



An
Bord
Pleanála

Inspector's Report

ABP-320481-24

Development	Internal amendments to permitted hotel development. Provision of new stair core, reduction from 265 to 235 bedrooms, minor increase in building height, with all associated works.
Location	Lands at Molyneux Yard and Engine Alley and site to the rear of No. 83 Meath Street, Dublin 8 (the site includes No. 75 Molyneux Yard).
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3687/24
Applicant(s)	Midsal Homes Limited.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Byrne and Noeleen Mooney
Observer(s)	1. Noel Fleming and others, 2. An Taisce,

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

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1.0 Site Location and Description

- 1.1. The subject site is located in the Liberties area of Dublin City Centre. The site is positioned to the west of Molyneux Yard, to the north of Engine Alley and to the south of St. Catherine's Church, which is a Protected Structure. The site generally comprises the area to the rear of the properties fronting onto Meath Street (Nos. 76 – 83) to the west and Alley Haven residential units to the south which front onto Engine Alley. The general area enjoys a mix of uses including commercial onto Meath Street and residential to the south-west.
- 1.2. To the east of Molyneux Yard, there is a hard surfaced area which is fenced and laid out for use as a basketball court. Vicar Street Music Centre is located to the north of the basketball court, and to the north-east of the site. The four storey Michael Mallin House apartments are located to the east of Vicar Street. A children's playground is located to the south of the apartment development. To the south of Engine Alley, there is a mixture of four storey apartment buildings and two storey terraced housing.
- 1.3. The site measures 0.14 ha. The site is enclosed to the east by high walls, gates and fencing fronting onto Molyneux Yard. The site has been cleared and contains some construction related material and rubbish.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Amendments to the permitted hotel development under ABP. Ref. **PL29S.309781** and Planning Authority Ref. No. **4262/19**.
 - The development will consist of the provision of a new stair core and amendments to the layout of all permitted stair cores as required for the fire safety certificate.
 - This will result in an increase in the floor area by c. 8 sq.m, a reduction in the number of hotel bedrooms from 265 no. to 235 no. bedrooms, a minor increase in the maximum height of the building by 0.58 metres to cater for the lift overruns, minor revised elevations treatments, internal changes to the permitted internal layout and all associated works.

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:

- The development will impact the curtilage of St Catherine's Church, which is a Protected Structure.
- The Grotto is at risk of being overlooked by 2 no. hotels, including the subject application and potentially the Vicar Street Hotel.
- The application site is located within the Thomas Street and Environs Architectural Conservation Area (ACA). The ACA should be protected.

3.4. Third Party Observations

3.4.1. 18 no. Third-Party observations were received by Dublin City Council (DCC). The issues include the following:

- Planning Applications
 - The quantity of planning applications is causing stress to the community and difficult to follow.
 - The application does not reference the 4,619 signatures included in the petition against the Molyneux Hotel in 2021 (ABP Ref. **309781-21**).
 - Concern that fire safety was not considered in the original application.
- Height
 - The development will obliterate the view of John's Lane Church.
- Impact on the existing environment
 - Concern regarding the impact of the development on the Grotto, which is a sacred space. No images of the impact have been submitted.
 - The impact of the new stair core on the privacy of surrounding homes should be examined.
 - An updated daylight study is required.
 - The development will be overbearing.
 - The working-class community in the area is being affected by luxury accommodation.

- There is an over concentration of hotels, student accommodation, build to rent, co-living, Air BnBs in the area.
- Additional information regarding the photomontages is required.

4.0 Planning History

4.1. Planning history for the site:

- **ABP Ref. 309781-21 and Ref. 4017/20.** Amendments to a permitted hotel under Ref. **4262/19**. 2021 **Grant** on the 17th November 2021 following First-Party appeal. The permitted scheme provides for 265 no. bedrooms. Condition no. 2 requires that the standard windows on the northern elevation are replaced with obviated windows. Condition no. 3 requires the permission to be completed in accordance with ref. **4262/19**. As ABP ref. **309781-21** is an amendment of Ref. **4262/19**, I estimate it will expire on the 28th January 2026, taking into account 5 no. years and 45 no. days as per section 251 of the Planning and Development Act (as amended) and 56 days in accordance with Section 251A of the Planning and Development Act 2000 (as amended).
- **Ref. 4262/19.** Construction of a 1 – 8 no. storey hotel providing 261 no. bedrooms. 2020 **Grant** on 19th October 2020. The permitted scheme provides for 244 no. bedrooms. I estimate Ref. **4262/19** will expire on the 28th January 2026, taking into account 5 no. years and 45 no. days as per section 251 of the Planning and Development Act (as amended) and 56 days in accordance with Section 251A of the Planning and Development Act 2000 (as amended).

The applicant has submitted a letter outlining that enabling works are already underway on the site, with construction scheduled to start in February/ March 2025. It is the applicant's intent to submit an extension of duration application for ref. **4262/19** once development has commenced, to ensure that the development can be completed within a sufficient timeframe.

4.2. Planning history on adjacent sites:

- Site bound by Vicar Street to the east and Molyneux Yard to the west. **Ref. 3536/24.** Mixed use building providing a 182 no. room hotel and creative arts studio. 2024 **Grant**.

- No. 83 Meath Street. **Ref. 3594/23**. Amendment to Ref. **4036/20** and **4830/23** for an apartment. 2024 **Refusal**. Refused due to excessive height, scale and design, visually overbearing and negative impact on St. Catherine's Church.
- No. 83 Meath Street. **Ref. 4830/23**. Amendment to Ref. **4036/20** for the demolition of retail unit and construction of a 4no. storey retail and apartment development. 2024 **Grant**.
- No. 83 Meath Street. **Ref. 4036/20**. Demolition of 2no. storey structure and construction of 5 storey building providing retail and 3no. apartments. 2021 **Grant**.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 – 2028

5.2. Land Use Zoning

- 5.2.1. The site is zoned Z5, 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' in the Dublin CDP.
- 5.2.2. The site is located in the Thomas Street & Environs ACA.
- 5.2.3. St Catherine's Roman Catholic Church is a Protected Structure (RPS Ref. **5071** & NIAH Ref. **50080587**) and is located to the north of the site. The Grotto which is located to the south of the church, is within the curtilage of the Protected Structure.

5.3. Height

- 5.3.1. Policy SC16 in relation to building height locations:

"It is the policy of Dublin City Council to recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre, Strategic Development Zones, Strategic Development Regeneration Areas, Key Urban Villages and other locations as identified in Appendix 3, provided that proposals ensure a balance with

the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.”

5.3.2. Policy SC17 in relation to building height:

- *“It is the policy of Dublin City Council to protect and enhance the skyline of the city, and to ensure that all proposals with enhanced scale and height:*
 - *follow a design led approach;*
 - *include a masterplan for any site over 0.5ha (in accordance with the criteria for assessment set out in Appendix 3);*
 - *make a positive contribution to the urban character of the city and that responds positively to the existing or emerging context;*
 - *deliver vibrant and equitable neighbourhoods that are walkable, compact, green, accessible, mixed and balanced;*
 - *Do not affect the safety of aircraft operations at Dublin Airport (including craneage); and*
 - *have regard to the performance-based criteria set out in Appendix 3.*

All new proposals in the inner city must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas and civic spaces of local and citywide importance.”

5.3.3. Objective SDRAO1 in relation to Strategic Development Regeneration Areas seeks to support the ongoing redevelopment and regeneration of the Strategic Development Regeneration Areas (SDRAs) in relation to 11no. principles, one of which is height. The Liberties is an SDRA. The performance criteria set out in Appendix 3 should be adhered to for developments of significant scale and/ or density.

5.4. Chapter 6: City Economy and Enterprise

5.4.1. 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 – 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

contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.

(b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.

(c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.

(d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

(e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.

(f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.

All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease.'

5.6. Development Standards

5.6.1. Section 15.14.1 sets out the development standards for hotels and aparthotels.

5.6.2. Section 15.14.1.1 sets out the development standards for hotel developments.

5.6.3. Appendix 3 sets out the key criteria which proposals for increased urban scale and height must demonstrate.

5.7. National Guidelines

5.8. Urban Development and Building Height Guidelines for Planning Authorities (2020)

5.8.1. Section 3 relates to building height and the development management process.

5.9. Natural Heritage Designations

5.9.1. The site is located approximately 1.2km from the Grand Canal Proposed Natural Heritage Area (site code 002104).

5.9.2. The site is located approximately 4.3km from 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 (site code 004024).

5.10. EIA Screening

5.10.1. See completed Forms 1 and 2 in appendices one and two.

5.10.2. Having regard to the limited nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to any sensitive location, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 1no. appeal was received from John Byrne and Noeleen Mooney of 79, 80 and 81 (The Lark Inn) Meath Street, Dublin 8. The grounds of appeal can be summarised as follows:

- 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"*.

- A Basement Impact Assessment was submitted at Further Information stage under Ref. **4262/19**. The report stated that the *“installation of the embedded retaining walls and excavation of the proposed basement may generally result in a building damage of Category 0 (negligible) and Category 2 (slight), which fall within the range of damage that is considered to be aesthetic and not structural.”*
- Consultation
 - The application has been subject to the statutory public consultation obligations. This includes public notices and availability of the documentation for review through the local authority. The appellant is aware of this given that they have made an observation and submitted an appeal.
 - The site is being purchased by Gennexrondev Limited with the sale intended to be processed by the end of September 2024. The new owner of the site has sought to meet and engage with the Third-Party to discuss their concerns and outline the schedule of construction works.
 - A liaison officer will be appointed to liaise with the local community.
- Planning Process
 - The observation submitted to DCC referenced that the development does not examine the impact on the Grotto and Church on Meath Street and that visuals have not been submitted. The applicant outlines that elevation drawings were submitted and will not result in any additional impacts on neighbouring properties.
 - The observation submitted to DCC considers that the development will block light and increase the overbearing impact. The applicant outlines that the increase in height by 0.58m is minimal. An updated Daylight/ Sunlight Assessment is not considered necessary. A Shadow Analysis was submitted with the parent permission which showed that the development would not have an excessive impact.
 - The observation submitted to DCC raised concern that the original permission was granted without robust due diligence regarding fire safety.

The applicant outlines that when undergoing a detailed design review in preparation of the construction drawings, it was identified that minor amendments are required for fire safety certificates and building regulations.

- The observation submitted to DCC raised concern that hotels, student accommodation, Build to Rent, Co-Living and Air BnB's are over concentrated in the area. The applicant highlights that the Planner's Report prepared by DCC acknowledges that the principle of a hotel on the site has already been established and that the development will not result in an increase in the footprint.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority issued a letter to An Bord Pleanála in response to the appeal. The letter requested that An Bord Pleanála uphold the decision of the Planning Authority. It also requested that should permission be granted, that a condition is included requiring the payment of a Section 48 Development Contribution.

6.4. Observations

- 6.4.1. In addition to the observation received from An Taisce, 8 no. observations were received from the following; Noel Fleming and others, Máire Devine, Dermott Hayes, Father Paddy O'Reilly, Jack Roche, James Madigan, Ken Fitzgerald and others, and Anthony Redmond. Most of the issues raised by the observers are covered in the grounds of appeal. Additional issues can be summarised as follows:

- The site has been closed for a number of years and is full of construction debris. The site is of no gain to the community. It is requested that the site is cleared and made available to the community for pop up events and outdoor markets.
- Consideration has not been given to the antiquity of the buildings fronting Meath Street. An assessment on the impact to the built heritage on Meath Street is required.

- The development will negatively impact the Thomas Street and Environs ACA.
- The development will encroach on the curtilage and fabric of St. Catherine's Church.
- An Olympic sized aquatic centre should be built on the site.

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 reports 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:

- Principle of Development
- Life of the Permission
- Justification for the Amendment Application
- Impact on Amenities
- Impact on Built Heritage
- Construction
- Other Matters

7.2. Principle of Development

7.2.1. I note the planning history associated with the subject site, and the existing grant of planning permission for the construction of the hotel (ref. **4262/19**) and the associated amendment application (ABP Ref. **309781-21**).

7.2.2. The proposed development is located on land zoned Z5 – City Centre, with 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”*. I note that hotel development is a permissible use on Z5 zoned land. Having regard to

the planning history of the site and the site's zoning, the principle of development is therefore acceptable, subject to the detailed considerations below.

- 7.2.3. I note the contents of the observations which outline that there is an over-concentration of hotels in the area and that the site should be used for community events or to provide a swimming pool. As noted above, the principle of developing a hotel has already been permitted on the subject site. The subject application under appeal is for amendments to a permitted scheme. As such, I consider that it would be unreasonable to examine alternative uses for the site.

7.3. Life of the Permission

- 7.3.1. The subject development seeks to amend the amendment permission permitted under ABP Ref. **309781-21** and the parent permission under ref. **4262/19**. The Board will note that the parent permission, ref. **4262/19** was granted permission on the 19th October 2020. I estimate Ref. **4262/19** will expire on the 28th January 2026, taking into account 5 no. years and 45 no. days as per section 251 of the Planning and Development Act (as amended) and 56 days in accordance with Section 251A of the Planning and Development Act 2000 (as amended).
- 7.3.2. As noted above, the First-Party has outlined that enabling works are already underway on the site, with construction scheduled to start in February/ March 2025. The First-Party has outlined that they intend to submit an extension of duration application for ref. **4262/19** once development has commenced, to ensure that the development can be completed within a sufficient timeframe.
- 7.3.3. For clarity, the life of this permission, if granted will expire at the same time as the parent permission, ref. **4262/19**.

7.4. Justification for the Amendment Application

- 7.4.1. The application seeks to provide an additional stair core and to amend the permitted stair cores in order to receive fire certificates. Additional amendments are also proposed to the permitted floor layouts, in addition to a reduction in the number of bedrooms, in order to provide larger family rooms.

- 7.4.2. I understand the concerns raised by the observers regarding the number of planning applications on the site. I note that this is the third planning application on the site relating to the hotel. However, I do not consider that this is a reason to refuse permission.
- 7.4.3. As outlined by the First-Party in response to the Third-Party appeal, the site is being acquired by a new owner. I consider that amendments to the design would not be unusual in these circumstances. Furthermore, I am satisfied with the justification for the application, which is to receive the fire certificates. I note that fire certs are evaluated under a separate legal code and as such it is not unusual for amendments to be required to planning applications.

7.5. Impact on Amenities

Visual Impact/ Height

- 7.5.1. I note the concerns raised by the observations in relation to the visual impact of the development and that photomontages are required.
- 7.5.2. I consider that the elevation drawings which have been submitted are sufficient to demonstrate the proposed visual appearance of the development. In my opinion the changes proposed are minor in nature. Having regard to the proposed works and the proposed increase in height of 0.58 m to facilitate for lift overruns, I am satisfied that they will not impact the visual amenities and character of the surrounding streetscapes.
- 7.5.3. The development proposes to amend the location of the bar from the lower ground floor to the ground floor level. I note section 15.14.1.1 of the *Dublin CDP* which requires that hotels provide for publicly accessible facilities to generate activity at street level throughout the day and night. I consider that the proposed location of the bar, and the location of the café and restaurant which remain unchanged, complies with this requirement and will ensure that the development actively engages with the streetscape.
- 7.5.4. Due to the limited change in height, I do not consider that a reassessment of the proposed development under Appendix 3 of the *Dublin CPD* is triggered.

Privacy

- 7.5.5. The observations raise concern regarding the impact of the proposed amendments on the privacy of adjacent properties.
- 7.5.6. I note the amendments propose changes to the fenestration of the hotel. The changes include the following:
- An additional window at seventh floor on the southern elevation at the end of the corridor. Whilst this elevation appears to indicate that this window will be obscured, it is not clear and a note has not been included indicating same. As such, I recommend that a condition is included requiring this window to be manufactured opaque to prevent overlooking of properties to the south of the site.
 - Increase in the size of the window serving the existing stair core at the seventh floor level along the southern elevation.
 - Amendments to the fenestration on the western elevation including the replacement of bedroom windows with windows to serve the reconfigured stair core and the recessed elevation is brought forward to facilitate the reconfigured stair cores.
- 7.5.7. The previous amendment application **Ref. ABP-309781-21**, which extended the development to the north, included a specific design related condition under condition no. 2. Condition no. 2 required that the standard windows on the northern elevation were replaced with obviated windows as originally shown on the parent permission. In the interest of clarity, I note from the drawings submitted under **Ref. 4262/19**, that obviated windows are angled windows, which in this instance are orientated to the north-east. This condition was included to prevent overlooking of properties to the north, in particular St. Catherine's Church. I note that the drawings submitted with the subject application do not reflect the requirements of condition no. 2. As such, should the Board consider granting planning permission, I recommend that a condition is included requiring the windows on the northern elevation to be replaced with obviated windows.
- 7.5.8. Having regard to the minor changes to the fenestration, I consider that subject to the inclusion of the two conditions in relation to the provision of obviated windows on the

northern elevation and obscure glazing in the additional window on the southern elevation on the seventh floor, that the proposed development will not impact the privacy of adjacent properties by way of overlooking.

Daylight and Overshadowing

- 7.5.9. The observations have raised concern regarding the impact of the development on the surrounding area and the subsequent requirement for an updated daylight study.
- 7.5.10. I note that under the parent permission, **Ref. 4262/19**, the DCC's Planner's Report examined the overshadowing impact of the development. The Planner's Report stated that the shadow analysis identified that the development would not have an excessive impact in terms of overshadowing and that any impacts would be consistent with the city centre location.
- 7.5.11. I have examined the Daylight and Sunlight Analysis submitted under **Ref. 4262/19**. Having regard to the minor nature of the amendments, including the increase of the building height by 0.58 m, I consider that additional documents examining the daylight impact from the development are not required. I am therefore satisfied that the development would not have an excessive impact on the daylight received by adjacent properties.

Overbearing

- 7.5.12. I note the concerns raised by the observations in relation to the development being overbearing. However, having regard to the minor changes proposed on the elevations and the increase in the building height by 0.58m, I am satisfied that the development will not be overbearing and will be consistent with city centre developments.

7.6. Impact on Built Heritage

St. Catherine's Church

- 7.6.1. Concerns have been highlighted with respect to the impact of the development on St. Catherine's Church which is a Protected Structure, and the Grotto which forms part of the curtilage of the Protected Structure.
- 7.6.2. I note that the footprint of the development is not changing under the proposed development. St. Catherine's Church and the Grotto are located to the north of the

site. On the northern elevation of the proposed development, the amendments subject to this application, includes an increase in building height of 0.58 m to provide for lift overruns and projections on the western façade to facilitate the reconfigured stair cores. In the context of the permitted scheme, I do not consider these differences to be so significant as to have a material impact on the character and setting of St. Catherine's Church.

- 7.6.3. As discussed above, I note that the drawings do not identify obviated windows on the northern elevation as required by condition no. 2 from **Ref. ABP-309781-21**. Having undertaken a site inspection which included a visit to the entrance to the Grotto (it was closed at the time of my visit) in the grounds of St. Catherine's Church, I consider that the observations are well founded. In my opinion it is important to ensure that the Grotto is not overlooked. Should the Board consider granting planning permission, I recommend that a condition is included requiring that the windows on the northern elevation are replaced with obviated windows.

Thomas Street & Environs ACA

- 7.6.4. Concerns have been raised regarding the impact of the development on the Thomas Street & Environs ACA, which the site is located within. I note policy BHA7 in the *Dublin CDP* which seeks to protect the special character and interest of ACAs.
- 7.6.5. In the context of the permitted scheme, I do not consider the proposed amendments to be so significant as to have a material impact on the character and special interest of the Thomas Street & Environs ACA.

7.7. Construction

- 7.7.1. The Third-Party has raised concern regarding the potential for the development to cause structural damage to nos. 79, 80 and 81 Meath Street. I note the response from the applicant which includes a response from Barrett Mahony Consulting Engineers confirming 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*".
- 7.7.2. The First-Party has also referenced the Noise and Vibration Impact Assessment which accompanied the application under ref. **4262/19**. The Assessment concluded

that the development is not expected to cause structural damage to buildings in proximity to the site. I also note the contents of the Basement Impact Assessment which the applicant has referenced in their response, which was submitted under Ref. **4262/19**. The Basement Impact Assessment concluded that the construction of the basement will result in negligible and slight building damage, which is aesthetic and not structural.

7.7.3. Whilst I understand the Third-Party's concerns, I note that the footprint of the building is not changing under the subject application, from that permitted in the amendment application under ABP Ref. **309781-21**. As such, I consider that the excavation of the basement and structural impact works associated with the proposed development have been addressed by both the parent permission and the amendment permission. Furthermore, in the context of the permitted scheme, I do not consider the proposed works to be so significant as to have a material impact on the structures at nos. 79, 80 and 81 Meath Street.

7.7.4. Having regard to the contents of the Basement Impact Assessment, the Noise and Vibration Assessment (both submitted under ref. **4262/19**) and the response from Barrett Mahony Consulting Engineers, in addition to the documentation submitted with the application, I am satisfied that the development will not increase the impact on the structural integrity of the nos. 79-81 Meath Street.

7.8. Other Matters

Consultation

7.8.1. The Third-Party has outlined concerns regarding the failure of the applicant to engage with the Third-Party. I note the First-Party's response which states that the application has been subject to the statutory public consultation obligations and that the First-Party intends to engage with the Third-Party to address their concerns and outline the schedule of works.

7.8.2. Given that 18 no. Third-Party observations were received by DCC, I am satisfied that the application complied with the advertisement requirements. Whilst I understand the Third-Party's concern, there is no onus on the applicant to engage with individual

Third-Parties. I therefore consider that this is not a reason to refuse permission for the proposed development.

Planning Process

7.8.3. The Third-Party has stated that their concerns have not been addressed by DCC. I note that the Third-Party's observation to DCC requested that the following items be taken into consideration: the impact of the development on St. Catherine's Church and the Grotto, no visuals have been provided, visual and daylight reports are required, the development will block light and be overbearing, the increase in height will impact the skyline, concern that permission was granted without a fire safety cert, the impact of the development on privacy and an over concentration of similar developments in the area.

7.8.4. From my analysis of DCC's Planner's Report, I note the above items were accurately recorded and formed part of the Planner's assessment.

8.0 AA Screening

8.1. Having regard to the nature and scale of the development proposed and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1. I recommend that permission be granted for the following reasons and considerations, subject to conditions.

10.0 Reasons and Considerations

10.1.1. Having regard to the permitted development on the site and in the area, to the provisions of the Dublin City Development Plan 2022-2028, and to the layout and design as submitted, the Board considers that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or general amenities of adjoining properties and would not increase the impact

on the structural integrity of properties in the vicinity of the site. It is further considered that the proposed amendments to the permitted hotel, ABP. Ref. **PL29S.309781** and Planning Authority Ref. No. **4262/19**, subject to compliance with the stated conditions, would not seriously detract from the character or setting of St. Catherine's Church and Grotto. It is also considered that the development would not impact the character and special interest of the Thomas Street & Environs Architectural Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by the following conditions. Reason: To clarify the plans and particulars for which permission is granted.
2.	Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of Planning Ref. 4262/19, as amended by ABP Ref. 309781-21, unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission, Planning Ref. 4262/19. Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.
3.	The proposed development shall be amended as follows: (a) The standard windows proposed on the northern elevation shall be replaced with the obviated windows in accordance with Planning Ref. 4262/19. (b) The window proposed on the southern elevation on the seventh floor which serves the corridor shall be manufactured opaque or frosted

	glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable. Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Reason: In the interest of clarity, visual amenity and to prevent overlooking.
4.	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.

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.

Catherine Hanly
Planning Inspector

23rd January 2025

12.0 Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-320481-24		
Proposed Development Summary	Internal amendments to permitted hotel development. Provision of new stair core, reduction from 265 to 235 bedrooms, minor increase in building height, with all associated works		
Development Address	Lands at Molyneux Yard and Engine Alley and site to the rear of No. 83 Meath Street, Dublin 8 (the site includes No. 75 Molyneux Yard).		
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	X
		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	X	Class 10 (b)(iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere. Class 12(c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.	Proceed to Q3.
No			Tick if relevant. No further action required

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	Class 10 (b)(iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere. The site measures 0.14 ha. Class 12(c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms. The hotel is for 235 no. bedrooms.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b)(iv) Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere. The site measures 0.14 ha. Class 12(c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms. The hotel is for 235 no. bedrooms.	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

13.0 Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-320481-24	
Proposed Development Summary	Internal amendments to permitted hotel development. Provision of new stair core, reduction from 265 to 235 bedrooms, minor increase in building height, with all associated works	
Development Address	Lands at Molyneux Yard and Engine Alley and site to the rear of No. 83 Meath Street, Dublin 8 (the site includes No. 75 Molyneux Yard	
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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment. Will the development result in the production of any significant waste, emissions or pollutants?	The subject development comprises the construction of a hotel. The development is in a mixed-use area. The proposed development would not be exceptional in the context of the existing environment. During the construction phases, the proposed development would generate waste. However, I do not consider that the level of	No

	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.	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and / or permitted projects?	The proposed development consists of a hotel with 235 no. bedrooms and is therefore not considered exceptional in the context of neighbouring buildings. 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.	No
Location of the Development 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? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the	The application site is not located in or immediately adjacent to any European site. 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	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: