

An Bord Pleanála



Inspector's Report

PL 29S.246667

Development

Change of use from offices to guesthouse with elevational changes.

70 Grafton Street, 1 & 2 Harry Street and rear of Chatham Lane, Dublin 2

Planning Application

Planning Authority: Dublin City Council
Planning Authority Ref.: 2200/16
Applicant: RGRE Grafton Ltd.
Type of Application: Planning permission
Planning Authority Decision: Grant permission

Planning Appeal

Appellant(s): Rory O'Donoghue
Type of Appeal: Third v grant
Observers: None
Date of Site Inspection: 20th July 2016

Inspector: Karla Mc Bride.

1.0 INTRODUCTION

1.1 Site and location

The appeal site is located on the corner of Grafton Street and Harry Street on the south side of Dublin City Centre. The area is characterised by a mix of retail, hotel, office and cultural uses. The site comprises an existing 5-storey over basement red brick building which is occupied by Permanent TSB at ground level with office use over. Pedestrian access is off Grafton Street and Harry Street.

The attached photographs and maps describe the site in some detail.

1.2 Proposed Development

Permission is being sought to:

- Change the use from office to guesthouse at ground floor lobby and at second, third and fourth floor levels (c.556sq.m.)
- Provide 16 bedrooms with ancillary accommodation.
- Elevation changes to the Grafton Street and Harry Street facades:
 - New windows at 1st to 3rd floors
 - New conservation style roof lights at Harry Street roof
 - New entrance door and signage at Harry Street
 - New roof enclosure to 4th floor walkway with resultant changes to the S and E elevations
 - New door & window to 4th floor extension
 - Install 9 solar panels in line with new roof slope
- Associated site works

Accompanying documents:

- Planning report (including Screening for NIS)

1.3 Planning Authority's Decision

Following the receipt of FI in relation to staff facilities and waste management the planning authority decided to grant permission subject to 8 standard conditions.

This decision reflects the report of the City Planning Officer.

Interdepartmental reports:

Transportation Department had no objection subject to conditions.

Drainage Department had no objection subject to conditions.

Submissions:

Concerns raised in relation to:- loss of retail space, adverse impact on core shopping area & undesirable precedent; lack of loading details & inadequate car parking; lack of noise insulation information; possible unauthorised access to the neighbouring building; and no provision for support services such as catering, laundry, staff WC or storage.

Other agencies:

Transport Infrastructure Ireland noted that the site is located within an area covered by the Metro North Section 49 Levy Scheme.

1.4 Planning history

Reg. Ref. 3869/08 - Permission granted for internal alterations and change of use to provide a c.280sq.m. retail unit at basement and ground floor levels (in lieu of financial services (Class 2 (a) and ancillary office/storage space)), the omission of the existing first floor mezzanine floor (c.67sq.m.) and minor elevational amendments.

Reg. Ref.3248/01 – Permission granted for replacement fascia signage with illuminated signage and replacement of 2 projecting signs.

2.0 DEVELOPMENT PLAN

Zoning objective:

The site is located within an area zoned “Z5” in the Dublin City Development Plan 2011-2017 which seeks “To consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design character and dignity.”

Policy RD12: seeks to implement the objectives of the Retail Core Framework Plan which include increasing the amount of retail floor space through the delivery of a significant quantity of additional retail floor area in particular accommodating higher order comparison goods retailing and including, where appropriate, the provision of larger shop units required by the mainstream fashion outlets. It is also a policy to promote active uses at street level on the principal shopping streets in the central shopping core and having regard to the criteria for Category 1 and Category 2 streets and the Special Areas of Planning Control.

The South City Retail Quarter Architectural Conservation Plan

This Plan provides guidance for new development, works to buildings (protected and un-protected structures), land use (including change of use), street furniture and signage within these areas.

Section 3 (i) states in relation to change of use that the close knit grid of streets and the fine grain of the building blocks in the Grafton Street area has “encouraged the development of a rich mix of uses complementary to the dominant shopping focus, including cafes, bars, restaurants, galleries, hotels as well as a range of educational institutions, offices, and other services. It is this mix that ensures that the area works so successfully as an attractive destination for workers, residents and visitors.

Policy 3.0 states that it is Council policy to strengthen and consolidate the Grafton Street area as a major shopping destination, while still maintaining a good balance between shopping, leisure and cultural uses. To achieve this, there will be a strong presumption in favour of higher order retail outlets at basement, ground and first floor levels.

Policy 3.1 states that it is Council policy to promote other retail activity and complementary activities such as restaurants and cafes, art galleries and craft showrooms, tailors, hairdressers, barbers and beauticians and other specialist services to visiting members of the public at basement and first floor levels.

Scheme of Special Planning Control for Grafton Street and Environs, 2013

This Plan seeks to reinvigorate Grafton Street as the South City’s most dynamic retail experience underpinned by a wide range of mainstream, independent and specialist retail and service outlets that attract both Dubliners and visitors to shop, sit and stroll, whilst re-establishing the area’s rich historic charm and urban character.

Part 2 sets out objectives of the Scheme in relation to the use of upper floors and basements in order to create opportunities for the provision of specialist retail uses and to provide for intensification of use.

Key Objective (3): seeks to attract and encourage a strong and complementary mix of uses on the upper floors of all buildings.

Key Objective (4): seeks the more intensive use of the upper floors.

Heritage:

- The site is located within the Grafton Street and Environs Architectural Conservation Area.
- The site is located within a Conservation Area
- The site is located adjacent to and opposite several Protected Structures.

3.0 APPEAL

3.1 Third Party appeal

Rory O'Donoghue raised the following concerns.

Retail planning policy:

- Non-compliance with retail policy
- Inappropriate use of building on a prime shopping street as a guesthouse, and precedent for future similar changes of use.
- Unacceptable use of the ground floor as a guesthouse lobby as Z5 states that “retail will be the desirable use”.
- Creation of a dead frontage at Harry Street and non-compliance with Policy RD12 which seeks to promote active uses at ground floor level in principal shopping streets.
- Potential to jeopardise the achievement of the Retail Core Framework Plan which seeks to increase the amount of retail floor space available in Category 1 & 2 shopping streets and SPACs.

Operational deficiencies:

- Insufficient details provided in respect of operational arrangements (catering & laundry) despite the FI and the breakfast preparation area could give rise to a health and safety hazard when operational.
- Insufficient details provided in respect of standard operational servicing arrangements along Chatham lane (deliveries & loading).
- No car parking spaces provided for guests.

Amenity:

- Disturbance to guests from city centre night time activities, the 16 rooms are N facing and overlook bars and restaurants.
- Insufficient details in relation to the security arrangements at Permanent TSB at ground floor level and the sharing of facilities.
- Negative impact on the amenity and operation of adjoining properties in terms of fire safety and access, the new roof enclosure and 4th floor walkway appears to encroach on the neighbouring property at no.69 Grafton Street.
- No attempt to deal with potential problems such as noise generation, external advertising, anti-social behaviour and traffic impacts related to loading/unloading.

3.2 First Party response

John Spain Associates submitted a response on behalf of RGRE Grafton Ltd.

General:

- Small scale development of 16 rooms within 556sq.m. located within a commercial area with no impacts on residential amenities; site is well served by public transport and there are several multi-storey car parks nearby; minimal signage proposed; no impacts on built heritage; and proposal will meet an identified demand for tourist accommodation.

Retail planning policy:

- Proposal complies with the Scheme of Special Planning Control for Grafton Street and Environs 2013 which seeks to invigorate Grafton Street with a wide range of retail and service outlets.
 - Key Objective (3) seeks to attract and encourage a strong and complimentary mix of uses on the upper floors of all buildings.
 - Key Objective (4) seeks a more intensive use of the upper floors to provide for a more balanced range of uses.
- The site is located on the corner of Grafton Street and Harry Street, the proposed entrance is via an existing entrance off Harry Street and the existing ground floor lobby arrangements will not be altered.

- No impact on the existing ground floor use of the building which is occupied by Irish Permanent TSB, proposal will add to the vibrancy of the area and it complies with the Retail Core framework Plan.
- Proposal complies with the Z5 zoning objective for the area.

Operational deficiencies:

- The PA was satisfied with the FI response.
- The breakfast preparation area is adequate to serve the scale of development and the EHO had no objections.
- Deliveries will be made to the rear of the building off Chatham Lane which is used to service other buildings in the area.
- Site located within car parking zone 1 where parking provision below the maximum may be permitted, several multi-storey car parks. Buses and Luas stops nearby.

Amenity:

- The positive aspects of the city centre location will greatly outweigh the potential disturbance from nearby pubs and restaurants and triple glazed windows will be installed; and the rooms face E/W.
- The existing ground floor uses of the building will not be affected; all proposed plant and servicing for the guesthouse are independent of the existing financial use; and fire safety and maintenance issues are outside the planning remit.

3.3 Planning Authority response

The Planning Authority response raised no new issues.

3.4 Prescribed Bodies

The appeal was circulated to the Department of Arts, Heritage and The Gaeltacht (DAU) for comment and there has been no response to this request.

4.0 REVIEW OF ISSUES AND ASSESSMENT

The main issues arising in this case are:

1. Principle of development
2. Visual amenity and heritage
3. Car parking and servicing
4. Other issues

4.1 Principle of development

The proposed development would be located within an area covered by the Z5 zoning objective which seeks “To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity” in the current Dublin City Development Plan. Bed and Breakfast, Guest house, Hostel and Hotel uses are permissible within the Z5 zone and the proposed change of use from office accommodation to guesthouse accommodation is acceptable in principle.

Section 15.10.5 of the Plan states that the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use developmentthrough the provision of “a dynamic mix of uses, which interact with each other, creates a sense of community and which sustains the vitality of the inner city both by day and night.” and “While a general mix of uses e.g. retail, commercial, residential etc. will be desirable throughout the area on the principal shopping streets, retail will be the predominant use at ground floor level.”

Policy RD12 of the Plan seeks to increase the amount of retail floor space in the area and to promote active uses at street level on the principal shopping streets in the central shopping core.

The proposed development would be located on Grafton Street which is a principal shopping street, however the guesthouse would occupy the upper floors of the existing building and the long established uses of the ground floor as a bank would remain unaltered, which is compatible with the Council’s vision for the area. The proposed guesthouse lobby would occupy the footprint of the existing ground floor office lobby off Harry Street and I am satisfied that the proposed change of use would not constitute a loss of prime retail space.

It is noted that both the South City Retail Quarter Architectural Conservation Plan and the Scheme of Special Planning Control for Grafton Street and Environs would prefer for the basement and first floors of buildings on Grafton Street to be used for specialist retail and not for offices or storage. Both plans refer to the mixed use character of the area which includes tourism and hotels and neither plan identifies a guesthouse as an undesirable use for the area. Both plans also seek to protect the building fabric of the area from unnecessary interventions.

The ground floor of the existing building is used as a bank with direct access of both Grafton Street and Harry Street. The upper floors, including the first floor, are currently in office use (albeit vacant) with access off Harry Street. The proposed development would comprise minimal interventions to the facades along Grafton Street and Harry Street (refer to section 4.2 below). Having regard to the narrow frontage along Grafton Street and the juxtaposition of the existing bank and proposed guesthouse, it is likely that any possible use of the first floor for specialist retail would require alterations to the Harry Street façade in order to provide access to the unit. This may or may not be desirable, particularly as the adjacent building is a Protected Structure. It is also noted that Harry Street is not a core shopping street and that it is predominantly characterised by pubs, restaurants and hotels.

On balance, and having regard to the above, I am satisfied that the proposed change of use of the upper floors from offices to guesthouse accommodation is acceptable in principle, and that the proposed use would be compatible with the Council's overall vision for the area.

4.2 Visual amenity and heritage

The proposed guest house would occupy the upper floors of an existing 4-storey over basement (with attic level) commercial Victorian red brick building which is located on the corner of Grafton Street and Harry Street. The building is located within an Architectural Conservation Area and a Conservation Area, and there are several Protected Structures in the vicinity.

The internal layout of the first to third floor levels and the attic space would be altered to provide guest house accommodation over 4 levels and all of the bedrooms would be lit by natural light. There would be minimal interventions to the Grafton Street and Harry Street facades. New energy efficient windows which would be fitted into the existing openings at first to third floor levels along both facades. New windows in a similar design would be installed in the sloping roof plane at the upper roof level along the Harry Street elevation.

Pedestrian access would be via an existing front door and ground floor lobby off Harry Street with a new front door and sign proposed, details of which should be agreed in writing with the Planning Authority.

The existing roof level external walkway along the W elevation with the neighbouring building at 69 Grafton Street would be enclosed and 9 solar panels installed on the new sloping roof plane. The proposed finishes would match the existing roof, and having regard to the secluded location and the built up character of the surrounding area, this element of the works would not be visible from public view.

Having regard to the modest scale of the proposed external alterations I am satisfied that the proposed development would not have an adverse visual impact on the character or setting of any nearby Protected Structures, the Conservation Area or the streetscape.

4.3 Car parking and servicing

The proposed guest house would occupy a City Centre location in close proximity to several car parks and public transport services including Dublin Bus and the LUAS. I am satisfied that the absence of car parking would not have an adverse impact on the amenities of the area, and the proposed development would not give rise to a traffic hazard or endanger the safety of other road users.

The proposed guest house would be serviced by a laneway to the rear of the building which would be accessed off Chatham Lane which is used by several other commercial premises in the vicinity. This is an acceptable arrangement for a City Centre location. I am satisfied that the proposed development would not have an adverse impact on the amenities of the area or give rise to a traffic hazard, subject to compliance with any Council requirements in relation to servicing.

4.4 Other issues

Operational arrangements: The details submitted by way of Further Information in relation to the operation of support services in the proposed guest houses (catering, laundry etc.) are considered adequate for the scale of the operation.

Residential amenity: The proposal would not have an adverse effect on the residential amenities of the area and the proposed hotel rooms would provide for a satisfactory level of amenity for future guests.

Environmental services: The proposed arrangements are considered acceptable subject to compliance with the requirements of Irish Water and the planning authority.

Appropriate assessment: The proposed development would not have an adverse effect on the integrity of any European Sites.

Financial contributions: Standard conditions should be applied in accordance with the Council's Section 49 Supplementary Contribution Schemes in relation to Metro North.

5.0 RECOMMENDATION

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, subject to compliance with the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Development Plan and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of all external signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
Reason: In the interest of visual amenity.
3. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.
Reason: To protect the visual amenities of the area.
4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.
Reason: In the interest of public health and to ensure a proper standard of development.
5. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.
Reason: To protect the residential amenities of property in the vicinity.
6. The site works and building works required to implement the development shall only be carried out between 7.00 hours and 18.00 hours, Monday to Friday and between 08.00hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.
Reason: To safeguard the residential amenities of adjacent dwellings.
7. The developer shall pay to the planning authority a financial contribution in respect of Metro North in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement,

the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made

Karla Mc Bride

Senior Inspector

9th August 2016