 it was acquired and used as an enlargement to the Clarence Hotel to the east. In 2014, the basement, ground and first floors were subject of a conversion from offices to use as a food hall and restaurants. The subject site relates only for the ground floor level of Dollard House, extending through the premises from north to south. The ground floor of the building is currently in use as a public house called the 'The Giddy Dolphin.'
- 1.2.** The site is located to the western end of Temple Bar, bounded by Essex Street East to the south, Wellington Quay and the River Liffey to the immediate north. To the east is the Clarence Hotel. Parliament Street is to the west. The subject building is located within the Liffey Quays Red Hatch Conservation Area. The surrounding area is defined by a mix of retail, restaurant/café, office and residential uses.

2.0 Proposed Development

- 2.1.** Permission is sought for retention permission of change of use of ground floor from retail (as permitted under Dublin City Council Reg. Ref. 2343/14) to licensed premises with food service. The total floor area has a stated area of 761sqm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused retention permission on the 24th of July 2024 for the following reason(s):

1. Overall, in line with Development Plan Objectives CUO16 & CUO18, the Applicant has not demonstrated how the proposal will not erode or directly negatively impact

on cultural or artistic facilities within the Temple Bar area or complement the role of Temple Bar as a mixed use cultural quarter or avoid the concentration of particular uses and retail facilities which would re-inforce particular activities in the area to the detriment of the cultural, residential and social functions of the area. In addition, as per Dublin City Development Plan Chp15.14.12, the proposed retention of the licensed premises in its current format would constitute a 'superpub' which is discouraged and would add to an over-concentration of licensed premises in the immediate area, which would be detriment of other uses in the locality. On balance, the proposed development would undermine the character of the subject site, the streetscape and the amenities of nearby residents, would result in an undesirable precedent for similar type development, would depreciate the value of property in the vicinity and, as such, would be contrary to the proper planning and sustainable development of the area.

2. The unauthorised change of use and associated internal and external alterations have had an adverse impact on the shopfront, planform and fabric of the building, resulting in further erosion of its special architectural character. The proposed retention would contravene Section 11.2.1 of the Department of Housing, Local Government and Heritage's Architectural Heritage Protection Guidelines, Policies BHA2 (b, c, d, e, f, h) of the Dublin City Council Development Plan 2022-2028 and the Shopfront Design Guide and would set an undesirable precedent.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report forms the basis for the decision to refuse permission stating:

- The applicant has not demonstrated how the proposal will not erode or directly negatively impact on cultural or artistic facilities within the Temple Bar area or complement the role of Temple Bar as a mixed use cultural quarter and avoid the concentration of particular uses and retail facilities which would re-inforce particular

activities in the area to the detriment of the cultural, residential and social functions of the area.

- The proposed retention of the licensed premises in its current format would constitute a 'superpub' which is discouraged and would add to an over-concentration of licensed premises in the immediate area, which would be detriment of other uses in the locality.
- The resultant changes to the window have resulted in a pastiche and cluttered appearance. The Conservation Officer is also of the opinion that the proposed retention would result in further erosion of the special character of the Protected Structure. On balance, the proposed development would undermine the character of the subject site, the streetscape and the amenities of nearby residents, would result in an undesirable precedent for similar type development, would depreciate the value of property in the vicinity and, as such, would be contrary to the proper planning and sustainable development of the area.

The report also provides a description of the site, indicates the planning history, identifies the land use zoning designation and associated policy context from the Dublin City Development Plan 2022-2028. No concerns with respect to AA or EIA were raised.

3.2.2. Other Technical Reports

Conservation Officer – Recommended Refusal

- Works to the Interior – The submitted planning consultant's report states that no structural alterations of works to the premises were carried out and there have been no changes to the layout, elevations or sections. This is incorrect. The submitted plans indicate that there have been changes made to the ground floor layout from that granted under DCC Reg. Ref. 2343/14. These include the enlargement of the toilet areas on the east side of the ground floor, the removal of food counters and centrally located café servery, their replacement with a large bar counter that extends much of the ground floor as well as the erection of partitions. The erection of partitions has masked the original cast iron columns which are

considered to form part of the special architectural character of the structure. The erection of partitions also impacts on the historic plan form and legibility of the ground floor.

- In relation to the enlargement of the toilet facilities and installation of a new bar that extends across a significant portion of the floor structure, the works incurred to convert this café / deli to a bar would have resulted in a significant increase in the number of service routes across the structure, impacting on the historic fabric of the building, further eroding its special character.
- Detailed drawings that illustrate the location of service risers, drainage, water supply and ventilation routes to servery / bar / kitchen areas and internal bathrooms have not been identified as part of this retention permission. Services have great impact on the fabric and integrity of historic structures. Drawings that accurately describe the previous and the current services arrangements are a fundamental requirement of any considered and sympathetic refurbishment proposal. The retention of the change of use and the works carried out to date would set an undesirable precedent for similar developments in the city. The CO therefore recommends a refusal.
- The signage which was removed from the fascia was not original to the building. The replacement signage complies with Section 15.17.5 of the Development Plan, the Dublin City Council's Shopfront Design Guide (DCC 2001) and the O'Connell Street Area Shopfront Design Guidelines (DCC 2003). In relation to the projecting signs on Essex Street and Wellington Quay, The Shopfront Design Guide (DCC 2001, p25) states: 'In general, projecting signs will not be permitted in order to avoid clutter in the streetscape'. The signs are contrary to the Shopfront Design Guidelines and are not supported by the CO.

Environmental Health Officer – Conditions recommended.

Drainage Division – No object subject to conditions.

3.3. Prescribed Bodies

- Irish Water: No comments received.
- National Transport Authority (NTA): No comments received.

- Failte Ireland: No comments received.
- An Chomhairle Ealaíon: No comments received.
- An Taisce: No comments received.
- Department of Housing, Local Government and Heritage: No comments received.
- Heritage Council: No comments received.
- Transport Infrastructure Ireland (TII): Section 49 Supplementary Development Contribution Scheme – Luas Line Levy should apply if not exempt.

3.4. Third Party Observations

One third-party submission was made on the application from Declan O'Brien of Temple Lane South, Dublin, making the following planning points:

- The initial approval was contingent on the ground floor being used solely for retail purposes.
- The premises is unauthorised as it has been transformed into 'The Giddy Dolphin' after a number of years trading as a retail outlet. The premises is now among Temple Bar's super-sized pubs with a floor space of 1088sqm now given over to pub use.
- This application will further erode the diversity of retail in the area. There is already an over-saturation of licensed premises in the Temple Bar.
- Granting this expansion will further tip the balance away from the eclectic mix of business outlets that defines the area.
- Temple Bar's status as a mixed-use cultural quarter relies on maintaining a diverse range of activities and amenities. The planned increase in floor space for the licensed premises intensifies the concentration of similar uses, which will detract from the cultural, residential, and social functions that the area supports.
- Dollard House, with its proximity to Parliament Street, the Quays, Temple Bar and the newly pedestrianised Capel Street could play a key role in the vitality of retail in the area.
- Keeping the permitted core retail use with the emphasis on artisan products required by the original planning permission will allow for a thriving retail and market environment.

4.0 Planning History

PA REF: 3325/19 – Permission granted in January 2020 for the following: (a) Interconnection of second, third and fourth floors of Dollard House with the half-landings of a late twentieth century internal staircase of The Clarence Hotel and the construction of a lightweight bridging structure/corridor in the Clarence Hotel at aforementioned three levels to connect through new openings in the external cladding of a late twentieth century stairs located in an internal light well, with lightweight cladding to match; (b) Dollard House only: change of use of second, third and fourth floors from vacant offices to hotel use, comprising 56 bedrooms and ancillary spaces. Dollard House was originally interconnected to and formed part of The Clarence Hotel on these three levels: the construction of new lightweight stud partitions, doors and ceilings forming bedrooms and corridors; the forming of openings at second, third and fourth floor levels in the east wall, (which had previously existing window openings); the reinstatement of a window opening on the south elevation of the north wing at second floor level; replacement of the existing late twentieth century aluminium windows with historically appropriate timber framed windows to the north elevation facing Wellington Quay and steel framed windows to the window openings facing the internal light well and the south elevations facing East Essex Street.

PA REF: 3105/18 – Permission granted in August 2018 for Retention permission of seven traditional retractable external fabric sunblinds (approx. 1300mm high when open and 1900mm wide) to the ground floor shop windows on the south side, (facing East Essex Street)

PA REF: 2343/14 – Permission granted in August 2014 for Change of use of the basement, ground and first floors of 1 East Essex Street and Dollard House, 2-5 Wellington Quay, Dublin 2 and 2-5 East Essex Street, Dublin 2 (a Protected Structure) from office use to a retail outlet with ancillary restaurant on all three floors adjoining Wellington Quay with access from both streets and a micro-craft brewery and bar & restaurant with ancillary visitor centre, tasting area, exhibition space on all three floors adjoining East Essex Street. There will be new timber doors and shopfronts with canopies and signage to Wellington Quay, and new metal windows and doors, one

with a sign over at 2-5 East Essex Street. A new opening (void) will be formed in the ground floor. There will be a new internal courtyard at first floor level available for both uses. The floor area for the retail unit will be 1088 Sqm and the micro-craft brewery/bar & restaurant will be 717 Sqm. 338 Sqm of existing car parking in the basement with access from East Essex Street, will be maintained.

Notable condition(s)

Condition No.2 restricted the entire ground floor to be use for retail with ancillary coffee dock and shall have an emphasis on artisan products i.e. fresh produce including meat, fish, cold meats, cheeses, baked goods and produce typically found in a delicatessen, and shall not be used as a general supermarket/convenience offer.

Adjoining Landholding Planning Permission

PA REF: 4813/23 – The Clarence Hotel – Split decision issued by the Planning Authority on January 2024 for **grant of retention permission** for enlargement of existing opening, and formation of a new opening in oak panelled wall between front lounge and entrance hall; **refuse permission** for lowering of cills of 4 no. square-headed and 1 no arch-headed window to the ground floor front (north) façade, and the extension of the original window and door frames to fit the new enlarged openings (incorporating redundant vent opening to the basement); reinstatement of 5 no brass railings from original cill to new cill positions; **refuse retention permission** for recoating with paint of external surface of ground floor window and door frames, in lieu of previous clear coating and the removal of the lead comes to the ground floor windows and their re-glazing with safety glass – Subsequent first party appeal lodged in relation to the refused elements. The Board issued a grant of retention permission.

PA REF: 1394/07 - Permission was granted in July 2008 by the Planning Authority and upheld on appeal for the erection of a new and enlarged Clarence Hotel involving: (a) The demolition of all the structures on the site other than the facades south of Wellington Quay including the existing structures behind the Wellington Quay facade of: Dollard House at 2-5 Wellington Quay; the Clarence Hotel at 6-8 Wellington Quay and 9-12 Wellington Quay; together with the demolition of existing mid to late twentieth century structures at the rear of nos 9, 10 and 12 Wellington Quay, mews and link at

the rear of no 11 Wellington Quay, the existing single storey garage and stores over basement at no 8 Essex Street East; the existing temporary stores on roof of no 8 Essex Street and nos 9 and 10 Essex Street East. (B) Excavation of all the existing basements in the above structures which are to be demolished. (C) Removal of the penthouse of the Clarence Hotel and of the roofs to 9-12 Wellington Quay together with part of the roof of Dollard House; conservation and repair of existing shopfronts at 9 - 12 Wellington Quay; enlargement of existing window openings to the Clarence Hotel; conservation and restoration of the remaining facades of Dollard House nos 2-5 Wellington Quay, the Clarence Hotel, nos 6-8 Wellington Quay and nos 9 - 12 Wellington Quay. (D) Construction of a new hotel complex at 2 - 1 Wellington Quay and 2 - 10 Essex Street East with access from both streets consisting of; plant rooms, stores, car parking and service areas at basement, with a goods lift from Essex Street East; a spa, pool and conference facilities and service areas below ground; restaurants, bar, retail, hotel reception and service areas at ground level; 141 hotel bedrooms and suites in five floors over ground (six storeys) on Wellington Quay and six floors over ground (seven storeys) on Essex Street East; an atrium (the skycatcher) bringing light and natural ventilation into the interior from pool level to roof level; a glazed rooftop bar/restaurant/lounge; the proposed hotel will be a total of nine storeys or 30.6 metres over ground with balconies overlooking both Wellington Quay and Essex Street East and roof terraces at the seventh and ninth floors; a total of 40 car spaces and 36 bicycle spaces will be provided and the total floor area will be 20,741m², including car parking and external plantroom. (E) The reconstruction and restoration of the front rooms of nos 9 - 12 Wellington Quay from first to third floor inclusive including reuse of existing interior elements. An EIS was submitted with the application.

Enforcement Notice:

E0999/23: Breach Conditions of planning reference 2343/14. Section 154 Order issued on 18 January 2024.

E0715/23: Alleged wall mounted illuminated signage on Essex St East façade. File closed as signage removed.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2022 – 2028 is the relevant Development Plan for the subject site.

The subject site is zoned “Z5” – (City Centre) which the objective is *‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’*.

The subject site is listed as a Protected Structure (DCC Reg. Ref. No. 8360).

The subject site is located within the ‘Liffey Quays Red Hatch Conservation Area.’

Chapter 7 – The City Centre, Urban Villages and Retail

Policy CCUV12: Shopfront Design

Policy CCUV30: Cafés / Restaurants

Policy CCUV32: Outdoor Dining Proposals

Policy CCUV35: Nighttime Economy

Chapter 11 – Built Heritage & Archaeology

Policy BHA2: Development of Protected Structures

Policy BHA4: Ministerial Recommendations

Policy BHA7: Architectural Conservation Areas

Policy BHA9: Conservation Areas

Section 11.5.1 The Record of Protected Structures

Section 11.5.2: Architectural Conservation Areas

Chapter 12 – Culture

Policy CU10 (Temple Bar Cultural Hub): *To support the role of Temple Bar as cultural hub within the south city and to prevent the erosion of the range of cultural and artist facilities and spaces and protect these for continued cultural purposes.*

Objective CUO16 (Planning Applications within Temple Bar): *Require that all planning applications within Temple Bar that are in proximity to or that are deemed to directly impact on cultural or artistic facilities, must demonstrate how any such planned development will not erode or restrict the functioning of such spaces.*

Objective CUO17: Variety and Diversity of Retail of Temple Bar

Objective CUO18 (Temple Bar as a Mixed-Use Cultural Quarter): *To seek to maintain the role of Temple Bar as a mixed-use cultural quarter and avoid the concentration of particular uses and retail facilities which would re-inforce particular activities in the area to the detriment of the cultural, residential and social functions of the area. There will be a presumption against further expansion of floor space for licenced premises, or the sale of food or alcohol for consumption off the premises, and any application will have to demonstrate how such expansion will not have a detrimental impact on the character of the area. Any further expansion of restaurant floor space will be assessed on a case by case basis and will also be required to demonstrate how such an expansion will not have a detrimental impact on the character of the area.*

Chapter 15 – Development Standards

Section 15.14.7.2 Restaurants/Cafes

Section 15.14.12 (Night Clubs/Licenced Premises/Casinos/Private Member Clubs): *In recognition of the importance of Dublin as a thriving and multi-dimensional capital city, there is a need to facilitate the concept of the 24-hour city, particularly in the city centre and other key urban villages.*

Dublin City Council will encourage entertainment/cultural/music uses which help create an exciting city for residents and tourists alike.

There is a need to strike an appropriate balance between the role of these entertainment uses in the economy of the city and the following:

- To maintain high-quality retail functions on the primary city centre streets and ensure a balanced mix of uses.*
- To protect the amenities of residents from an over-concentration of late night venues.*
- Noise emanating from and at the boundaries of these establishments are issues which will need to be addressed in planning applications for such establishments. Noise insulation and reduction measures, especially relating to any mechanical ventilation or air-conditioning, will be required to be submitted with any such planning application.*
- To minimise the impact and street presence of casinos / members clubs. Therefore, there will be a general presumption against inappropriate advertising for casinos / gambling/ members clubs.*

The development of 'superpubs' will be discouraged and the concentration of pubs will be restricted in certain areas of the city where there is a danger of overconcentration of these to the detriment of other uses. In cases where new uses, including uses such as casinos and private members' clubs, or extensions to the existing use are proposed, the onus is on the applicant to demonstrate that such proposed development will not be detrimental to the residential, environmental quality or the established character and function of the area.

Matters that shall be taken into account by the planning authority in assessing planning proposals for these uses and extensions to such uses include, but are not limited to the following:

- The amenity of neighbouring residents and occupiers.*
- Hours of operation.*
- Traffic management.*
- Shop frontage treatment and impact on streetscape.*
- Proposed signage.*

5.2. Section 28 Guidelines

Architectural Heritage Protection Guidelines for Planning Authorities (2011). These guidelines outline the responsibilities of the Planning Authority in preserving the character of protected structures and conservation areas within their functional area.

5.3. Natural Heritage Designations

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- South Dublin Bay and River Tolka Estuary SPA (004024) 3.1km to the east of the subject site.
- The North Bull Island SPA (004006) 6.2km to the east of the site.
- North Dublin Bay SAC (000206) 6.2km to the east of the site.

5.4. EIA Screening

Refer to Appendix 1 – Form 1. Having regard to the proposed development, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended), and as such preliminary examination or an Environmental Impact Assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal has been lodged against the decision of Dublin City Council to refuse planning permission. The grounds of appeal can be summarised as follows:

- Works to the Protected Structure to date have not been carried out by the current owner.
- It is the intention of the current owner to prepare a future planning application to Dublin City Council for the comprehensive conservation, refurbishment and re use of both Dollard House (subject site) and the adjoining Clarence Hotel.
- The existing use (public house and ancillary restaurant) is a permitted use under the Z5 zoning.
- A microbrewery, restaurant and hotel use have been permitted at the upper floors of this premises.
- A decision to refuse permission for the existing use will simply lead to the closure of the premises and loss of current employment, would remain vacant and inactive.
- The applicant would accept a temporary condition by the board that the existing use be allowed to continue until such time as planning permission for the reuse of Dollard House (including the ground floor) as a hotel with ancillary facilities in connection with the Clarence Hotel is secured. Possibly 2-3 years.

6.2. Planning Authority Response

None received.

6.3. Observations

None

7.0 Assessment

Having examined the application details and all other documentation on file, including the submission received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Policies & Objectives of Temple Bar
- Built Heritage
- Other Matters

7.1. Principle of Development

- 7.1.1. The subject site is zoned “Z5” – (City Centre) as per the Dublin City Council Development Plan 2022 – 2028 which has the objective, *‘To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’*. The primary purpose of the sites ‘City Centre - Z5’ zoning is to sustain life within the centre of the city through intensive mixed-use development that will sustain the vitality of the inner city both by day and night. As outlined in section 14.7.5 City Centre – Zone Z5 of the Development Plan states a ‘public house’ and ‘restaurant’ are permissible uses having taken the zoning matrix into consideration. Therefore, I am satisfied that a ‘public house’ and restaurant’ in principle are acceptable uses in this zoning, subject to other considerations as detailed below.

7.2. Policies & Objectives of Temple Bar

- 7.2.1. Notwithstanding 7.7.1 above, the Planning Authority in their reasons for refusal stated the proposed development would be contrary to objectives CUO16 & CUO18 of the Development Plan. These objectives are specific to the Temple Bar area. Objective CUO16 states, *“Planning Applications within Temple Bar ..., must demonstrate how any such planned development will not erode or restrict the functioning of such spaces”* (my emphasis) and Objective CUO18 seeks, *“To seek to maintain the role of*

Temple Bar as a mixed use cultural quarter and avoid the concentration of particular uses and retail facilities...There will be a presumption against further expansion of floor space for licenced premises...and any application will have to demonstrate how such expansion will not have a detrimental impact on the character of the area (my emphasis).

- 7.2.2. The proposal seeks permission for retention of a 761sqm licenced premises with food service consumption on site from a previous retail (artisan delicatessen and coffee dock) use. The above objectives in my view are clear that there will be a presumption against further expansion of floor space for licenced premises in order to maintain the role of Temple Bar as a mixed-use cultural quarter and also to avoid the concentration of particular uses and retail facilities and specifically states any planning application to the Planning Authority has to demonstrate how such an expansion will not have a detrimental impact on the character of the area.
- 7.2.3. The grounds of appeal state that a public house and restaurant use are permitted in principle uses in this area and I acknowledge the applicant's view. However, it is my opinion having regard to the information provided with this application that the applicant has not sufficiently demonstrated how this licensed premises with food service, having regard to the Temple Bar objectives above would not have a detrimental impact on the character of the area. The onus is on the applicant to demonstrate compliance with the Development Plan Objectives, and I am of the view the applicant has failed to justify the additional floor space or quantified the concentration of licensed premises in the area and as such has not clearly demonstrated that the proposed development complies with objective CUO16 of the Dublin City Council Development Plan 2022 – 2028.
- 7.2.4. I am of the view that it has not been clearly demonstrated that the development to be retained would not likely negatively impact on the character of the Temple Bar area as a mixed-use cultural quarter or avoid the concentration of particular uses and retail facilities as required under objective CUO18 of the Dublin City Council Development Plan 2022 – 2028.

- 7.2.5. The applicant also in their grounds of appeal argue that the pub use would complement a 'micro-brewery' permitted on the upper floor of the existing building granted under DCC Ref: 2343/14. However, at the time of my visit it was apparent that no such use had been implement under planning ref: 2343/14 which expired June 2019.
- 7.2.6. The Planning Officer in their report and the grounds of appeal makes reference to the term super pub. I have reviewed the Dublin City Council Development Plan 2022 – 2028 and found no definition of a super pub in planning. Section 15.14.12 of the plan references a super pub. I also note the glossary page at the rear of the plan containing various definitions, yet a super pub is not defined, nor are any criteria set out in the development plan that would guide prospective applicants as to what would constitutes a super pub. Therefore, in the absence of a clear definition in the current Development Plan the term 'super pub' is open to interpretation.

7.3. Built Heritage

- 7.3.1. The issue with regard to unauthorised works to the Protected Structure were a reason for refusal by the Planning Authority. The grounds of appeal indicate the owner acquired the building in 2024 and that works to the Protected Structure to date have not been carried out by the current owner. The applicant states they are in the process of engaging with the Planning Authority to submit a planning application for the future conservation and refurbishment of the existing building with the adjacent Clarence hotel as a whole.
- 7.3.2. I have regard to the development description before me that being the '*retention of change of use of ground floor from retail (as permitted under Dublin City Council Reg. Ref. 2343/14) to licensed premises with food service*'. The alleged unauthorised works in my view are a matter for the Planning Enforcement Section of Dublin City Council and not a matter for the board to consider in this instance.
- 7.3.3. Notwithstanding, I note the Council's Conservation Officer's report and concerns regarding alleged unauthorised works to the Protected Structure from that granted under DCC Reg. Ref. 2343/14 and details the following internal works and signage undertaken to the building:

- *the enlargement of the toilet areas on the east side of the ground floor,*
- *the removal of food counters and centrally located café servery, their replacement with a large bar counter that extends much of the ground floor as well as the erection of partitions.*
- *The erection of partitions has masked the original cast iron columns which are considered to form part of the special architectural character of the structure. The erection of partitions also impacts on the historic plan form and legibility of the ground floor.*
- *the works incurred to convert this café / deli to a bar would have resulted in a significant increase in the number of service routes across the structure, such as service risers, drainage, water supply and ventilation routes to servery / bar / kitchen areas and internal bathrooms. No details have been provided.*
- *the projecting signs on Essex Street and Wellington Quay are contrary to the Shopfront Design Guidelines and are not supported by the Conservation Officer.*

7.3.4. I have reviewed the permitted ground floor plan under PA ref:2343/14 and the ground floor plan which are the subject of the current appeal before the Board, which I consider to be acceptable. It is my opinion the works permitted to the ground floor in 2014 compared to works carried out today are modern additions and, in my view, are replacing 'new' with 'new', would be reversible works with no structural or physical alterations carried out on the historic fabric of the existing building. If the Board were minded to grant permission details regarding service routes across the structure and signage as referred by the Conservation Officer could in my opinion be addressed through an appropriate condition.

7.4. Other Matters

7.4.1. In note the applicant in their grounds of appeal indicate that a decision to refuse would lead to simply a closure of the premises and loss of current employment. This in my view this is irrelevant and not related to planning.

8.0 Appropriate Assessment Screening

Refer to Appendix 2. Having regard to nature, scale, and location of the proposed development and nature of the receiving environment and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that retention permission should be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to the Dublin City Development Plan 2022 – 2028, the Z5 zoning objectives (City Centre), Section 15.14.12 (Night Clubs/Licensed/ Premises/ Casinos/Private Member Clubs) and objectives CUO16 and CU018 which specifically relate to the Temple Bar area, it is considered based on the information submitted that the applicant has not demonstrated the development to be retained would not erode or directly negatively impact on cultural or artistic facilities within the Temple Bar area or complement the role of Temple Bar as a mixed use cultural quarter or avoid the concentration of particular uses and retail facilities which would reinforce particular activities in the area to the detriment of the cultural, residential and social functions of the area. The development to be retained 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 person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Gerard Kellett

Planning Inspector

29th November 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála	320598-24		
Case Reference			
Proposed Development Summary	PROTECTED STRUCTURE: Retention of change of use of ground floor from retail (as permitted under Dublin City Council Reg. Ref. 2343/14) to licensed premises with food service.		
Development Address	Dollard House, 2-5 Wellington Quay and 1-5 Essex Street East, Dublin 2		
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	
		No	√
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			
No	√		No further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required. (Form 2)
5. Has Schedule 7A information been submitted?			
No	√	Screening determination remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____ Date: _____

Appendix 2

AA Screening

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The site is not located within or adjacent to any designated Natura 2000 site. The nearest Natura 2000 site(s) are as follows:

- South Dublin Bay and River Tolka Estuary SPA (004024) 3.1km to the east of the subject site.
- The North Bull Island SPA (004006) 6.2km to the east of the site.
- North Dublin Bay SAC (000206) 6.2km to the east of the site.

The development is located within a city centre location comprises the *Retention of change of use of ground floor from retail to licensed premises with food service*.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The 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.

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.