

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3040/22

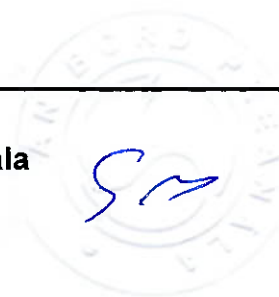
Appeal by Fitzwilliam Real Estate Developments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 10th day of January, 2023 by Dublin City Council to refuse permission. The proposed development is a Build-To-Rent residential development consisting of the following: demolition of the existing three number storey Eircom structure to the rear of number 97 Middle Abbey Street (circa 2,201 square metres); decommissioning and demolition of the top three open-air levels of the Arnotts' Car Park (resulting in the removal of 145 number car parking spaces, with 225 number car parking spaces remaining); development of a 12 number storey over basement element fronting William's Lane, a five number storey element above Arnotts' Car Park, and two number storey element above Arnotts Store, to provide 155 number apartments (56 number studio units; 85 number one-bed units; and 14 number two-bed units). The development also provides for hard and soft landscaping including the provision of: a landscaped public plaza (including bicycle parking) along the William's Lane frontage; a landscaped communal courtyard as well as a communal terrace and private terraces on the southern elevation all at Sixth Floor Level; a landscaped communal courtyard as well as private terraces at the southern elevation, communal terraces at the southern elevation and part of the western elevation, and outdoor exercise area and basketball court at the northern

elevation all at Seventh Floor Level; and terraces on the eastern and western elevations of the 11th Floor Level. Private open space in the form of terraces are also provided on the east-facing, west-facing and south-facing elevations of the two courtyards at Sixth and Seventh Floor Levels. Juliette balconies are also proposed on the eastern, western, southern elevations as well as the east-facing, west-facing and south-facing elevations of the two courtyards. Pedestrian access to this part of the development will be provided via William's Lane. Additional proposed works include the provision of communal residential amenities (circa 459 square metres) (including co-working space, toilets, multimedia room, gyms and exercise studios, dog-washing room, private dining, storage hire, multi-purpose space and communal lounge); residential support facilities (circa 471 square metres) (including entrance foyer and concierge, post room, bicycle storage and bicycle repair station, maintenance rooms / management stores, general storage and bin store); communal amenity open spaces; a substation and a switchroom (circa 30 square metres); water tank and sprinkler rooms (circa 117 square metres); Sustainable Urban Drainage systems (including green roofs and attenuation tanks (circa 121 square metres); and plant at Basement Level. The total gross floor area of this part of the development is circa 12,766 square metres. The development will also consist of the following works to number 97 Middle Abbey Street comprising the demolition of part of the existing basement (circa 16 square metres) and the existing rear extensions (Second and Third Floor Levels) (circa 11 square metres); change of use of the Basement Floor Level from retail (storage) to café (storage) (circa 112 square metres); continued use of the Ground Floor Level as a café (circa 89 square metres); change of use of the First, Second, Third and Fourth Floor Levels to provide four number Build-To-Rent studio apartment units (one on each level) (which will be operationally linked to the 155 number apartments scheme); and associated internal and external alterations to the building. Pedestrian access to this part of the development will be provided via Middle Abbey Street. The total gross floor area of this part of the development is circa 423 square metres. The development will also consist of associated lighting; associated signage; associated hard and soft landscaping; and all other associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary treatments and associated site

servicing (foul and surface water drainage and water supply). The development will consist of the extension of the opening hours of the existing multi-storey car park ('Arnotts' Car Park) from its current operating hours of: Monday - Wednesday (0700 to 2000); Thursday (0700 to 2100); Friday - Saturday (0700 to 2000); and Sunday (0900 to 2000) to the operation of the car park on a 24 hours per day, seven days per week basis for temporary period of five years in accordance with the plans and particulars lodged with the said Council at this site of circa 0.568 hectares at: number 97 Middle Abbey Street, Dublin; 16/17 Prince's Street North, Dublin; the area previously known as numbers 19/25 Prince's Street North, Dublin; the 'Arnotts' Car Park', with an address of numbers 98-101 Middle Abbey Street, Dublin and the associated roof of the car park over Arnotts Store at numbers 102-107 Middle Abbey Street, Dublin; numbers 2-3, 4 and 4A Proby's Lane, Dublin; and numbers 7/7A and 8 Liffey Street Upper, Dublin.

Decision

GRANT permission for the extension of the opening hours of Arnotts' multi-storey car park from 0700 to 2000 Monday to Wednesday, 0700 to 2100 on Thursday, 0700 to 2000 on Friday and Saturday, and 0900 to 2000 on Sunday, to 24 hours a day, seven days a week in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the condition set out below.

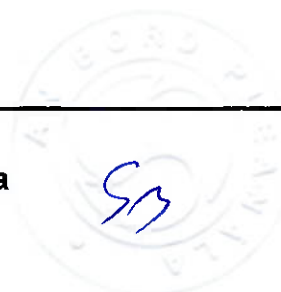


REFUSE permission for the demolition of the telecom building (circa 2,201 square metres) on William's Lane and the top three open-air levels of Arnotts' multi-storey car park and the construction of a Build-To-Rent residential development (circa 12,766 square metres) comprising 155 number apartments including associated communal residential support facilities, amenities and open spaces.

Permission is also refused for the demolition of part of the existing basement (circa 16 square metres) and second and third floor rear extensions (circa 11 square metres) of number 97 Middle Abbey Street, and the change of use of the basement from retail storage to café storage, and the conversion of the first, second, third and fourth floors of the building to four number Build-To-Rent studio apartments based on the reasons and considerations marked (2) set out below.

Reasons and Considerations (1)

In light of the existing car park use on the site and the complementary nature of parking outside of the hours of operation of the associated shopping centre, the proposed extension of the opening hours of the existing multi-storey car park would not of itself encourage unsustainable travel patterns to and from the city centre. The proposed development would not, therefore, be materially contrary to Policy SMT26 of the Dublin City Development Plan 2022-2028 to discourage commuter parking and to ensure adequate but not excessive parking provision for short-term shopping, business and leisure uses.



Conditions

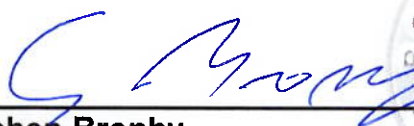
Permission to extend the opening hours of Arnotts' multi-storey car park from 0700 to 2000 Monday to Wednesday, 0700 to 2100 on Thursday, 0700 to 2000 on Friday and Saturday, and 0900 to 2000 on Sunday, to 24 hours a day, seven days a week is hereby permitted for a temporary period of three years only from the date of this order.

Reason: In order that the effect of the development may be reviewed having regard to the circumstances then prevailing, and, in the interest of the proper planning and sustainable development of the area.

Reasons and Considerations (2)

It is considered that this element of the proposed development would, due to its excessive scale and height, appear visually incongruous on the skyline when viewed from D'Olier Street and visually obtrusive on the streetscape when viewed from the western end of Middle Abbey Street. As such, and notwithstanding the alternative design option presented to the Board at appeal, the proposed development would seriously injure the historic character of the City and would be contrary to policies SC22, as it relates to Historical Architectural Character, and BHA7, as it relates to Architectural Conservation Areas, of the Dublin City Development Plan 2022-2028. These policies aim to facilitate new development in harmony with the City's historical spaces and structures and to ensure that new development or alteration of a building immediately adjoining an Architectural Conservation Area, 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 Architectural Conservation Area. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board accepted the assessment that, notwithstanding the provisions of the development plan, the development as proposed was open for consideration under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines 2020, in particular SPPR 7 and SPPR 8 as they relate to proposed Build to Rent Developments, given the timing of the application. The Board also considered, in relation to daylight and sunlight impact, the relatively minor scale of non-compliance with standards, the overall quality of amenity for the prospective residents and the City centre location of the site were such that the standards of the proposed development and its impacts on the availability of sunlight and daylight to existing properties would not result in any unacceptable impacts. However, the Board considered that the views of the development from Abbey Street provided indicated that the building would have an unacceptable dominating and overbearing impact on the character and setting of Middle Abbey Street. The Board also considered that, when compared to the existing development and development previously approved on the site, the proposed development when viewed from D'Olier Street would not be adequately scaled and distanced from protected structures and would not integrate with the scale of the adjoining conservation area by virtue of scale, bulk, massing, finishes and design. Neither would the proposed development integrate appropriately with the O'Connell Street Architectural Conservation Area which extends to within 10 metres of the site. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Stephen Brophy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 23rd day of November 2023.