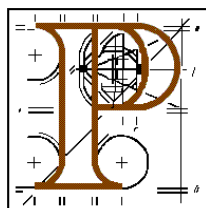


# An Bord Pleanála



## Inspector's Report

**PL. 29S 246417**

**DEVELOPMENT:** New cycle and shower facilities, cycle parking, lockers changing and drying facilities and studio gym new paving, security gates, security lighting signage and fencing.

**LOCATION:** The Railway Arches, George's Quay Plan, Townsend Street (adjoining Luke Street), Dublin 2.

### PLANNING APPLICATION

Planning Authority	Dublin City Council.
P. A. Reg. Ref:	2069/16
Applicant:	Green RIET, (George's Quay and George's Court)
Decision:	Grant Permission.

### PLANNING APPEAL

Appellant	Green RIET (George's Quay and George's Court)
Type of Appeal	First Party Appeal against Condition No 4.
Observers	None

**Date of Site Inspection:** 27<sup>th</sup> July, 2016.

**Inspector:** Jane Dennehy.

## 1.0 SITE LOCATION AND DESCRIPTION

1.1 The site which has a stated area of 960 square metres is located on the east of Luke Street and west of the plaza within the George's Quay complex on the south quays. It comprises undercroft space within five arches beneath the railway line for Dart and mainline trains on each side of the ticketing office and lobby of Tara Street Dart station's ticketing office and lobby from which there entrances onto the plaza and on site carpark access and exit ramps at the Georges Quay complex, onto Luke Street/Townsend Street. Georges Quay House is the most recently developed block within the complex and it is located long the frontage of Moss Street and Townsend Street. The vault at the corner of Poolbeg Street and Luke Street is in use as a coffee shop. The arches are constructed in calp stone and are partly faced in brick. The vaults are not in use, apart from some storage use and some are boarded off at present.

## 2.0 THE PLANNING APPLICATION.

2.1 The application lodged with the planning authority on 13<sup>th</sup> January, 2016 indicates proposals for construction of modular units in the undercroft spaces comprising:

- a gym in a stand-alone structure with a stated floor area, 5,700 mm x 11,320 mm within the space to the south east side of the dart station with access from the Georges Quay plaza;
- Separate female and male shower facilities cyclist's lockers and drying space and recycling facilities along with signage at the are proposed for the remaining four arches to the north west side of the ticketing office and lobby for Tara Street station adjacent to the Luke street frontage. New cycle parking facilities are to be provided adjacent to the station building to the south east. The application includes proposals for some new wall construction, modifications to the existing wall structures, roof handling equipment over the shower and gym structures.
- The structures are stand alone pre-fabricated modular units in green coloured 'Trespa Meteon' panel clad with open mesh screens and frames. They are to be enclosed with security screening comprising anthracite grey plastic coated mesh fencing with key fob access. Granite paving from the plaza is to be extended as far as the arches.

2.2 Written evidence of consent to the application by CIE. has been provided and is included with the appeal.

2.2 Technical Reports: The reports of the Roads and Traffic Planning Division and the Drainage Division indicate no objection subject to standard conditions.

Prescribed Bodies: The report of Transportation Infrastructure Ireland indicates a recommendation for attachment of section 49 development contribution condition in respect of the LUAS Docklands Extension.

2.3 The planning officer in her report states that the proposed development would revitalise the area around the Dart station, the existing undercroft space for the railway line being a disused, inaccessible negative environment. She states that the Local Area Plan does not preclude any particular use for the arches. But the uses should aid the rejuvenation of the area and provide employment.

2.4 Decision of the Planning Authority: By order dated, 14th March, 2016, the planning officer decided to grant permission subject to eight conditions most of which are a standard nature. Condition No 4, the appealed condition restricts the duration of the grant of permission to a five year period. Condition No 11 contains a number of requirements relating to preparation for a mobility management plan for the George's Quay Development.

### 3.0 **PLANNING HISTORY:**

3.1 **P. A. Reg. Ref. 2042/16.** Permission was granted for parietal infill and linking up of the atrium space at levels 1-4 George's Quay House providing for office accommodation and linking up of a granny flat with a part single and part two storey extensions to the rear which has been implemented.

**P. A. Reg. Ref. 2056/07.** Permission was granted for infill of one arch for use as a retail unit. This space is the space to be used for the gym facility in the current proposal.

## 4.0 THE APPEAL

4.1 An appeal was received from John Spain Associates on behalf of the applicant on 8<sup>th</sup> April, 2016. The appeal is solely against Condition No 4 of the decision to grant permission which is reproduced below.

*“The planning permission is granted for a limited period of 5 years from the date of this grant at which date the uses hereby approved shall cease unless a further permission as been granted before the expiry of that date.*

**Reason:** *In the interest of the proper planning and development of the area and so that the effect of the development may be reviewed having regard to the circumstances then prevailing.”*

4.2 The appeal includes an account of the planning background, context and the application process and several extracts from the planning officer’s report to demonstrate that the planning authority welcome the proposed development. The appeal can be outlined briefly as follows:

- The proposed development would bring the undercroft space into viable use.
- The proposed use not precluded by the George’s Quay Local Area Plan (LAP) as it offers an opportunity for potential rejuvenation in the area. Enterprise use is not a specific requirement and the use is practicable.
- The proposed development accords with the LAP which promotes walking, cycling and interventions in large development that promote greater use of cycling and pedestrian permeability. Policy 1 of the Movement and Access section supports provision for cycle parking including overnight parking and related facilities in close proximity to the station. Economic Objective 3 recognises the potential of the arches to rejuvenate the area as enterprise space on a site by site basis.
- The proposed development involves use of the five arches that is ancillary to substantial office complex at George’s Quay and the LAP shows the arches with this complex. It provides for uses ancillary to the office complex.
- Temporary use cannot be justified because of the expense of the project which is not feasible for a temporary period. The cost of the proposed modular buildings is considerable.

- The arches are visually unattractive and unoccupied. The proposed gym is to be located in the most prominent arch which is on the street frontage.
- The proposed development accords with the policies and objectives of the LAP and Dublin City Development Plan which of promotion of economic growth and sustainable modes of travel such as cycling with suitable facilities for commuters being a key aspect of the plan. Provision for cycle parking and facilities for cyclists who commute provided for in section 17 of the development plan were not applicable at the time of construction of the George's Quay development.
- The proposed development accords with the Z5 zoning objective which seeks to consolidate and facilitate development of the central area and to identify, reinforce, facilitate, strengthen and protection of the civic design character and dignity.
- The proposed development is high quality in design with a positive visual impact. It enhances the character and appearance of the area. High quality landscaping links the arches to the plaza within the complex and is a significant public realm enhancement. It encourages new use and enhances public safety at Luke Street and Townsend Street and is a catalyst for further public realm improvements.

## **5.0 RESPONSE TO THE APPEAL BY THE PLANNING AUTHORITY**

- 5.1 There is no submission from the planning authority and there are no third party observer submissions on file.

## **6.0 STATUTORY POLICY, OBJECTIVES AND STANDARDS.**

### **6.1 Dublin City Development Plan, 2011-2017**

- The site location is within an area subject to the zoning objective: *“Z5 “to consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity.”*
- It is the policy of the Council to promote modal change which includes shift to cycling for commuting Policy S13 Development standards for cycle parking and associated facilities are set out in section 17.41 and table 17.2

## 6.2 George's Quay Local Area Plan, 2012.

The site location comes within the area of the George's Quay Local Area Plan, 2012. According to section 4.2 and economic objective 3 supports the potential of the undercroft space beneath the railway line to rejuvenate the area in a variety of ways. According to s 4.2 *"The arches could facilitate flexible and affordable enterprises spaces, small commercial offices, exhibition or studio spaces or any other uses. It supports the utilisation of the arches for such uses on an individual site by site basis or as part of an overall design approach that could include larger development proposal on certain site."*

## 7.0 ASSESSMENT

- 7.1 The appeal is solely against Condition No 4 according to which the duration of the grant of permission is limited to a five year period. It is noted that the reason provided does not include any specific rationale other than allowing for an opportunity for a planning review at the end of the period of five years. However, the planning officer in her report indicates the desirability for revitalisation of the area, monitoring and consideration of the longer term viability of the proposed use.
- 7.2 On review of the documentation on file it is considered that the decision on the proposed development should be considered on a *de novo* basis that is, as though the application had come before the Board in the first instance. It is therefore recommended that the appeal should not be determined in accordance with the provisions of section 139 of the Planning and Development Acts, 2000- 2015.
- 7.3 It is considered that the proposed development, (especially if approved without limitation of the duration of the grant of permission as required by Condition No 4) nullifies all scope for achievement of the policy objectives in the Dublin City Development Plan and the George's Quay Local Area Plan. These policy objectives are considered to be fully appropriate and desirable because they provide for rejuvenation and employment of the area by supporting the potential of the arches to be utilised as flexible and affordable enterprise spaces, small commercial offices, exhibition or studio spaces or many other uses on an individual basis or as part of an overall design approach to include larger development proposals on certain sites. They are also consistent with and functional to the achievement objective for areas within subject to the Z5 zoning objective providing for consolidation and facilitation of

development of the central area and identifying, reinforcing, strengthening and protecting of civic design character and dignity.

- 7.4 The two plans also incorporate objectives and standards also provide for strong encouragement sustainable transport modes and modal change to cycling for commuter trips supported by high quantitative and qualitative standards for cycle parking and associated shower facilities provision in for new developments as pointed out in the appeal. The George' Quay complex which is large scale commercial development is according to the appeal lacking in such facilities. Without question such facilities are now a standard requirement for the convenience of employees at places of employment.
- 7.6 The intention in principle on the part of the applicant to provide facilities consistent with current transportation policy and sustainable development interests is fully supported and encouraged. However it is considered that the selected location, in third party property adjacent to the George's Quay complex is not justified having regard to the policy objectives for rejuvenation of the area especially in that the location adjoins the public entrance, lobby and ticketing office of Tara Street station.
- 7.7 It is noted that there is no information available with the application and the appeal about consideration of alternative locations directly within the George's Square complex that may be suitable for the proposed development or about existing facilities available to employees. The proposed facilities are utilities that are an integral supporting element to the employees, and therefore the office/commercial use of the Georges Square complex. To this end, the proposed development could be regarded as an extension to the Georges Square complex, incorporating third party property
- 7.8 It is accepted that the city development plan and the local plan are silent with regard to the nature of the proposed development but it is an service/utilities type use ancillary to the commercial use and place of employment at the George's Square complex. The proposed development is totally unrelated to the range of specific uses for the arches envisaged as being function al to the achievement of the relevant policies and objectives for rejuvenation and economic development specified in the development plan and local area plan. Furthermore, it eliminates potential opportunities provided by the spaces for uses that contribute to the achievement of these policy objectives.
- 7.8 It is also acknowledged that the proposed location under the arches, have remained vacant and have negative impact on the immediate environment. However, acceptance of the proposed development on an indefinite basis would rule out all scope and opportunity for the possible future delivery of development proposals that are consistent with and

contribute to the achievement of these relevant policies, objectives and standards for the arches. The encouragement of potential use of the undercroft in this way may be more feasible given the improvements to the economy and central city location adjacent to Tara Street station. The proposed development, would nullify the potential for achievement of, the intended future use according to statutory policy and a grant of permission for a limited period of ten years with scope for renewal would hinder it.

- 7.9 Given the foregoing it is concluded that the proposed development which is a utility/services use ancillary to the commercial use of the adjoining George's Square complex would be contrary to the development objectives relating to rejuvenation and economic development and the future vitality and viability of the area by encouragement of use of the undercroft space of the arches beneath the elevated railway line for a range of enterprise and related opportunities use as provided for in the Dublin City development Plan 2011-2017 and the Georges Quay Local Area Plan, 2012.
- 7.10 The case made in the appeal regarding the costs of the project has been noted, but in this instance, this concern is not considered to be material to the determination of a decision on the appealed condition or the development proposal in entirety.
- 7.11 Should it be determined that refusal of permission in entirety is not fully warranted and that the appeal can be determined under the provisions of section 139 of the Acts; attachment of Condition No 4 would allow for a planning review to be conducted after a period of five years. It would therefore be recommended that the planning authority be directed to attach Condition No 4. For the purposes of clarity, it is also recommended that the following reason be substituted for a reason for the condition should it be attached: *"To enable the planning opportunity to monitor the proposed development and to conduct a planning review of the proposed development having regard to the zoning and specific objectives in the Dublin City Development Plans and Local Areas Plans in effect at the time of the review."*

7.12 **Appropriate Assessment Screening:**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

8.0 **CONCLUSION AND RECOMMENDATION.**

- 8.1 Given the foregoing and the conclusion reached that the proposed development would be contrary to the achievement of the specific



development plan and local area plan policies and objectives for the arches at the George's Quay site location it is recommended that permission be refused on the basis of the reasons and considerations set out in the draft order overleaf.

## **DECISION**

**Refuse Permission on the basis of the Reasons and Considerations set out below.**

### **REASONS AND CONSIDERATIONS.**

Having regard to the Dublin City Development Plan and to the Georges Quay Local Area Plan, 2012 according to which it is the policy of the planning authority to aid rejuvenation and employment in the area and to support the utilisation of the arches as flexible and affordable enterprise spaces, small commercial offices, exhibition or studio spaces or many other uses on an individual basis as part of an overall design approach to include larger development proposals on certain sites, it is considered the proposed development is unrelated to these intended uses and entails utilities and services within third party lands adjacent to the Tara Street station entrance, lobby and ticketing office that are solely for the use of employees based in the adjoining Georges' Square complex. The proposed development would remove the scope for future opportunities for the promotion and utilisation of the arches for the uses prescribed in this policy contributing to the vitality and viability of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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**JANE DENNEHY.**  
**Senior Planning Inspector**  
**28<sup>th</sup> July, 2016.**