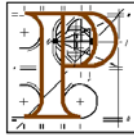


An Bord Pleanála



Inspector's Report

Appeal Reference No:

PL29S.246102

Development:

This development will consist of the following elements. The demolition of the existing two storey buildings to the front and the large, two storey industrial unit to the rear, which extends to Mornington Road. The construction of a new three storey over basement building with a setback, penthouse top floor. The building will have five floors including basement and will have a total floor area of 1868 sq. m. The new building generally follows the massing and volume of the five storey mixed use building approved under planning permissions Reg. Ref. 3113/07 and 6054/07. The use of the building is to be a boutique hotel comprising of a Reception area with a Bar and Restaurant at ground floor, a total of 41 guest bedrooms on the first and second floor levels and a roof-top Restaurant at the penthouse level, set back from both the Ranelagh and the Mornington Road facades with associated roof terrace. No public access is proposed to the rear flat roof facing Mornington Road, except for general maintenance. The hotel basement is to contain one small 'art-house' screening room seating approximately 50 people, projection room, toilet facilities, a meeting room, storage and plant rooms. The building will also contain services and all other ancillary works to service the hotel. The lane linking Mornington Road to Ranelagh will be retained for pedestrian use and enhanced. The front door to the hotel will be from Ranelagh. 117-119 Ranelagh, Dublin 6.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3963/15
Applicant: Original Point Ltd./Oakmount
Planning Authority Decision: Grant Permission with conditions

Planning Appeal

Appellants:
1. Sally Corcoran
2. Originate Marketing Consultants Ltd.
3. Marie-Louise & Peter McLoughlin
4. Kenny Worn, Mary Warnock, Richard Barrett & Michael P. Bourke
5. Gerard Thornton
6. Cullenswood Park Residents
7. Geraldine O'Rourke

Type of Appeal: Third Parties- V - Grant

Observers:
1. Imelda Healy & Bill Bariach
2. Francis Mulligan
3. Ann McNicholl
4. Roger & Alice Childs
5. Sally Corcoran
6. Yoav Arkin & others
7. Patrick Bowe
8. Tom Murphy

Date of Site Inspection: Thursday 12th May 2016

Inspector: Tom Rabbette

1.0 SITE LOCATION AND DESCRIPTION

The site is located along Ranelagh Road towards the centre of Ranelagh village in Dublin 6. It is a rectangular shaped site with its northern end fronting onto the Ranelagh Road. Its southern side backs onto a laneway that is accessed off a residential street known as Mornington Road. This area to the south, or rear of the application site, is characterised by late C19th/early C20th two-storey terraced and semi-detached red-brick dwellings, it is made up of the aforementioned Mornington Road and also includes Ashfield Avenue and Ashfield Road. There is a narrow pedestrian lane connecting Mornington Road with the Ranelagh Road. This lane runs along the western boundary of the application site. The Ranelagh Road is a main arterial route in and out of the city, it is a regional route: the R117. As well as single lanes for vehicular traffic in each direction, this road also accommodates a cycle lane in each direction. The site itself currently accommodates two retail outlets that address the Ranelagh Road, there is also a barrel-vaulted industrial type building located at the rear, southern end, of the site. This industrial unit has both pedestrian and vehicular access to the rear off the Mornington Road.

2.0 PROPOSED DEVELOPMENT

The applicant is seeking permission to demolish all of the structures that currently cover the site. It is proposed to construct a boutique hotel on the land. The new structure will have 5 levels of accommodation: a basement level, and 4 floors of accommodation above ground level. The ground floor level will accommodate a reception area, a bar, a restaurant, a coffee/juice pod, a kitchen and ancillary storage areas. The first and second floors will accommodate 41 bedrooms in total. The top, or third floor, will accommodate a restaurant with associated kitchen and storage areas. This top floor will be set back both from its northern and southern site boundaries. The northern setback area will accommodate a rooftop terrace for the customers.

The Board may wish to note that the applicant proposed some minor changes to the basement and ground floor layout in the response to the grounds of appeal (ref: drg. No. ABP.01 in the 'Architect Statement' received on the 29/02/16).

3.0 PLANNING HISTORY

3113/07: Planning permission was granted for the following development: *'Demolition of existing pair of terraced buildings on Ranelagh and disused shed to rear (Mornington Road) for the development of a mixed use building of 1258 sqm gfa total on 0.049ha site. The mixed use building of part three and part four storey height will consist of retail use of 397sqm gfa at ground floor and 9 residential units of 861sqm gfa total between 1st and 3rd floor level of which there are 2no. one-bed units, 6 no. two bed units and 1 no.*

three bed penthouse. 12 bicycle parking spaces and a residential refuse store are provided at ground level to the south of the site with access from Mornington Road. Access to the apartments is from the pedestrian laneway linking Ranelagh and Mornington Road. There are 2 no. retail doors to the north (Ranelagh) elevation and 1 no. retail door and 1 no. service door to the south (Mornington Road) elevation. Balconies at 1st & 2nd floor and a private roof terrace at 3rd floor level are provided on the south-facing elevation, wintergardens are provided at 1st and 2nd floor to the north facing elevation and the set-back penthouse has terraces to the north and west elevation at 3rd floor. A landscaped courtyard at 1st floor level is positioned to the centre of the site. The proposed development includes permission for all associated ancillary works, service connections and landscape treatments.'

6054/07: Planning permission was granted for the following development: *'Alterations to previously approved application (ref no. 3113/07) for a four storey mixed use building at site 117-119 Ranelagh, Dublin 6 also facing onto Mornington Road. The alterations consist of a new basement storey (422sqm) accessed from the retail unit at ground floor comprising toilets, staff changing, storage, plant and additional retail space with associated alterations to the ground floor comprising of new escape stairs from basement accessing onto the pedestrian laneway linking Ranelagh Road and Mornington Road and alterations to previously approved bicycle and refuse storage.'*

326511/ (PL29S.239871): The Board issued a split decision in relation to an application concerning: a ground floor extension to rear, new glazed shopfront and signage, relocated entrance, subsidiary alcohol sales, replacement plant, minor elevational changes and site works. This appeal related to the Tesco Express site on the north-western side of the laneway adjacent the current appeal site. The Board refused permission for the extension to the rear as it resulted in the loss of 4 car parking spaces intended to serve the residential units on the upper floors. Under PL29S.239129 (2105/11) the Board previously refused permission for an extension to the rear as it would have resulted in the loss of all 7 car parking spaces at the same location.

2167/06 (PL29S.218001): The Board refused permission for a development at a public house located c. 35 m to the south-east of the current application site. The Board refused for one reason relating to noise and late night activity in a part covered roof garden in proximity to residential property.

2163/13 (PL29S.242303): The Board refused permission for the following development: *'Revised layout of existing outdoor public house garden/smoking area including demolition of part of existing extension and erection of new single storey extensions to accommodate stores and other ancillary accommodation along Ashfield Road, southern and eastern boundaries of the site. In addition, a retractable canopy is proposed over part of the outdoor public house garden/smoking area as well as the removal of*

an existing access/gates and existing pedestrian entrance is proposed and will be replaced by double doors from Ashfield Road together with all associated site works and services.' The Board refused for one reason relating to impact on neighbouring property by reason of noise generated. That public house is located at the junction of Ashfield Road/Ranelagh Road and is c. 135 m to the north-west of the current appeal site.

3980/14 (PL29S.244985): The Board granted permission in 2015 for four dwellings on the vacant site located across the Ranelagh Road from the current appeal site. Order and particulars in attached appendix.

PAC 0304/14: Pre-application consultations held with the p.a. regarding the proposal, documentation on file.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planner's Report dated 06/01/2016:

- Permission recommended subject to conditions.

Road & Traffic Planning Division Report dated 22/12/15:

- No objection subject to conditions.

Engineering Department – Drainage Division Report undated:

- No objection, conditions recommended.

Dublin City Council Environmental Health Officer Report dated 14/12/15:

- Conditions recommended in the event of a grant of permission.

Objections/observations: Objections/observations on file addressed to the p.a. make reference to the following issues: noise; disturbance; traffic generation; inadequate parking; overspill parking onto the adjacent residential streets; access via busy road to the front of the site; impact on cycle lane along the front of the site; road already suffering from congestion; impact of deliveries on the operation of the public road; taxis stopping on road outside hotel; impact of refuse collection; construction stage traffic impacts on adjacent residential streets; disruptive deliveries to the hotel; water pressure is already low; no car parking proposed does not comply with development standards; pedestrian hazard arising from the trip generation; scale of the proposed development; too large in the context of the residential streets to the south; overlooking; overshadowing; visually dominant; detracts from the scale of Ranelagh village; impact from drinkers/smokers; concerns about a disco/night club/late bar could follow the development; anti-social behaviour associated with drinking in Ranelagh will be compounded; bulk of the proposal; front elevation is an abomination to the streetscape;

unsympathetic fenestration proposed; flooding risk; Edwardian infrastructure cannot cope with the proposal; impact from proposed roof plant; no waste storage space; existing noise problems in the area will be compounded; impacts on structure immediately adjoining to the south-east; rooftop terrace not welcome, sub-standard development; poor design; no development need; overbearing development; visually incongruous, and inappropriate nature of the uses and laneway in public ownership.

Some observer submissions also support the proposal referring to: demand for boutique hotel/conference rooms in the area; redevelopment of semi-derelict buildings on the Main Street is welcomed; good transport links in the area with reference to Luas and Quality Bus Route, and boutique hotel use welcomed.

4.2 Planning Authority Decision

By Order, dated 07/01/2106, the planning authority decided to grant permission subject to 11 no. conditions.

5.0 GROUNDS OF APPEAL

Sally Corcoran, Mornington Rd., Ranelagh, Dublin.

The contents of the 3rd party appeal from the above can be summarised as follows:

- The appellant's house is the closest on Mornington Road to the proposed development to its rear.
- The proposed development will overlook her front and back gardens.
- The previously granted scheme used obscure glass adjacent her property.
- The appellant requests that the windows that overlook her property be fitted with obscure glazing.
- The proposed rooftop restaurant and terrace will destroy her privacy.
- Noise emanating from the rooftop restaurant and terrace is of concern.
- Refers to a public house in the area being refused permission for an outside smoking area on the grounds of noise generated in a residential conservation area.
- Mornington Road is a residential conservation area.
- Concerns raised in relation to car parking demand generated by the proposed hotel.
- Refers to existing car parking problems in the area.
- There is no car parking provision proposed in the scheme.
- The main street in Ranelagh, a bus route, is already a traffic jam most of the day and night so taxis and cars dropping people at the proposed hotel will add to the chaos.

- Concerns raised about deliveries to the proposed development, concerns relate to traffic impacts, noise generated and fumes generated.
- Side lane heavily used, including by schoolchildren.
- Refers to a condition on the permission in relation to the adjacent Tesco development, deliveries were to be from the front, deliveries there take place early in the morning.
- Bin storage concerns raised.
- Noise generated from glass disposal a concern.
- Construction phase impacts on the appellant's property and amenities have been raised.
- Devaluation of the appellant's property arising from the development.
- Water pressure in the area is already problematic.
- Side lane should remain open during the construction phase, lighting along this lane should be maintained.

Originate Marketing Consultants Ltd., c/o Marston Planning Consultancy.

The contents of the 3rd party appeal from the above can be summarised as follows:

- The impact will be profoundly negative on the amenity of the appellant's offices, the appellant operates a successful business from the first floor offices at 121-123 Ranelagh that sits to the immediate east and adjoining the appeal site.
- The development should be refused permission.
- There is a lack of adequate car parking facilities that will result in a traffic hazard.
- High levels of deliveries and servicing via residential streets that will result in a traffic hazard.
- It would set an undesirable precedent for the scale, height and form of development in Ranelagh.
- It would have a negative impact on the amenities of the appellant as a result of directly facing bedrooms, staircase and balcony that would directly overlook the appellant's property.
- The proposal would amount to an overdevelopment of the site.
- The existing retail units on the appeal site are of a scale and form that is reflective of the traditional rhythm and overall village character of Ranelagh.
- The appellant's offices have a number of rooflights that provide natural light into offices and toilets.
- The shops and offices on the adjoining 121-123 Ranelagh are served by six car parking spaces to the rear that are accessed via a narrow laneway that sits immediately adjacent to the application site at the end of Mornington Road.
- This laneway also provides access to the rear of properties along Mornington Road and Anna Villa.

- Car parking is heavily restricted in the area as a result of the residential nature of Ashfield Road/Ashfield Avenue/Mornington Road.
- Parking within the local area is already at a point that results in serious parking issues for the local residents.
- A minimal number of spaces are available on the Main Street.
- Deliveries are almost exclusively never undertaken from the rear of the Main Street.
- The site is within a zone of interest of an archaeological interest, the applicant or the p.a. have not addressed this in the application.
- The appellant refers to the two previous permission granted on the site, these were of a completely different nature and use.
- Those previous permissions offered no overlooking of the appellant's offices nor inhibited their future development potential.
- The respectful approach to development in the previous applications is completely remiss in the current application.
- An extension of duration on 3113/07 was reused on a number of grounds including failure of the scheme to meet new CDP standards for apartments and also in relation to height.
- The current proposal is over 200 sq.m. larger than the previous and provides a completely different form to the street and mix of uses.
- The proposed art house screening room use in the basement relates to the overall development and the reasoning for its inclusion must be questioned by the Board.
- The proposed ground floor layout would indicate it being very much designed as a bar rather than as a restaurant.
- The proposed roof terrace offers direct views into the appellant's offices and toilets.
- The proposed two-storey screen outside the hotel bedrooms will not adequately address the negative impact on the appellant's privacy and security.
- The impact of this screen on the quality of these bedrooms must also be considered.
- Permission has previously been granted for a development that would include the construction of an additional storey above 121-123 Ranelagh, although lapsed, the current proposal would inherently and irrevocably inhibit the potential development of the appellant's property in accordance with the principles of that permission.
- The terrace to the front of the building, as well as the bedroom positions and siting are unacceptable to the appellant and should be refused.
- Location of plant and other ventilation have not been indicated in the application, concerns raised in relation to noise impacts arising.
- Noise and vibration impacts at construction stage are a concern.
- No indication as to how access will be maintained to the rear of 121-123 Ranelagh.

- Concerned about the integrity and stability of property, specific reference made to the potential impacts arising at basement construction phase.
- Appellant requests that a noise study be undertaken from within its office prior to commencement of development.
- Ill-conceived traffic management plan for the operation of all facets of the development.
- Amount and frequency of deliveries to the hotel/restaurant/bar are of concern.
- Trip generation associated with the deliveries will have a profoundly negative impact on the residential environment to the rear of the site.
- The applicant has failed to address the car parking requirements of the proposal and provides no car parking spaces to serve the development.
- The p.a. have erred in their interpretation of the car parking requirement for the development.
- The fact that no car parking is being provided is indicative of the overdevelopment nature of the application.
- It will result in overspill car parking in the local area that is already under strain.
- The Board is requested to overturn the p.a. decision and refuse on grounds of insufficient parking and a serious traffic hazard.
- The indicative plot ratio is 2 as per the CDP, the proposal has a plot ratio of 3.8.
- This amounts to a gross overdevelopment.
- The scale of development will be overbearing and form an incongruous form of to the street.
- The design and form of the proposal provides no reflection of the intrinsic character that makes Ranelagh village so attractive a location.
- The current character of Ranelagh must be viewed as a success in broad planning terms, the reasons for that success is the keeping of the character of the village character by retaining the scale and form of the intrinsic urban village, the proposal completely ignores this.
- The use of No. 3 Sandford Road to argue by the applicant for the subject site to be of the height and form is irrelevant to the determination of this appeal.
- The property at No. 3 Sandford Road does not form part of this terrace, it is also of a very basic design.
- The nature of the design of the proposal and its scale does not in any way reflect the grain and rhythm of the street.
- The appearance of the development is wholly alien to the street and character of the village.
- It should be refused due to its impact on the streetscape and character of Ranelagh.
- The cinema in the basement should be refused.

- No door should be allowed to open onto the laneway to the rear of the site.
- There is no refuse store proposed.

Marie-Louise & Peter McLoughlin, Ardilea Down, Goatstown, Dublin 14.

The contents of the 3rd party appeal from the above can be summarised as follows:

- The appellants own nos. 121-123 Ranelagh adjoining the application site.
- No obstruction of any kind should be allowed to the laneway to the rear of the application site, for both construction and operation stages.
- The proposed door opening onto this lane should not be permitted.
- Overlooking from bedroom windows and the stairwell of the appellants' property is of concern.
- The proposal will also impact on the development potential of the appellants' property.
- The proposal will create chaos in the area for traffic and parking.
- There is no purpose built public car park in Ranelagh.
- Concerns raised in relation to parking and heavy commercial traffic on narrow suburban residential roads.
- Ranelagh is already a parking disaster.
- Construction stage impacts will cause havoc in the area.
- Peoples existing legal rights will be infringed.
- Waste storage and collection has not been addressed.
- Concerns raised in relation to potential impact at construction stage, specifically, concerns raised about the basement construction adjacent the appellants' property, movement monitors should be installed by an independent firm.
- Noise monitors should also be installed.
- Major concern is the risk of flooding due to the increase in the local water table levels as a result of the development.
- The omission of the basement should be considered.
- Plot ratio and site coverage exceed the CDP.
- The development will have a significant adverse effect on the character of the village.
- Ranelagh should be retained as a village.

Kenny Worn, Mary Warnock, Richard Barrett & Michael P. Bourke c/o Jim Brogan Planning & Development Consultant.

The contents of the 3rd party appeal from the above can be summarised as follows:

- The appellants are seeking that the p.a. decision be overturned.
- The public notices and related application do not comply with the permission regulations with reference to the existence of apartments

on the site and works proposed to the side laneway which is outside of the application site boundary.

- The Board has no authority therefore to make a decision on the appeal.
- A number of the proposed hotel bedrooms are less than the regulatory requirements with reference to '*Tourist Traffic Acts 1939-2003-Registration and Renewal of Registration Regulations for Hotels 2003*'.
- The number of bedrooms is excessive, which is evidence of overdevelopment of the site.
- The appellants are most concerned that the basement area, the bar/restaurant at ground level or the rooftop 'high quality restaurant/terrace' may be used as a night club or late-night entertainment venue.
- Without prejudice, if permission is to be granted the appellants are seeking a condition to the effect that no part of the hotel can be used as a nightclub.
- A condition is also sought that no part of the restaurant or associated terrace at penthouse level may be used for any purpose outside the restricted hours of operation of the restaurant as per the p.a. condition no. 10.
- The development does not meet the CDP criteria for a development in a transitional zone.
- The existing plot ratio is 1.9, the CDP indicative plot ratio for the site is 2.0, the new plot ratio will be 3.8.
- The proposed development, in terms of its design, height, massing and scale and materials, represents a very significant departure from the established norm on this section of the street.
- It will be a highly obtrusive and discordant element, it cannot be assimilated into the streetscape, it will cause serious injury to the visual amenity of the street.
- The development will also have a highly injurious impact on the amenities of the adjoining Residential Conservation Area.
- It is located in an established residential area, issues of noise and general disturbance will no doubt arise with regard to activities within the hotel and the movement of patrons to and from the hotel.
- Concerns about potential noise impacts from other sources include noise from extractor fans, ventilation ducts and smokers congregating on the lane.
- Without prejudice noise level condition sought.
- The serious parking problems already experienced in the area will be exacerbated by the impact from the proposed development.
- At least 14, if not more on-site car parking spaces should have been provided in compliance with the CDP standards.
- The absence of any form of on-site parking is a valid reason for refusal.

- Concerns raised in relation to the servicing of the hotel.
- The site is located in Ranelagh along a regional road, it is a heavily trafficked urban arterial route, it operates as a clearway from 07:00-10:00 and 15:00-19:00, this means no parking or stopping on this road.
- There is no separate service entrance along the hotel's frontage on the road.
- Servicing from this location will be highly problematic.
- Problems will also arise in relation to guests being dropped-off or picked up.
- This is evidence of the site's unsuitability as a location for a hotel.
- Concerns also raised in relation to servicing the hotel via the residential roads to the rear of the site.
- These concerns relate to, *inter alia*: lack of details in relation to type, number and frequency of deliveries; difficult to regulate by way of condition; traffic hazard on residential streets; no space for loading-bay; trucks impeding pedestrian lane; trucks impeding access to car park; width of roads; school children using the roads and lanes, and noise and disturbance in a residential conservation area.
- There is no provision within the development for any form of waste storage facility.
- The disposal of bottles into bottle banks, the movement of the latter and their emptying can be very noisy and disruptive.
- Inadequate water pressure in the area.
- No detailed construction management plan was submitted.
- Permission should be refused.

Gerard Thornton, Mornington Road, Ranelagh Road, Dublin 6.

The contents of the 3rd party appeal from the above can be summarised as follows:

- The appellant's house is located at the northern end of Mornington Road to the rear of the application site.
- The appellant is totally opposed to the proposed development, it should be refused permission.
- No parking provision proposed.
- Parking spaces on Mornington Road are already in short supply.
- No provision made for handling of hotel waste.
- Noise impacts arising.
- Concerns raised in relation to servicing of the proposed development and traffic implications.
- Water pressure in the area already a problem.
- Construction phase impacts are of concern also.

Cullenswood Park Residents, Rory Boyd & others

The contents of the 3rd party appeal from the above can be summarised as follows:

- Traffic impacts are of concern.
- No traffic survey submitted.
- No car parking provision proposed.
- CDP standards in relation to car parking provision not met.
- Threat to health and safety to residents of Cullenswood Park due to traffic generated by the proposal.
- Threat to the health and safety of cyclists on Ranelagh Road where they are obliged to leave the cycle lane and use the busy thoroughfare to avoid vehicles (taxis and service vehicles) at the front of the proposed hotel.
- Impact on water pressure.
- Any suggestion that the hotel traffic will be minimal or managed is fanciful.
- Without prejudice conditions sought by the appellants relating to: no nightclub use; no licence for late night drinking, and applicant to address parking issue.

Geraldine O'Rourke, Mornington Road, Ranelagh, Dublin 6.

The contents of the 3rd party appeal from the above can be summarised as follows:

- Development is totally out of keeping for a residential conservation area both in terms of design and mass.
- Plot ratio of 3.8 is unacceptable and will result in the total destruction of Ranelagh as a village.
- The site coverage at 100% is unacceptable and will add to the total overdevelopment of Ranelagh.
- Concerns raised in relation to noise generated at operational stage.
- On height grounds alone the top floor should be refused as it shows no respect for the residential neighbourhood that is only two storeys.
- Development will create extra parking and commercial vehicle movements on Mornington Road where it is difficult to get parking even with a residents' parking disc.
- Concerns raised in relation to construction stage impacts.
- If permission is to be granted the roof top restaurant at this height should be refused permission as it is overlooking the residents who live in Ranelagh.
- Ranelagh is already served with many restaurants so it is unnecessary.
- The basement should also be refused permission.
- No car parking being provided on the site.
- No archaeological assessment has been prepared.
- Concerns raised about potential anti-social behaviour.
- The appellant urges a total refusal of permission.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

There is no response from the p.a. on file at time of writing.

6.2 First party response

The contents of the first party's response to the grounds of appeal can be summarised as follows:

- Contents of report titled 'Hotel proposed for 117-119 Ranelagh, Dublin 6' by Manahan Planners for the applicant can be summarised as follows:
 - Overlooking is less in the current proposal compared to previously granted schemes.
 - There is a wide range of architectural styles, heights, and materials used in the vicinity of the site.
 - The proposal is a high quality contemporary building which will contribute to the architectural quality of this section of the Ranelagh Road.
 - It will considerably improve the visual amenities of the area.
 - If there is no parking on the site then people will travel by other modes of transport.
 - The location is well served by public transport.
 - Overseas clientele will travel by taxi or public transport.
 - In the case however of the few people who will stay at the hotel and will arrive by car, the applicant has agreed to provide a parking pass for car parking during their stay at the hotel.
 - There are two loading bays adjacent to the front of the premises wherein the servicing needed can be carried out.
 - The servicing of the site is proposed to be removed in this application from the residential roads at its rear to existing loading bays in the front commercial area and so must be considered a planning gain for the residents.
 - No nightclub is proposed.
 - The applicant is offering to upgrade the public lane for DCC.
 - It is consistent with the Z4 zoning.
 - There is a well-documented shortage of hotels in Dublin city area.
 - There is no hotel in the Ranelagh village area.
- Contents of report by NRB Consulting Engineers can be summarised as follows:
 - Response relates to Traffic and Roads related issues.

- Were advisers in relation to the adjacent Tesco Express Store, subject of PL 29S.239871.
- The loading bay to the front of the adjacent Tesco Express appears to be operating successfully and without any significant problems occurring.
- The current rear use of the application site as warehouse/industrial has very significant traffic/parking and servicing demands at the moment, affecting Mornington Road, the applicant is not aware of any associated restrictions or conditions in terms of the current permitted use of the site.
- In terms of servicing, the proposed hotel use is less onerous, or at least similar, to many of the surrounding commercial premises in this environment, it is also less onerous than the permitted and previous use of the site.
- They are not aware of any particular adverse capacity, safety or nuisance effects associated with the existing arrangements for servicing the adjacent developments including the Tesco Express Store.
- Deliveries are normally scheduled outside peak hours, and to coincide with allowed times at the service loading bays provided.
- The applicant refers to the two loading bays in the vicinity of the site, this loading bay provision is more than adequate to serve the needs of a hotel.
- Applying the TRICS Database for worse-case vehicular traffic generated, the applicant concludes that the proposed development of the hotel will result in an absolutely negligible change in traffic conditions locally in terms of car movements, and small hotels such as that proposed have a negligible impact upon parking conditions and requirements, with a worse case requirement for 3 short-stay parking spaces.
- Modern communication devices now allow taxis to be ordered on a demand-basis, without any requirement for formal taxi ranks or dedicated areas.
- The clearway in place on a short section of Ranelagh Road will not represent any capacity or operational difficulty for this small hotel, when there are acceptable set down and pick up locations available.
- There is frequent bus service passing the subject site in Ranelagh with nearby bus stops.
- The site is within 500 m of the Luas stations at Beachwood and Ranelagh stops.
- The CDP sets no lower limitation on parking provision, only maximum parking provision standards, and given the small size and location of the hotel, the applicant considers that their approach to the car parking provision issue is an appropriate and acceptable.

- The submission includes 2 letters addressed to the applicant, one from Murphy & Gunn at Milltown indicating, *inter alia*, that they can provide a service for car collection and parking for guests, the second letter is from McCarthy Accountants indicating that they have agreed to provide a minimum of 3 car parking spaces to the rear of 126-128 Ranelagh village, across the road from the application site.
- Contents of report titled 'Architect Statement' can be summarised as follows:
 - The scale and massing of the hotel has had particular regard to the existing built context along Ranelagh and Mornington Roads.
 - The proposed building will be visually less apparent than that approved previously.
 - The setback proposed at the top floor at the northern boundary is c. 6 m, in the previously granted scheme was set back c. 2.5 m.
 - The third floor is not visible from the pavement to the north of the subject site.
 - The third floor has also been set back c. 6 metres where it faces Mornington Road, the previously granted scheme was set back c. 4 m.
 - The subject site is a corner one and is somewhat unique in the context of the majority of the buildings along Ranelagh.
 - The streetscape varies significantly in height.
 - The elevations have been carefully considered including the east facing gable which has been detailed to include a set back from the boundary to accommodate a window.
 - The purpose of the planted vertical screen is to protect the amenities of the adjoining property and provide a pleasant outlook from the guest accommodation.
 - The proposed hotel is based on very successful similar small hotels in Europe, it is a relatively new typology in Ireland, Fáilte Ireland has welcomed the proposal.
 - The applicant refers to drawings submitted with the appeal that include a detailed layout of staff, refuse and storage areas including bicycle accommodation.

6.3 Observations on grounds of appeal

Imelda Healy & Bill Bariach, Mornington Road, Dublin 6.

The contents of the observer submission from the above can be summarised as follows:

- Ranelagh doesn't need a new bar and restaurant.
- Massively out of scale on Ranelagh Road.
- The modernist white cube design conflicts with historic red brick look of the neighbourhood.
- The hotel calls attention to itself.

- More traffic and parking problems for local residents.
- Ashfield Road is already a nightmare during the morning commute hours.
- Noise concerns expressed.
- Construction phase impacts are of concern.
- Waste disposal and deliveries at operational stage are of concern.
- The hotel will be another 'crash pad', an eyesore and a nuisance.
- The proposal should be rejected.

Francis Mulligan, Ashfield Road, Ranelagh, Dublin 6.

The contents of the observer submission from the above can be summarised as follows:

- On-street car parking pressures are currently evident in the vicinity.
- The site is of limited size.
- The development is excessive.
- Traffic congestion created on the local road network.
- Noise, fumes and disturbance arising from deliveries/collections are of concern.
- Light spillage emanating from the extensive glazing proposed.
- The proposal would not respect local context and community.

Ann McNicholl, Ashfield Avenue, Ranelagh, Dublin 6.

The contents of the observer submission from the above can be summarised as follows:

- Development wholly inappropriate for the location.
- The area immediately to the south of the site is characterised by a fine grained urban pattern, with narrow streets of small, two to three bedroom, two-storey terraced houses, very small front gardens and no off-street parking.
- It will be occupied 24 hours a day, seven days a week, it will attract customers in large numbers from a very wide catchment area, its impact on the residential neighbourhood will be severe.
- Parking is already problematic on the residential streets with the roadway often reduced to single lane width.
- Concerns raised about traffic impacts on Ranelagh Road arising from deliveries.
- No provision for off-street collection of waste.
- Noise concerns raised in relation to traffic, deliveries, handling and collection of empty bottles and noise generated by customers arriving and leaving.
- Laneway being used as a spill-out area from the development can be expected to involve noise, litter and perhaps anti-social behaviour.
- Development should be refused permission.

Roger & Alice Childs, Ashfield Road, Ranelagh, Dublin 6.

The contents of the observer submission from the above can be summarised as follows:

- No additional parking proposed whatsoever.
- It is not reasonable to introduce a hotel of this size into the community without making provision for additional parking.
- Problems outlined with refuse collection in the area.
- Reference made to a fatal accident involving a pedestrian and lorry in the area.
- Totally unrealistic estimate of the number of deliveries likely to be made to the hotel.
- Concerns raised in relation to noise, litter and anti-social behaviour arising.
- Water pressure already low in the area.
- Concerns raised in relation to taxis dropping off/picking up fares at the hotel from the Ranelagh Road.
- Construction stage impacts are of concern.
- The proposed cinema has the whiff of a Trojan horse about it.
- Without prejudice conditions sought relating to prohibiting such uses as a sports bar, night club or casino.
- Without prejudice condition sought in relation to late night drinking.

Sally Corcoran, Mornington Road, Ranelagh, Dublin 6.

The contents of the observer submission from the above can be summarised as follows:

- The proposal will seriously injure the amenities of the area because of the noise generated.
- The proposal will provide a looming presence in the neighbourhood dwarfing the Victorian houses which give Ranelagh its characteristic charm.
- Traffic congestion arising.
- Lack of archaeological survey is extraordinary.
- Excavations and works have the possibility to destabilise the foundations of houses close to the development, including the observer's.

Yoav Arkin & others, Mornington Road, Ranelagh, Dublin 6.

The contents of the observer submission from the above can be summarised as follows:

- The development would seriously undermine residential amenity by reason of unacceptable activity and resultant noise generation.
- Commercial factors clearly dictate the application to an unacceptable degree.
- The development does not reflect the variety and restrained extent of building forms in the immediate area.

- Overdevelopment, emphasised by a failure to provide parking or off-street vehicular service facilities.
- Submission contains some 79 signatories and a photograph of an a.m. delivery to the adjacent Tesco outlet.

Patrick Bowe, Ashfield Avenue, Ranelagh, Dublin 6.

The contents of the observer submission from the above can be summarised as follows:

- The rear of the proposed development onto Mornington Road should respect the architectural heritage, it should be of a similar two-storey construction.
- Refers to the development on the opposite side of the laneway as a representation of proper development for the area.

Tom Murphy, Ashfield Avenue, Ranelagh, Dublin 6.

The contents of the observer submission from the above can be summarised as follows:

- The p.a. have erred in their interpretation of the car parking requirements of this development.
- Both the developer and the Road Traffic Division failed in their obligations to address how disabled or those with impaired mobility will be accommodated with their entitlement to equal access.
- The location and proposed development is very poor in terms of access to all.
- Public transport amenities for all are not adequate in and around the proposed development.
- The lack of essential disable facility is a substantive planning reason for refusal.
- Several considerations as held in the CDP for basement construction were not addressed by the applicant.
- There is no merit, development need or planning gain from the proposed development.
- It completely ignores the location of the development and would seriously injure the residential amenities of residents and the amenities of the area.
- It would set an undesirable precedent for further such development in the area.

6.4 Further responses

Kenny Worn, Mary Warnock, Richard Barrett & Michael P. Bourke c/o Jim Brogan Planning & Development Consultant.

The further submission from the above can be summarised as follows:

- Submission relates to other third party appeals.
- The appellants fully support the other appeals submitted.
- Permission should be refused.

Geraldine O'Rourke, Mornington Road, Ranelagh, Dublin 6.

The further submission from the above can be summarised as follows:

- Submission by the applicant to the Board is referred to.
- The previous applications on the site were for residential development and were vastly different from the current proposal.
- Height issue not addressed.
- Points listed that were not addressed in the proposal.
- The applicant has contributed nothing new to the serious objections raised by the residents.
- Development disregards totally the fabric of Ranelagh.
- The bedrooms in the proposed hotel are tiny.

Cullenswood Park Residents, Rory Boyd & others

The further submission from the above can be summarised as follows:

- Submission by the applicant to the Board is referred to.
- Planning histories not comparable with current proposal.
- Confusion in relation to servicing proposals.
- Issues relating to traffic are again referred to.

Sally Corcoran, Mornington Rd., Ranelagh, Dublin.

The further submission from the above can be summarised as follows:

- Submission by the applicant to the Board is referred to.
- Previous application entirely different to current proposal.
- Matters pertaining to traffic, deliveries, noise and scale raised.
- Inappropriate backdrop to the Victorian terrace.

Marie-Louise & Peter McLoughlin, Ardilea Down, Goatstown, Dublin 14.

The further submission from the above can be summarised as follows:

- Submission by the applicant to the Board is referred to.
- Issues not dealt with in the applicant's submission to the Board.
- Refers to noise, flooding potential due to basement proposed, major adverse effects, overlooking, traffic and parking.
- No need for hotel in Ranelagh.
- The site is too small, the building too large and the business is unsuitable in the area.

Gerard Thornton, Mornington Road, Ranelagh Road, Dublin 6.

The further submission from the above can be summarised as follows:

- Submission by the applicant to the Board is referred to.
- Reference made to deliveries, hotel use at the location,
- Noise generated, increased traffic congestion,

Kenny Worn, Mary Warnock, Richard Barrett & Michael P. Bourke c/o Jim Brogan Planning & Development Consultant.

The further submission from the above can be summarised as follows:

- Submission by the applicant to the Board is referred to.
- It remains legitimate to raise the issue of validity of the application.
- Concerns raised that the hotel will be primarily an entertainment venue with the focus being on attracting non-residents to its bars.
- Further intensification of restaurants/licensed premises which has already reached saturation point.
- There appears to be a change of servicing arrangements as represented in the 'Planning Statement' and the 'Traffic Report' now submitted by the applicants.
- Without prejudice, given the revised servicing arrangements, in the event of a grant of permission, a condition is requested prohibiting vehicular service deliveries to the rear of the hotel.

Originate Marketing Consultants Ltd., c/o Marston Planning Consultancy.

The further submission from the above can be summarised as follows:

- Submission by the applicant to the Board is referred to.
- The reasons for the Board to overturn the decision remain clear and unambiguous.
- Insufficient and inadequate car parking.
- Contrary to the original application and original response the applicant now proposes what they refer to as a parking pass system for visitors arriving by car.
- There is no guarantee of retaining their use for parking to serve the hotel as part of the application.
- Other issues relating to the proposed parking system are raised including: poor access; conflict with the continued use of the protected structures; intensifying unauthorised parking, and access is via narrow laneway.
- Overlooking has not been addressed.
- No noise mitigation has been put forward by the applicant.

7.0 POLICY CONTEXT

The appeal site is zoned Z4 – 'To provide for and improve mixed services facilities' as indicated on Map H of the statutory development plan for the area which is the Dublin City Development Plan 2011-2017. Other directly relevant sections of the CDP include:

Chapter 15 – Land-Use Zoning – Zoning Objective Z4

Chapter 15 – s. 15.9 Transitional Zone Areas

Chapter 17 – s.17.4 Plot Ratio

Chapter 17 – s.17.5 Site Coverage

Chapter 17 – s.17.6 'Building height in a Sustainable City'

Chapter 17 – s.17.6.2 'Definition of a High Building'

Chapter 17 – s.17.40.2 'Service Areas'.

Table 17.1 – Car Parking Standards

(Copies of relevant extracts in appendix attached to this report for ease of reference for the Board.)

8.0 ASSESSMENT

8.1 I have examined all the plans, particulars and documentation on file, including appeal submissions, observer submissions and responses. I have carried out a site inspection. I have had regard to the relevant provisions of the statutory development plan for the area. In my opinion the main issues arising are:

- Deliveries/ Servicing
- Design / Height / Massing / Scale
- Impact on the adjoining 121-123 Ranelagh Road
- Overdevelopment & Over-intensification of use
- Appropriate Assessment
- Other issues

Deliveries/Servicing

8.2 Many of the objections addressed to the p.a., and many of the third party appellants and observers to the appeal, have raised concerns about deliveries to, and servicing of, the hotel. The concerns relate to potential delivery access via the residential streets to the rear of the site. Many hold that these residential streets are too narrow to accommodate the deliveries that such a development would require. They question the number of deliveries as originally indicated holding that these are significantly underestimated. They raise concerns about the potential impact such deliveries would have on the residential amenity of those living on the residential streets and also raise concerns about traffic and pedestrian safety and potential obstruction of access to neighbouring properties.

8.3 In the original submission to the p.a. the applicant did indicate that servicing arrangements for the hotel were to confine deliveries to eight companies only and to concentrate them into one day a week only. Deliveries were to be small transit vans or small wheelbase trucks via the rear of the site. Any larger trucks were to access via the front of the site along the Ranelagh Road at off-peak hours similar to other commercial premises, including pubs, that front onto the street (ref: page 5 of 'Town Planning Report' received by the p.a. on the 06/11/15). The applicant highlights that the industrial element that exists at the rear of the site has been accessed and serviced via the residential streets to the rear for many years. I do note that the barrel-vaulted industrial structure at the rear of the site does have both pedestrian and vehicular access off Mornington Road to the rear.

8.4 In the applicant's response to the grounds of appeal (received by the Board on the 29/02/16) the delivery/servicing strategy for the hotel changed. In a

report by NRB Consulting Engineers and by Manahan Planners, both acting for the applicant, it was indicated that the hotel was to be serviced via Ranelagh Road and not via Mornington Road to the rear. There are two loading areas located in close proximity to the appeal site and these are to be utilised to service the hotel. One is approximately 20 m to the west of the site and is located on the Ranelagh Road (available Mon-Sat 10 am – 3 pm), the other is located to the east of the site adjacent the Anna Villa/Ranelagh Road junction, it is approximately 40 m from the application site (available Mon-Sat 7 am – 7 pm). The applicant's agent, NRB Consulting Engineers, state that they also acted in relation to an appeal concerning the adjacent Tesco Express outlet (ref: PL29S.239871). They state that they were involved with the design and delivery of the on-street loading bays to the front of the Tesco Express with DCC, they state that this loading bay arrangement appears to operate successfully and without any significant problems occurring. I note that the Board, in a split decision, did grant permission in relation to changes to an existing retail outlet on that adjacent site, I note under condition no. 5 that the Board restricted hours of deliveries in relation to night time activity in the interests of residential amenities.

- 8.5 Notwithstanding the applicant's response to the grounds of appeal in which it is now proposed to service the hotel from the front only, I am of the opinion that it is in the best interests of the proper planning and sustainable development of the area, to allow some deliveries/servicing via Morning Road to the rear. The Ranelagh Road is a busy regional route, the R117, and also contains cycle lanes in both directions. Allowing for some deliveries/servicing to be carried out from both the front and rear will help reduce potential impacts overall rather than concentrating them in just one area/on one side. There is an industrial structure at the back of the application site that has vehicular entrance off the Morning Road, so it is reasonable to assume that servicing/deliveries from the rear is an established practice at this site. Residential amenities of the Z2 zoned area can be protected by limiting the hours of deliveries. The loading bays on the street have time limitations.
- 8.6 Having regard to s.17.40.2 'Service Areas' of the CDP (copy in attached appendix), should the Board be disposed to a grant of permission I would recommend a condition requiring the applicant to agree time, frequency and manner of deliveries to the hotel with the p.a. prior to the commencement of development but I would not restrict the deliveries to be via the on-street loading bays to the front of the site only, some limited servicing/deliveries can be accommodated via the rear of the site.

Design / Height / Massing / Scale

- 8.7 Many of the observations to the p.a., and many of the appellants and observers in their submissions to the Board, raised concerns about the design of the proposed development. Some hold that it is out-of-character

with the village centre location, some hold that the modernist expression of the elevations are inappropriate, some consider that the height is unacceptable, that it will be a highly obtrusive and discordant element in the streetscape, others focus on the rear elevation onto Mornington Road and again consider it to be inappropriate in the context of the two-storey, red-brick residential conservation area. On a related matter, the massing and scale of the proposal is criticised by some.

- 8.8 The applicant refers to, and to some extent, relies upon, the previously permitted mixed-use development granted on the site, ref: 6054/07, to justify the height, massing and scale of the current proposal. I note that 6054/07, and the related 3113/07, were not subject of appeal. That previous permission, 6054/07, permitted 3 floors of apartments over ground floor and basement level retail, no on-site car parking was proposed in that application.
- 8.9 The proposed development will have 5 floors of accommodation: a basement level and 4 floors of accommodation above ground. The top floor will be setback from both its front, northern elevation and from its rear, southern elevation. With reference to the front elevation onto Ranelagh Road, I am of the opinion that, at first glance, the elevations on file do somewhat of a disservice to the proposal. The front elevation, in some of the submitted drawings, reads as a four storey element immediately on the front building line. This does appear as an abrupt transition, especially against the structures adjoining to the east which are all two-storey along that terrace up to the junction with Anna Villa. However, critically, the top floor is set back a significant 6 m from the front building line, this means that the front elevation will appear as a three structure onto the street frontage and not a four storey structure. I draw the Board's attention to the photomontages submitted with the application on drg. No. PP.08 indicating the proposed development as viewed from various locations along the Ranelagh and Sandford Roads to the front of the site. I am of the opinion that the structure reads as a three storey element onto the street frontage, in that regard I do not consider the height, scale or massing to be excessive. The mixed-use development immediately to the west of the site is a three storey building, and there are other three storey structures on this side of the Sandford and Ranelagh Roads through the village (Ranelagh nos. 83-87 appears to be a three storey structure with a setback additional floor above). Likewise on the opposite side of the Ranelagh Road from the site there are three storey structures. I also note that the Board, in 2015, granted permission for a residential development on the vacant site across the road from the current site. That residential development included for three-storey dwellings of contemporary idiom fronting onto the Ranelagh Road (ref: PL 29S.244985, Order and particulars in attached appendix). The appellants who occupy part of the structure immediately to the east of the application site have stated that permission had previously been granted for a development that would include the construction of an additional storey above that two storey building (ref: page 5 of appeal submission for Originate Marketing Consultants Ltd. as

prepared by Marston Planning Consultancy [I have not been able to locate that permission]). I would also draw the Board's attention to the existing treatment of the front façade of the two structures on the site that are to be demolished. While they are currently two storeys, they have a stepped gable frontage treatment that juts a significant amount above the parapet line of the terrace of buildings to the east. I also accept the applicant's design argument that the proposed development is the western bookend and balances with the eastern bookend at no. 3 Sandford Road (ref: page 6 of the 'Architect Report' received by the p.a. on the 06/11/15).

- 8.10 The proposed structure also reads as a three storey building for the most part where it backs onto Mornington Road, I do not consider this an abrupt transition with the predominantly two-storey dwellings along Mornington Road and Ashfield Avenue. There is planning gain here again with the removal of the industrial structure on the site that constitutes a visual disamenity when viewed from the residential area.
- 8.11 I consider the scale, massing and height to be acceptable, I do not consider that the proposed heights conflicts with s.17.6.2 of the CDP in relation to height. I consider the design of to be merit in particular in how it addresses the side laneway with specific reference to the elevational treatment at this location.

Impact on the adjoining 121-123 Ranelagh

- 8.12 Two of the third party appellants raised specific concerns about potential impacts on the adjoining property to the east which is located at Ranelagh Nos. 121-123. One of those appellants is the owner, and the other is an occupier of office accommodation in the first floor of that building.
- 8.13 The concerns relate to, *inter alia*, overlooking of the adjoining property including overlooking of rooflights and impact on development potential of that neighbouring property. In relation to the overlooking issue, the applicant is proposing that a number of the proposed bedrooms at first and second floor will be orientated towards the appellants' property. However, while those proposed windows are in close proximity to the shared boundary, the applicant is proposing as a design solution to construct a vertical planted screen against the shared boundary. This was indicated in the original application submission and further details of this solution were submitted in the plans and particulars submitted in response to the grounds of appeal (ref: see drg. No. ABP.02 in 'Architect Statement' received on the 29/02/16). This will obviate overlooking of the adjoining property to the east, it is an appropriate design response in this instance, in my opinion. However, should the Board be disposed to a grant of permission I would recommend they apply a condition seeking the agreement with the p.a. of the detailed design proposals for this proposed perforated planted screen. The screen should be so designed to ensure that even without planting in place (i.e.

should the planting fail) the adjacent rooflights shall not be overlooked. Another source of overlooking concern is the proposed window at the third floor to the stairwell. This window faces towards the adjoining property. One of the intentions here was to add design interest to the east facing elevation which will be visible from an oblique view travelling westbound on the Sandford Road. In that regard, the design intervention is to be welcomed. Nevertheless, the appellants are concerned that this will create overlooking, including overlooking of the rooflights in their property and will also impede possible future development on that adjoining site. However, I draw the Board's attention to the fact that this proposed window is not built right up to the shared boundary, it, like the windows to the bedrooms, are setback from the shared boundary. If the owner of the adjoining property to the east wishes to extend upwards in the future and builds up to the shared boundary, the setback between these proposed windows and the adjoining property will effectively form a lightwell, therefore I do not accept that these windows adversely impede the development potential of the neighbouring property. In relation to the overlooking concern, should the Board be disposed to a grant of permission I would recommend they apply a condition applying obscure glazing to this stairwell window. There is one rooflight to the front of the appellants' property that is approximately 3 metres from the shared boundary. That rooflight is a floor below the level of the proposed terrace and, as stated, is 3 metres back from the shared boundary, given that separation distance and orientation, I don't believe overlooking can be easily facilitated here, and, as a rooflight, obscure material could be applied to it should overlooking be considered a problem. In those circumstances it would appear somewhat excessive to refuse permission in relation to this one rooflight.

- 8.14 The appellants have also raised concerns that access to the vehicular entrance to the rear of their property off Mornington Road will be obstructed by the applicant, particularly at construction stage. The applicant is not proposing, and is not entitled, to obstruct third party right of access to their property across a public road.
- 8.15 Concern was also raised about a service door at the rear of the proposed hotel opening outwards into the public lane to the rear, this was as originally indicated in the plans submitted with the application. The applicant, in the response to the grounds of appeal amended the layout, creating a recess in front of the door and thus ensuring it does not open out across the public lane (ref: drg. No. ABP.01 in 'Architect Statement' received by the Board on the 29/02/16). In the event of a grant of permission I would recommend the amended scheme be imposed by way of condition in the interests of clarity.
- 8.16 Concerns raised about potential noise from plant can be addressed by way of condition should the Board be disposed to a grant of permission. Likewise, concerns over construction stage impacts can be addressed by condition. The applicant is not proposing to, and is not entitled to by way of a

permission, damage third party property. Basement constructions like that proposed have been successfully carried out at other, more challenging locations, in Dublin and elsewhere, in that regard it would be unreasonable to refuse permission over such construction stage potential impacts. There is a 'Flood Risk Assessment' contained within the report by JJ Campbell & Associates, Consulting Civil & Structural Engineers, submitted with the application. That assessment indicates that there have been no reports of flooding events at, or adjacent the application site. The DCC Engineering Department – Drainage Division (Report dated 08/12/15) indicates no objection subject to conditions, one such recommended condition relates to minimisation of the risk of basement flooding, another relates to discharge of groundwater and another relates to compliance with OPW Guidelines in relation to flood risk. Should the Board be disposed to a grant of permission I would recommend that final design proposals in relation to these matters should be agreed with the p.a. prior to the commencement of development by way of condition.

Overdevelopment & Over-intensification of use

- 8.17 A number of appellants and observers to the appeal have raised this issue relating to overdevelopment of the site. I am of the opinion that these concerns are not unfounded. Other concerns raised, such as plot ratio, site coverage, inadequate car parking provision and the number and quantum of certain uses being proposed, are, in my opinion, linked to this issue in this instance.
- 8.18 The public notices clearly state that the use of the proposed building is to be a 'boutique hotel'. A hotel use is a permitted use on such zoned land. Other uses within the hotel development, such as restaurant and bar use, are permissible uses as per the CDP. In and of themselves, the uses are acceptable, however, the quantum and distribution of certain uses raise concerns.
- 8.19 The development description, and the documentation on file, focus on the proposed hotel use, the applicant seeks to explain the need for, and the emerging market in, such hotel typologies, I do not take issue with that. The concern here in the first instance, is the quantum of floor area being dedicated to different uses within the 'hotel' building.
- 8.20 There are five floors of accommodation being proposed, yet only two of those five are actually dedicated to bedroom usage, the three other floors provide public spaces for a variety of uses. Almost the entire area of the ground floor is dedicated to a restaurant and bar use. Almost the entire area of the top floor is dedicated to another large restaurant use and is to include a terrace for the patrons towards the front of the building. A significant proportion of the basement level is to accommodate public rooms such as meetings rooms, public toilets and a film screening room with a raked floor. In a

boutique hotel one would expect to find communal areas to serve the guests such as a reception and a breakfast/dining room, but such areas would be expected to be ancillary to the main function of the hotel i.e. the guest rooms. In the hotel proposal before the Board it is difficult to describe the 2 no. restaurants, the ground floor bar, the coffee/juice pod, the meetings rooms and the screen room, given the quantum of floor space involved, as being 'ancillary' uses to the proposed guest bedrooms. The quantum of public floor area being dedicated to non-bedroom usage is excessive and disproportionate in my opinion. The potential activities at the development have given rise to much concern from the appellants and observers relating to noise and nuisance impact potential. They refer to, *inter alia*, potential noise from patrons congregating and smoking in the laneway adjacent the ground floor bar and restaurant, they also raise concerns about the potential noise emanating from the terrace proposed at the top floor serving the large restaurant. Had the proposed development been dominated by guest bedrooms and not other uses, I believe the level of concern regarding potential noise impacts would have been significantly reduced. Some appellants are particularly anxious about the way in which the umbrella definition of a hotel use can permit different constituent uses to expand or contract within the structure. The concern held by some is that the restaurants, bar and screening room proposed will create an entertainment venue used by non-residents of the hotel rooms.

- 8.21 Section 15.9 'Transitional Zone Areas' of the CDP states that it is important to avoid abrupt transitions in, *inter alia*, use zones, it goes on to state that in zones abutting residential areas particular attention must be paid to, *inter alia*, the use and density of development in order to protect the amenities of residential properties. The appeal site is zone Z4 and immediately adjoins an area zoned Z2 'residential conservation area'. I note that under PL29S.242303 the Board refused permission in 2013 for, *inter alia*, a revised layout of an existing outdoor pub garden/smoking area at Smyth Pub which is c. 140 m to the west of the current appeal site, the reason for refusal related to injurious impact on neighbouring property by reason of noise. That site is also zoned Z4 and abuts a Z2 zoned area. I also note that under PL29S.218001 the Board refused permission in 2006 for, *inter alia*, a part open roof garden extension to Birchalls Bar located c. 40 m east of the current appeal site, that site is also zoned Z4 and abuts a Z2 zoned area. The reason for refusal related to impact on residential amenity arising from additional noise and late night activity. I do note however that the proposed external spaces subject of those appeals immediately abutted Z2 areas, the applicant in this instance is not proposing external areas immediately abutting the Z2 zoned lands, such external areas are to be located on the northern side of the application site at ground floor and roof level, away from the Z2 area. Nevertheless, the quantum of non-bedroom use being proposed does have implications for the neighbouring residential amenities, it is reasonable to assume that the restaurant and bar use will attract in more than just the overnight guests, patrons will be congregating in the laneway

and on the roof terrace. While it may be possible to control potential noise impacts from the roof terrace by way of enforceable conditions (e.g. limited hours of operation, prohibiting access to the terrace after a certain time, prohibiting any other use other than a restaurant use and noise level limits – should the Board be disposed to a grant I would recommend such conditions for the roof top restaurant notwithstanding the applicant’s noise impact assessment on file), control of noise emanating from those customers congregating along the laneway would be a lot more difficult. The applicant is associated with The Dean boutique hotel on Harcourt Street in Dublin city centre and has submitted documentation in relation to that hotel with the current application. There are some comparisons with that development and the current proposal in terms of restaurants, bars and roof terraces being provided, however, I note that The Dean Hotel is on Z8 zoned land and abuts Z4 zoned lands for ‘mixed services facilities’, it does not abut residentially zoned land.

- 8.22 As stated in the preceding paragraph it is indicated in section 15.9 of the CDP that particular attention should also be paid to density of development in a transitional zone area. The issue of plot ratio has been raised by many of the appellants and observers. It is stated on file that the resultant plot ratio in the proposed development is 3.8, the indicative plot ratio for such zoned areas is 2 as indicated in section 17.4 of the CDP. While I accept that plot ratio is a tool to help control the bulk and mass of a building, and I do consider that the mass of the building in design terms has been handled well, nevertheless, at almost twice the indicative plot ratio the proposed plot ratio is, arguably, demonstrative of the overdevelopment and over-intensification of use being proposed here. That s.17.4 of the CDP dealing with plot ratio goes on to state, *inter alia*, that plot ratio standards need to be used in conjunction with other development control measures such as site coverage and parking provision. Again, both site coverage and parking provision, as development control measures, raise concerns in this instance.
- 8.23 Section 17.5 of the CDP gives an indicative site coverage for Z4 areas as 80%, the applicant is proposing 100% site coverage (I accept that the existing site coverage is 100% but the existing plot ratio is below the indicative plot ratio as per the CDP). The car parking provision, or more precisely, the fact that the applicant is not proposing any on-site car parking provision, has featured large in the appellants’ and observers’ submissions. It is not unreasonable in my opinion for the Roads & Traffic Planning Division (RTPD) of DCC to take into account the good public transport provision in the area when concluding that they have no objection to the absence of parking in this instance. There are a number bus routes passing along the Ranelagh/Sandford Roads in front of the site and the site is also within walking distance of two Luas Stations: Ranelagh and Beechwood. However, that RTPD assessment was based on a hotel use alone, the large restaurants and bar proposed, arguably, would be end-destinations in themselves, having their own associated trip generation. I accept that the

CDP car parking standards are maximum standards and not minimum, but, as with the excessive plot ratio proposed, the fact that the car parking standards would apply a maximum application of some 18 spaces (i.e. 14 for bedrooms, 2 for the screening room and at least 2 more for the restaurants/bar as per Table 17.1 of the CDP) and none are being provided on site, is further evidence of the overdevelopment and over intensification of use, in my opinion.

- 8.24 In general, the uses being proposed are compatible with the land use zoning objective, however, it is the number and quantum of uses being proposed on this relatively small site that is of concern. The excessive plot ratio, the 100% site coverage and inability to provide any on-site car parking are all indicative of the overdevelopment and over-intensification of use being proposed. This intensity of development on a site that abuts a Z2 residential conservation area will have adverse impacts on the residential amenities of these neighbouring dwellings. I therefore recommend refusal for one reason as indicated at the end of this report.
- 8.25 (Should the Board disagree with this recommendation, as indicated previously I would recommend a number of conditions in relation to the use of the top floor of the proposal, alternatively, the Board may also wish to consider the elimination of the top floor completely by way of condition, this would reduce the plot ratio, reduce car parking demand (albeit slightly) and reduce intensity of use and associated noise generation. However, this may not suit the applicant's overall proposals and there may be alternative solutions available to address the overdevelopment and over-intensification of use concerns.)

Appropriate Assessment

- 8.26 In relation to 'Appropriate Assessment', having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

Other issues

- 8.27 Some have referred to the potential of archaeological heritage on the application site. I note there is a specific objective concerning archaeological heritage in the area on Map H of the CDP. Should the Board be disposed to a grant of permission I would recommend they apply a condition seeking archaeological monitoring similar to that applied by the Board on the site on the opposite side of the public road from the current site (ref: PL29S.244985). Some appellants and observers have raised issues pertaining to waste storage and disposal. The applicant did propose changes to the basement and ground floor layouts in the response to the grounds of appeal that included proposals for bicycle, refuse and other

storage. Should the Board be disposed to a grant of permission those changes as indicated in the plans submitted on the 29/02/16 should be reflected in the conditions attached to the Board's Order, in my opinion. One appellant has queried the validity of the application as the application form did not make reference to an apartment use in the existing building on site. Although the application form did not make reference to the apartment use other documentation on file does, this error in the form can be considered *de minimis*, in my opinion. The same appellant holds that works are being proposed outside of the application site boundary with specific reference to the applicant's proposals to upgrade the laneway adjacent the site. It appears this is a public laneway and the Local Authority (unsurprisingly) have not objected to the upgrade of this laneway by the applicant, even if it transpires that the consent of others is required, the Board will be aware of the provisions of s.34(13) of the Planning and Development Act which states that a person is not entitled solely by reason of a permission to carry out any development. In the circumstances, it may appear to some, to be a somewhat excessive response for the Board at this stage to declare the application invalid or refuse permission on either the apartment issue or the laneway issue as raised. An appellant has raised concerns that their dwelling at the northern end of Mornington Road will be overlooked by the hotel. Given the orientation of the proposed bedroom windows relative to adjacent dwellings, I am satisfied that the hotel will not adversely impact on adjacent residential amenity by reason of overlooking. I note that the setback at the top floor at the southern end of the proposal does create a flat roof element here, however, the applicant's documentation on file makes it clear that access to this flat roof is not being proposed.

9.0 CONCLUSIONS AND RECOMMENDATION

I would recommend that permission be refused for one reason as indicated hereunder.

REASONS AND CONSIDERATIONS

Having regard to the quantum and distribution of floor space dedicated to non-bedroom use in the hotel, specifically: the large area at ground floor level dedicated to restaurant and bar use; the large area at third floor level dedicated to restaurant use, and the screen and meetings rooms proposed at basement level, which are considered excessive and disproportionate relative to the number of bedrooms being proposed, and also having regard to the resultant plot ratio and site coverage (both of which exceed the indicative plot ratio and site coverage standards as contained in the Dublin City Development Plan 2011-2017) and the failure to provide any feasible car parking solution to serve the development, it is considered that the proposed development represents the overdevelopment and over-intensification of use on the site. Furthermore, the application site immediately adjoins lands to its south-west where the land-use zoning objective is Z2 '*To protect and/or improve the amenities of residential conservation areas*', this objective is considered reasonable. Having regard to the quantum, type and location of non-bedroom uses being proposed in the hotel, and also having regard to the external seating and terrace areas proposed at ground and top floor levels, it is considered that the proposed development would adversely impact on the adjacent residential amenities by reason of noise generated and would be thus contrary to the said adjacent land-use zoning objective. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Tom Rabbette
Senior Planning Inspector
13th May 2016