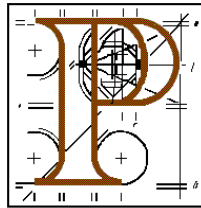


An Bord Pleanála



Inspectors Report

Development: The demolition of the existing ancillary derelict structures (220sq.m.) and the provision of a three to six storey over basement level hotel (with setback fourth and fifth floors) comprising 263 no. bedrooms and related uses including café / bar / restaurant (569sq.m.) and meeting / conference facilities (568sq.m.) with a total gross floor area of 13,770sq.m. which includes plant of 445sq.m. The development will also include the provision of 23 no. ancillary car parking spaces, bicycle parking, ancillary circulation, staff and administration areas, all hard and soft landscaping, boundary treatments, the retention and repair of the existing chimney breast remnant on the eastern boundary of the site adjoining Fallon's public house (a protected structure), attenuation measures including holding tank, waste storage areas, piped infrastructure and ducting, signage, changes in level and all associated site development and site excavation works above and below ground at no.s 118-128 the Coombe, Dublin 8.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref. 2564/16
Applicant: Realmside Ltd.
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Nicholas J. McAuliffe,
An Taisce

Observers: New Row Place Management Ltd.
Fáilte Ireland

Type of Appeal: Third Party

Date of Site Inspection: 09/08/16

Inspector: Gillian Kane

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1.0.0 SITE LOCATION AND DESCRIPTION

- 1.0.1 The subject site is located on the southern side of Dean Street, close to the junction of Patrick Street, Clanbrassil Street and Kevin Street Lower, in the area known as The Coombe in Dublin's south inner city.
- 1.0.2 The irregularly shaped site has a street frontage of approx. 600m facing Dean Street. The site currently comprises four separate plots, only two of which were accessible on the date of the site inspection. The western and largest section of the site is vacant (formerly no.s 118 to 123 The Coombe), with evidence of site clearance and hoarding to the street frontage. It is bound to the west by the Dublin School of Music, a red brick former Convent building that stretches the length of the western boundary. A metal fence separates this open plot from the adjoining two long thin plots (no.s 124 to 126 The Coombe). These sections of the site have street frontage on to Dean Street and comprise vacant, semi derelict structures with some remnants of shop fronts to Dean Street. Access to the plots was only possible on that part of the site covered by buildings, many of which were in a derelict state. No.s 127 and 128 The Coombe form the eastern part of the site. No access to either plot was available on the date of the site visit. A chimney breast that belonged to the former shop building on no. 128 The Coombe remains on the party wall with the adjoining structure: the three storey Fallon's Public House and is visible from street level. A final access point to the site is available to the rear (south) of Fallon's Pub and is boarded up.
- 1.0.3 Forming the south-eastern boundary of the site are the two storey dwellings on New Row South. To the south of the site is the three storey apartment development New Row Place with surface car parking to the rear (west).
- 1.0.4 The wider area is characterised by various developments and buildings with a predominant height of five storeys. Examples include the five storey convent building on The Coombe, three storey residential development over retail on the corner of Dean Street and Clanbrassil Street, a six storey residential development over ground floor retail on the corner of Dean Street and Patrick Street, and St Patricks Cathedral.
- 1.05 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

2.0.0 PROPOSED DEVELOPMENT

- 2.0.1 Permission was sought for a development comprising;
- demolition of existing derelict structures on site (220sq.m.)
 - construction of a six storey over basement hotel with 263 bedrooms, café / bar / restaurant (569sq.m.), conference facilities (568sq.m.), total floor area 13,770sq.m. to include 445 sq.m. of plant
 - 23 no. car parking spaces and 32 no. bicycle spaces
 - Retention and repair of existing chimney breast remnant adjoining Fallon's public house (protected structure).
- 2.0.2 Details provided in application form: total site area of 3,032sq.m., 220sq.m. of existing buildings to be demolished and 13,770sq.m. of proposed new build leading to a plot ratio of 4.1 and site coverage of 71%.
- 2.0.2 In addition to the application drawings the application was accompanied by the following:
- Planning Report
 - Waste Management Impact Assessment and Construction and Demolition Waste Management Plan
 - Conservation Assessment
 - Air Quality and Climate Assessment
 - Noise Impact Assessment
 - Construction and Demolition Waste Management Plan
 - Delivery and Servicing Management Plan
 - Sustainability and Energy Statement
 - Landscape Report
 - Archaeological Impact Assessment
 - Architectural Design Report
 - Outline Construction Management Plan
 - Justification & Outline Method Statement for Demolition of Existing building
 - Engineering Services Report
 - Mobility Management Plan
 - Letter of consent to making of application
- 2.0.3 8 no. observations regarding the proposed development were submitted to the Council.

- 2.1.0 Reports on File following submission of application**
- 2.1.1 **City Archaeologist:** Proposed development is within the zone of archaeological constraint for the recorded monument DU018-020 and within the zone of architectural interest. Previous excavations of the site found remains of interest and submitted archaeological impact assessment states that it is likely that further remains exist. Recommendation that Archaeological Hand Excavation be carried out as a condition of permission.
- 2.1.2 **Roads & Traffic Planning:** No objection to the proposed location of the access / egress. 66 no. car parking spaces required, 23 no. proposed at basement level. Justification for same included in planning report and mobility management plan. No objection to proposed set back of ground floor to provide for 2m wide footpath and a loading bay but works must be approved by Traffic Advisory Group. City centre location and proximity to public transport mean proposed development will not have a significant impact on road network. 26 no. bicycle spaces require, 32 no. proposed. No objection subject to 8 no. conditions.
- 2.1.3 **Engineering Division Drainage:** No objection subject to conditions.
- 2.1.4 **TII:** No observations
- 2.1.5 **Conservation Officer:** Refusal recommended on grounds that the proposed development in terms of scale, height and monolithic massing is considered to have a detrimental and adverse impact on the skyline / setting of the internationally significant monument and site of St. Patricks Cathedral and its immediate environs. Comments on the proposed development include: area is architecturally and culturally sensitive, archaeological excavations testify to the earliest origins of the site, the context of the immediately adjacent medieval quarter and architectural conservation area have been ignored and the likely impact of over development on the internationally important cathedral site have been overlooked. Area displays character of the wide street commissioners, sites frame the subject site to the east and west. These are more relevant than other high rise developments. Reference points should be Fallon's and the school complex adjoining the C18th St Luke's Church. Proposed scheme is excessively high and overwhelms the adjoining historic scale. Proposed reduction in height is inadequate, lack of details and variety of building materials are a concern. Proposed design is overly-deep plan form that is oversized in the context of modest red-brick houses on New Street. Proposal offers nothing to the immediate area. Starting point for development should have regard

to architectural heritage guidelines, architectural heritage impact assessment and justification for demolition of structures.

2.1.6 **EHO:** Conditions recommended

2.1.7 **Planning Report:** Proposed development is permitted in principle in district centre zone. Proposed height of 22m is in accordance with 28m height limit for inner city. Subject site has been vacant for years and wider area lacks visual coherence. Proposed development represents major streetscape intervention and significant contribution to the area. Stone façade with a strong vertical emphasis respects the proximity of the Cathedral. Proposed development is appropriate and in accordance with the development plan. Flexibility in plot ratio is recommended given the comprehensive redevelopment in this area in need of urban renewal. Proposed design is considered respectful of traditional street frontage and adjoining protected structure and redbrick corner at the junction of Dean Street and New Row South. The proposed development would not overlook adjoining two storey dwellings. In order to address overshadowing of New Row Place, an increased set back should be considered: two bedrooms on the south-eastern wing of second, third and fourth floors should be omitted. Setback would be increased to 6-9m to the garden boundaries on New Row South. Total 257 no. bedrooms.

3.0.0 **PLANNING AUTHORITY DECISION**

3.0.1 By order dated 23/05/16 a notification of decision to GRANT permission issued with 16 no. conditions. Conditions of note include:

4. Development shall be revised as follows: Two hotel bedrooms on the eastern end of the southern block shall be omitted at second, third and fourth floor levels. This shall result in a reduction in the total number of hotel rooms by 6 no. to provide for 257 no. rooms. The elevation shall be amended accordingly. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to and agreed in writing by the Planning Authority and such works shall be fully implemented prior to the occupation of the buildings. Reason: in the interest of residential amenity.

14. The applicant shall comply with the requirements of the City Archaeologist: Archaeological Hand Excavation.

4.0.0 PLANNING HISTORY

4.1.0 **DCC reg. ref. 4859/05:** Planning permission granted for development at 118-123 The Coombe. Development comprising demolition of 1430sq.m. existing disused single storey workshop and warehouse and construction of a mixed use development in three blocks, ranging from 2no. to 6 storeys over basement. Commercial floorspace of 417sq.m. in Block A and 43 no. apartments, basement carpark for 37 vehicles and 50 bicycle parking spaces

4.2.0 **DCC reg. ref. 3013/00:** Planning permission granted for a five storey, 39 no. bedroom hotel with restaurant and bar. 11 no. apartments in new building to rear, basement car parking and vehicular and pedestrian parking from the Coombe at development at 118-121 The Coombe

5.0.0 NATIONAL POLICY

5.1.0 Architectural Heritage Protection – Guidelines for Planning Authorities

5.1.1 This guidance, which is a material consideration in the determination of applications, sets out comprehensive guidance for development in conservation areas and affecting protected structures. It promotes the principle of minimum intervention (Para.7.7.1). In relation to conservation areas, the Guidelines state that: *“the protection of architectural heritage is best achieved by controlling and guiding change on a wider scale than the individual structure, in order to retain the overall architectural or historic character of an area”*.

6.0.0 LOCAL POLICY

6.1.0 DUBLIN CITY DEVELOPMENT PLAN 2011 -2017

6.1.1 The subject site is located in an area zoned ‘**Z4 District Centres**’ which has the stated objective to provide for and improve mixed services facilities’. Within such zones, residential, hotel and office (max 600sq.m.) use is permitted in principle.

6.1.2 Policies of note in the development plan include:

Policy SC13 To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city; which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 17, Development

Standards including the criteria and standards for good neighbourhoods; quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities

Policy RE014 it is an objective to assess the need for a range of hotels of suitable size and quality for international conventions/group tourism and large scale high quality banqueting.

FC26 To protect and conserve the city's cultural and built heritage; sustaining its unique significance, fabric and character to ensure its survival for future generations

FC27 To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city

6.1.3 **Chapter 16** refers to Design and Connectivity of the Public Realm, Urban form and Architecture. This includes Guiding Principles for all new Developments, such as sustainable site design and regard to SUDS.

6.1.4 **Chapter 17** includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. **Table 17.1** provides the Car Parking Standards for Various Land-Uses and **Table 17.2** the Cycle Parking Standards. Section 17.4 outlines the following development management standards:

- Indicative plot ratio for Z4 zone is 2.0
- Indicative site coverage for the Z4 zone is 80%

6.1.5 Sections 16.4 and 17.6 of the development plan refer to Building Height in a Sustainable City. It states that it is the policy of Dublin City Council to continue to protect and enhance the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city, and create opportunities for place-making identity in the outer city. Section 17.6.2 defines a building in the city centre of less than 28m as 'low rise'

6.1.6 Section 17.11 of the development plan outlines the Council's policies on **development on archaeological sites and in zones of archaeological interest**. The development plan states that in order that the City Council's policy on archaeology is implemented, the following will apply:

- When considering planning applications in the Zone of Archaeological Interest and on sites of known archaeological interest, the planning authority will have regard to the view and recommendation of the National Monuments Service, DoEHLG and other interested bodies
- Prior to lodgment of a planning application, sites within Zones of Archaeological Interest shall be subject to an archaeological assessment, prepared in consultation with the City Archaeologist
- The applicant shall employ a qualified archaeologist to carry out and report on any necessary site investigation works.

6.2.0 Liberties Local Area Plan

6.2.1 The subject site is located within the Liberties LAP. One of the 12 no. overarching objectives of the plan is to “improve and encourage the cultural and tourist offer of the area”. The Coombe is shown on the 1610 map shown in the plan and identified as one of three ancient highways converging to form the backbone of the Liberties street layout. The subject site is identified as derelict in section 4.3 of the plan.

6.2.2 Section 4.7 of the plan outlines the prevailing heights in the study area. The subject site and the wider area are shown as having 2-6 storeys and a density of 1.5-2.0. Section 4.10 shows The Coombe / Cork Street as a primary route. Section 5.1.1 lists the Cork Street / Coombe corridor as one of eight character areas. Section 5.1.9 of the plan states that this corridor was originally an ancient Celtic highway which now acts as a major thoroughfare into the capital from the suburbs to the south-west. The plan proposes that the corridor be developed into a more pedestrian and cycle friendly route, with additional greenery to improve the public realm. The major construction of new, large mixed use developments along the length of the corridor should be encouraged while requiring that they be sensitive to adjacent heritage buildings and spaces.

6.2.3 The development strategy of the plan is outlined in Section 6.2 of the plan. With regard to tourism objectives, the plan states that it seeks to enhance the attractiveness of The Liberties as a major tourist destination, building up a synergy based on a clustering of cultural activities. Activating the Cork Street Corridor is proposed in section 6.5.1 by improving the public realm and by establishing frontage of appropriate character and scale in relation to the street width. Section 6.5.3 outlines The Liberties Height Strategy, identifying key sites suitable for ‘tall’ buildings. The subject site is not listed. Section 6.5.5 refers to the development strategy of

avoiding the 'blight of dereliction' and the need for an 'awareness of the historic built environment.

7.0.0 GROUNDS OF APPEAL

7.1.0 Two third party appeals against the Council's decision to grant permission were received. The grounds of appeal can be summarised as follows:

7.2.0 Third Party (Nicholas J. McAuliffe, Stanmore, 22 Lower Lesson Street, Dublin 2) Appeal against Decision

7.2.1 The grounds of the appeal can be summarised as follows:

- The lands which are currently owned by DCC have not been transferred to the Applicant.
- The design of the proposed development contravenes development plan guidelines on height, bulk, overlooking, traffic management and intensification of use.
- Insufficient car parking has been proposed and further traffic and parking congestion will arise.
- Inadequate staff facilities proposed.
- Insufficient detail and consideration of the two listed structures that abut the site.
- Area is well served by bars and restaurants and no requirement to add more.

7.2.0 Third Party Appeal (An Taisce, Tailors Hall, Back Lane, Dublin 8) against Decision

7.2.1 The grounds of the appeal can be summarised as follows:

- The proposed development is contrary to the provisions of the development plan and the Architectural Heritage Protection Guidelines due to its excessive scale and bulk relative to the historic medieval setting of St Patricks Cathedral, to the prevailing scale and character of Dean Street / The Coombe and to the residential street New Row South.
- The subject site is in a prominent location on an ancient route west out of the city, adjacent to the historic landmark of major importance St Patrick Cathedral (protected structure) and at the junction of Patrick Street, Upper Kevin Street, New Street and Dean Street a key medieval city junction known as Cross Puddle.
- The adjoining two storey early C20th redbrick artisan housing on New Row South, has a Z1 zoning with the objective to protect,

provide and improve residential amenities. The housing is characteristic of the city's architectural and social heritage.

- The three storey redbrick Fallon's pub (protected structure) and the adjoining 'shop-houses' were built in the mid C19th to improve the setting of St Patricks Cathedral.
- To the west of the subject site are the three storey redbrick building of C19th origin, including the former Holy Faith Convent which now functions as a music school.
- The subject site is located outside the Thomas Street and Environs ACA. Section 17.10.08 of the development plan refers. Section 11.1.5.5 of the Draft development plan 2016-2022 states that development outside conservation areas can also have an impact on their setting. Where development affects the setting of a conservation area, an assessment of its impact on the character and appearance of the area will be required. Policy FC30 of the development plan requires the Council to protect protected structures from any works that would cause loss of damage to their special character. Section 17.1.1, policy SC2 and policy SC30 of the plan, all require the Council to protect the city and its historical architectural character.
- Section 13.8.2 and section 13.8.3 of the Architectural Heritage Guidelines as referenced in Policy FC28 of the plan note that development adjacent to a protected structures can affect its character and that proposals should not have an adverse effect on the special interest of the protected structure.
- The Government Policy on Architecture is referenced in section 4.4.9 of the development plan and must be considered in the assessment of the proposed development.
- Dean Street / The Coombe has a three storey scale with some four and five storey development. The proposed development with a double height ground floor is effectively seven storey. The submitted photomontages demonstrate this bad fit.
- There is a failure to respect the change in scale between Patrick Street and Dean Street. The proposed building is designed for a major route. Section 16.1.3 of the development plan requires developments to have consistent building lines.
- The impact of the proposed development on the two storey houses in New Row South would be enormous in terms of over shadowing and loss of sunlight.
- The proposed development is contrary to section 15.9 of the development plan regarding transitional zones. The abrupt transition in scale would be detrimental to the residential street.

The Planning Authority's condition to remove two bedrooms per floor is inadequate to address this.

- The previous six storey building that had permission was assessed under the previous development plan.
- The proposed development fails to avoid a dominant or visually obtrusive impact as required by the development plan, as it would dwarf and emasculate the protected structure Fallon's pub.
- The design of the proposed building is dated with extensive use of beige sandstone-effect cladding. It fails to complement the historic character of the area.
- The plot ratio of the proposed development at 4:1 is grossly excessive. The proposed development does not adjoin a major public transport corridor and is not a mix of commercial and residential, so does not fulfil the development plan criteria for relaxation of plot ratio.
- The proposed development contravenes the Guidelines on Architectural Heritage Protection as it does not preserve the integrity of the setting of a protected structure and has an adverse impact on the special interest of a protected structure.
- It is submitted that the proposed development is not sensitive to the historically rich medieval area and that it needs to be significantly revised in terms of size, design, and materials. The Board is requested to refuse permission.

8.0.0 OBSERVATIONS

8.1.0 Agent on behalf of New Row Place Management Ltd.

The grounds of the observation can be summarised as follows:

- The protection of the residential amenity of the 48 no. residential units in the New Row Apartment development is a primary consideration for the Planning Authority. The development is located to the south-east of the subject site, sharing a common boundary.
- Development of the site is acceptable in principle but the limited set back distances at 4th and 5th floors result in an undue impact on the residential amenity of New Row.
- The plot ratio at 4:1 is twice the development plan recommendation and is indicative of overdevelopment.
- The Board is requested to omit six bedrooms from floors 2, 3 and 4 to have a tangible reduction on the overbearing impact on New Row. Result of 245 no. bedrooms

- The Board is requested to attach a condition requiring a restriction in use of the proposed first floor courtyard and the terrace. The board is requested to ensure that no external speakers are allowed, that the garden shall be closed between 22.30 and 08.30, that plant shall be screened as recommended in the noise assessment and that deliveries shall not take place before 07.00.
- It is submitted that the shortfall in parking may result in parking on the adjoining residential streets. Causing additional traffic issues in an already constrained area.
- The Board is requested to restrict hours on construction to 07.00 – 18.00 Mon to Fri, 08.00 – 14.00 on Saturday and no activity on site on Sundays and public holidays.
- The Board is requested to attach a condition for dust management and rooftop plant.

8.2.0 Fáihte Ireland

8.2.1 The grounds of the observation can be summarised as follows:

- Dublin city is experiencing unprecedented hotel occupancy rate. Demand exceeds supply which leads to inflated prices.
- Fáihte Ireland have carried out a study of anticipated demand and an assessment of stock in the City.
- Tourism is being threatened due to a shortage of hotel bedrooms.
- Fáihte Ireland and DCC have identified The Liberties as having potential as a cultural ad heritage tourism destination. The proposed development will strengthen the appeal of the area as a tourist destination.
- Fáihte Ireland is supportive of the proposed development.

9.0.0 RESPONSES

9.1.0 Planning Authority Response

9.1.1 The Planning Authority consider that the planning report justifies its decision to grant permission.

9.2.0 First Party Response to Stanmore Third Party Appeal

9.2.1 The First Party response to the third party appeal of Nicolas J. McAuliffe, Stanmore can be summarised as follows:

- The applicant has demonstrated sufficient legal interest to make the application. Notwithstanding this the transfer of lands from DCC to the applicant was unanimously approved by the elected local area committee of Dublin South Central in Nov. 2015 and Jan 2016.

- Variation no. 14 of the DCC development plan defines a hotel as commercial development. The proposed development complies with the development plans building height standards of 7 no. storeys / 28m maximum height.
- The subject site is located in close proximity to a large number of bus routes and within 800m of a Luas stop. Having regard to the derelict nature of the lands, the proposed development complies with the flexibility offered for plot ratio in the development plan.
- Given the relatively dense inner city location of the site a high level of design consideration was given to the issue of overlooking. Condition no. 4 of the DCC decision moves the windows of 6 no. bedrooms 3.2m further away from the adjoining gardens. Upper floor windows facing east and west are set back from the boundary line. Windows close to the boundary face away from the adjoining gardens. A pop-out bay type window with glazed side lights and a blank wall to the gardens are proposed. The south facing bedroom windows are approx. 40m from the New Row Place development. It is submitted that this should avoid any inter-visibility issues.
- The proposed development does not contravene any traffic management guidelines. The detailed Hotel Delivery and Servicing Management Report submitted with the application demonstrates that the proposed hotel can operate a delivery and waste management regime without adverse environmental impacts. The Engineering Services Report, Mobility Management Plan and Outline Construction Management Plan all shows no adverse traffic impacts. This was accepted by DCC.
- There is no intensification of use as submitted by the appellant as the subject site is a long term existing derelict plot. Hotel use is permitted in principle in Z4 zones. The proposed development will be compatible with adjacent uses and will increase footfall in the area. The development plan has a number of policies and objectives promoting the development of hotels in the city.
- The subject site is located in Area 1 for car parking provision, with maximum provision of 64 no. car spaces. The proposed 23 no. spaces complies with DMURS, regional and development plan policies for sustainable transport. There is a multi-storey car park in the immediate vicinity. The proposed development complies with section 17.40 of the development plan which allows for flexibility in parking provision where there is no negative impact on traffic safety.
- The provision of staff facilities is not a planning matter. The Applicant has a proven track record in hotel management.

- The subject site adjoins one protected structure not two as asserted by the Appellant. The application was accompanied by a Conservation Assessment and an Archaeological Impact Assessment and the design team worked closely with the Dublin City Archaeologist. Two programmes of archaeological investigations and geotechnical site investigations were undertaken. The assessment concludes that the proposed development will not cause any direct or visual impacts to extant remains of archaeological interest. The proposed development will not have any impacts on the character of a protected structure, the site is not within an ACA or a conservation area. The chimney breast that remains from the demolition of no. 128 The Coombe is in poor condition but will be retained and stabilised.
- There is no development plan policy restricting the development of bar and restaurant use in the city centre. The proposed uses were subject to normal planning assessment by DCC. Hotel use which inherently includes restaurant and bar provision is permitted in principle in this location.
- The Board is requested to grant permission.

9.3.0 First Party Response to Third Party Appeal by An Taisce

9.3.1 The First Party response to the third party appeal of An Taisce can be summarised as follows:

- The subject site was formerly occupied by large warehouse and industrial structures. The diversity of scale and texture as an example of the varied land uses characterise this area of the city. The success and vibrancy of this urban quarter is encouraged in the Liberties LAP. The co-existence of building of different scale and uses is the essence of Dublin's historic urban grain. The proposed development will reinvigorate the area with new employment and attracting people to the area.
- Hotel use is permitted in principle in the Z4 zoned area and the proposed use accords in full with development plan policy. The subject site is not located in an ACA and will not have an impact on the ACA. The existing contemporary development directly opposite the site is of a similar or greater scale and height than the proposed development. It is submitted that the presence of a long term derelict site has a far greater negative impact on the character of the ACA. The context of the area, as a consequence of road widening is not as it was historically. The proposed development works with the context and seeks to

create a new public space with a street frontage of appropriate scale and quality.

- The subject site adjoins Fallon's Public House, a protected structure and an example of a traditional public house. Its architectural significance derives from the combination of the ordinary with architectural features of a particular era and not from its importance as an architectural set-piece. It is submitted that the primary rationale for its protection is social / cultural. Appropriate consideration has been given to the significance of Fallon's, following a detailed review by the design team in conjunction with DCC. In urban design terms Fallon's remains a 'background building', a simple corner structure intended to bookend a terrace. The proposed development will consolidate the deteriorating fabric and retain it as part of a completed street frontage. The Board is referred to submitted report from a Historic Building Consultant.
- Regarding the Government Policy on Architecture, it is submitted that the proposed design was developed in consultation with DCC. The stepping down in scale towards boundaries resulted from the consultation. The proposed design provides a new street frontage to the Coombe, with finishes expected of a quasi-public building. The sketch referred to by the Appellant is part of a wider Design Statement to illustrate the manner the building responds to its neighbours. It is not a view the public will experience and is not to scale. The photomontages accurately show the scale of the proposed building in context.
- It is submitted that the appellant is incorrect in describing the wider area as a 'three storey streetscape'. The northern side of Dean comprises a six storey residential building over a high ground floor retail which rises to seven storey's on the corner of Patrick Street. The Coombe / Cork street comprises five and six storey buildings rising to seven and eight storeys at several points. The subject site is located on a main thoroughfare in and out of the city, a route that is not a of relatively intimate scale. The Coombe / Cork Street corridor is planned to provide for 6 to 8 storey buildings in The Liberties LAP. The submission that the proposed development is out of character with the existing building environment is rejected.
- The Board is referred to the sunlight and daylight assessment report submitted with the application. The report concludes that the properties on New Row South will not experience any material change in lighting conditions. Condition no. 4 of the

DCC condition will further reduce any impact on the immediate neighbours on the western side of New Row South.

- Development plan maps show the wide range of land use zonings in the area surrounding the subject site. By its nature the city centre comprises a wide range of commercial and residential uses that co-exist at close quarters. The area is characterised by buildings of varied uses and heights and scale. The transitional zone policy of the development plan must be considered in the context of a vacant derelict inner city site. The protection of residential amenities must be balanced against the need to enable sustainable urban development. The proposed development minimises the potential impacts of development on the adjoining residential properties through the provision of setbacks, reduced heights at boundaries and the provision of inaccessible landscaped terraces on the eastern elevation. All environmental impacts have been assessed and found to create no material change in existing conditions. The proposed high quality sustainable development will generate significant economic benefits.
- The submission that the proposed development will negatively impact the protected structures and the ACA is rejected. The side of the street opposite the subject site is of contemporary design and materials with the exception of one building, as noted in the report prepared by the Historic Building Consultant. The proposed development is in keeping with the scale and height of development in the area. The proposed development is not at variance with the Architectural Heritage Guidelines. It is submitted that the street Fallon's Public House was created to bookend, no longer exists and that the proposed development will recreate or reinstate a setting and context for Fallon's.
- It is submitted that the Appellants comment regarding the dated design of the proposed development show the subjective nature of commentary on architectural design. It is stated that the wider area is characterised by a wide range of finishes and materials, not solely red brick. It is noted that the condition no. 3 of the Councils decision requires the choice of stone to be agreed and approved prior to the commencement of development. The applicant is willing to ensure the building will complement the historic character of the area.
- The plot ratio of the proposed development at 4:1 compares to an indicative upper end for Z4 zones. The proposed development complies with the development plan criteria for higher plot ratios as it is in close proximity to public transport

links, represents the comprehensive redevelopment of a site in an area in need of urban renewal and will reinstate the streetscape. The computer generated images submitted with the application show that the proposed development will sit comfortably in the urban context.

- It is submitted that the proposed development will not have a detrimental or adverse impact on the setting of St Patricks Cathedral as the hotel will be visible only in a minimal and brief manner. Visual analysis submitted with the application demonstrate this.
- The Board is requested to dismiss the appeal.
- Response accompanied by a photographic study of Cork Street / St Luke's Avenue and a Historic Building Consultant Report. The report can be summarised as follows:
 - St Patricks Cathedral: The proposed development is 90m from the closest point of the Cathedral. A city block bound by Patrick Street, Dean Street and Francis Street stands between the two sites, such that the cathedral and the subject site are not visible in the same view. The buildings on the corner of Patrick Street and Dean Street, directly opposite the Cathedral are 30-35m in heights and will block any view of the site from the Cathedral. Given the invisibility of the site from the Cathedral there is no possibility that the proposed development could affect the character or the setting of St Patricks Cathedral.
 - Fallon's Public House: The focus of Fallon's is through its orientation at the street corner. The significance of Fallon's lies in its cultural history and social character rather than the streetscape. The proposed development takes account of Fallon's, rising in height from four to a set back five storeys. It is noted that the poor condition party wall between Fallon's and the subject site will be strengthened and stabilised.
 - ACA: The appeal does not present information on how the proposed development will affect the ACA. The northern side of The Coombe and Dean Street comprises contemporary buildings of three to six storeys with only one late twentieth century building. The proposed building will have no significant effect on the ACA.
 - The guidance quoted in the appeal is not relevant to the proposed development as will have no significant effect on the character of the ACA.
 - The medieval context of the subject site no longer exists as it was cleared approx. 20 years ago. Dean Street was widened /

created by the WSC. This did not extend to the Coombe. The appeal site is not part of the streetscape that was created by the WSC.

- The claims that the proposed development would negatively affect the Cathedral, the ACA and Fallon's public house have not been supported.

10.0.0 ASSESSMENT

10.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the proposed development
- Architectural Heritage
- Building Height
- Plot Ratio
- Impact on Residential Amenity
- Archaeological Heritage
- Traffic
- Other
- Appropriate Assessment

10.1.0 Principle of the Proposed Development

10.1.1 The subject site, lands to the west and the lands to the immediate north are all located in an area zoned Z4 **District Centre**, which, as noted above, has the development plan objective 'to provide for and improve mixed-service facilities'. Section 15.10.4 of the development plan states that district centres provide a far higher level of service than neighbourhood centres, having outlets of greater size, selling goods or providing services of a higher order and with a catchment area extend beyond that of a neighbourhood centre. The development plan identifies 8 no. district centres that are classified as Key District Centres, which by virtue of their existing size, have the ability to deliver an increased density of development.

10.1.2 Section 15.10.4 states that to maintain the role of a district centre new development should enhance the attractiveness and safety for pedestrians and that a diversity of uses should be promoted to ensure vitality throughout the day and night. The plan recommends that opportunities to provide commercial / retail / services / residential use with appropriate social facilities should be taken at above ground levels. Section 15.10.4 also notes that district centres will often attract large volumes of traffic and should be

located on transport corridors and intersections and be well serviced by public transport.

- 10.1.3 Within Z4 zones, permissible uses include hotel use. The principle of the proposed development is acceptable, subject to compliance with other planning considerations.

10.2.0 Architectural Heritage

- 10.2.1 The application was accompanied by an Architectural Design Report which outlines the approach to context and to building form. The report refers to the cavernous gap in the street frontage and the careful consideration of the proposed building between the bookends on The Coombe and the two storey dwellings on New Row South. The visual analysis undertaken as part of the report shows that there is limited visibility from the major Cork Street and New Street approaches to the city centre and that the visual impact from St Patrick Cathedral shows that the proposed development comfortably co-exists with the existing buildings and streetscape. The analysis provides 7 no. viewpoints with photomontages of before and after. For each viewpoint, the finding is that the visual impact is positive or neutral.

- 10.2.2 The Architectural heritage of the area and the impact of the proposed development on same is raised by both of the third party appellants to the appeal. Issues raised included the impact of the proposed development on the architectural context and setting of St Patricks Cathedral, on Fallon's Public House which adjoins the subject site to the east, on the ACA to the north of the subject site, on the artisan housing on New Row South and on the medieval city centre location of the subject site.

- 10.2.3 The applicant has responded to these submissions, stating that the regeneration of the subject site with a development that respects the historic urban grain of the area is preferable to the long term vacancy and dereliction of the site. The applicant states that the area has changed considerably with contemporary additions and that the Liberties LAP expressly encourages architectural variety and richness.

- 10.2.4 Fallon's Public House which adjoins the site to the east and which retains a chimney breast from the demolished no. 128 The Coombe, is a protected structure. As noted in the Archaeological Impact Assessment, the structure has been in use as a Public House since 1850. The applicant makes the case that the interest

of the structure lies in its rarity as an example of a traditional public house rather than any architectural merit or significance. I note the report of the Conservation Officer of DCC that states that those buildings that have survived the 'over-zealous road infrastructure plans' and 'extensive demolitions' should be safe-guarded and conserved. The CO report states that such buildings should be supported by high quality design and a sensitive re-making of this historically rich area.

10.2.5 I am satisfied that the design approach taken for the proposed hotel, with a stepped profile and brick finish immediately adjoin Fallon's Public house is an appropriate response to the protected structure. That a greater attempt to respect the traditional rhythm of the traditional street frontage of this part of The Coombe was not incorporated into the hotel elevation at ground level is regrettable. I am satisfied, however that the proposed hotel development addresses the 5/6 storey streetscape on the northern side of The Coombe and the 'book-ends' of Fallon's and the former Convent buildings on the southern side.

10.2.6 The appellant requests the Board to find that the negative impact of the proposed development on St Patricks Cathedral is such that permission should be refused. The subject site is not visible from St Patricks Cathedral and vice-versa. At pedestrian / street level views between the two sites are blocked by the 6 storey development on the northern corner of The Coombe and Patrick Street. I am satisfied that the medieval setting and context of St Patrick Cathedral does not extend as far as the subject site and therefore I am satisfied that the setting and context of St Patricks Cathedral will not be adversely affected by the proposed development.

10.3.0 Building Height

10.3.1 Both of the third party appellants have raised the issue of the height of the proposed development and its impact on the adjoining properties and the wider area. The appeal of N. McAuliffe states that the height of the proposed development will cause overlooking and contravenes development plan guidelines. The appeal of An Taisce states that the proposed development at seven storeys is at odds with the surrounding predominantly three storey scale.

10.3.2 The proposed six storey hotel has an overall height of 22m, which includes a set back plant enclosure of approx. 1.5m in height. From street level, the visible height can be considered to be just over

20m in height. The ground floor is double height, with a mezzanine level. An argument could reasonably be made that this results in a seven storey building. Certainly the building in context with its immediate and wider neighbours reads as a seven rather than a six storey building.

10.3.2 Drawing 2300revP-100 shows a natural / reconstituted stone cladding panel on the front elevation, projecting approx. 1m from the main elevation. The cladding breaks up the front elevation, giving the impression of a set back at the upper (fifth and sixth) levels. At the third floor level, the proposed building is set back from the eastern boundary. In the north-eastern corner, the set back is approx. 2.6m (see drawing no. 2104revP-00). This design treatment of this north-eastern corner is brick, with the result that it reads as an element of the hotel building (brick finish at ground floor level) but also reads as a separate element to the first second and third floors. A similar design is employed at the north-western corner, creating book-ends to the overall development and addressing the lower height buildings adjoining each boundary. The fourth and fifth floors are set back a further 5.2m, resulting in a set back of almost 8m from the eastern boundary with Fallon's pub at the north-eastern corner. The rear block of the hotel also steps away from the eastern boundary with New Row South. The smaller rear block is set back from the eastern boundary at the fifth floor by a distance varying between 9m and 6m.

10.3.3 The proposed development at 22m in height would be one of the tallest, if not the tallest buildings along Dean Street / The Coombe. Drawing no. 2500RevP-00 shows the step up in heights from Fallon's Public house to the three storey element of the north-eastern corner, up to the fourth floor with projecting cladding, up again two storeys to the tallest part of the building. The stepping profile is an attempt to address the lower three storey buildings on Dean Street, however the contextual elevation does not appear convincing. The applicant submits that the stepped profile and the breaking up of the elevation allows the elevation to read as a series of units rather than one large mass, which is reflective of the natural rhythm of a streetscape with multiple facades. I do not agree. I retain a concern, that the sheer height, mass and scale of the building is such that it dwarfs the existing streetscape, reading as one large urban block rather than a series of smaller units. I note the section 17.6 of the development plan that provides for a maximum of 28m or 7 storey new-builds in inner city areas. Variation no. 14 of the development plan defines a hotel as a

commercial development. The proposed development at 22m overall height is within this criteria. Section 17.6 also provides that outside the identified mid to high-rise areas, all proposed buildings will be assessed against the qualitative and quantitative standards set out in the development plan, including those standards addressing local character, streetscape, open space, daylight and the amenity of existing and future residents.

- 10.3.4 The third party appeal of An Taisce states that the proposed development is contrary to the Councils policy on transitional zones. Section 15.9 of the plan states that it is important to avoid abrupt transitions in scale and use zones and that it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. In zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.
- 10.3.5 I am not satisfied that the proposed 6 storey hotel reacts appropriately to the pattern of building heights in the wider area. Certainly it draws reference from the higher buildings to the north-east, but it makes no attempt to react to the two storey dwellings to the east or the three storey pattern of development on Dean Street. The residential dwellings to the east are undoubtedly the more sensitive uses of the area and while not providing a restrictive benchmark for height, they should nonetheless have played a part in the design response to the subject site.
- 10.3.6 It is considered that a building height of no more than five storeys is the appropriate transition between the differing uses to the east and west of the subject site. The stepped profile from Fallon's pub to the centre / tallest part of the hotel and down to the three storey former convent buildings would allow the proposed hotel to create a new streetscape whilst respecting the existing pattern of roof heights.
- 10.3.7 Should the Board decide to grant permission it is recommended that a condition be added omitting the second floor of the proposed hotel. The omission of this floor and the subsequent reduction in overall height would also address the concerns raised by the appellants about the overshadowing and overlooking (see section 10.5 below). The Applicant should be required to submit revised

drawings to the Planning Authority showing the following amendments: the omission of the second floor of the proposed hotel with a resultant reduction in height to five storeys

10.4.0 Plot ratio

10.4.1 Section 17.4 of the development plan recommends an indicative plot ratio of 2.0 for Z4 zones. Using the figures presented in the planning application form (site area 3,032sq.m., proposed new build 13,770sq.m.) the proposed development has a plot ratio of 4.5:1. I note that the applicant has presented the plot ratio as 4.1. The applicant states that the plot ratio of 4.1 compares to an indicative upper end plot ratio for z4 zones. No further details of how this analysis is reached has been presented to the Board. I do not agree that a plot ratio greater than twice that recommended in the development plan can be deemed to be the “upper end” of the recommended indicative standard. A plot ratio greater than twice that recommended by the development plan is indicative of over development in ordinary circumstances.

10.4.2 Section 17.4 of the plan notes that in certain circumstances a higher plot ratio may be permitted such as adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed, to facilitate comprehensive redevelopment in areas in need of urban renewal, to maintain existing streetscape profiles or where a site already has the benefit of a higher plot ratio. The subject site is located in a heavily trafficked area but cannot be considered to be adjoining a major public transport termini or corridor and further does not propose a mix of uses. Likewise a higher plot ratio does not already exist. While the site is in need of development that may further the renewal of the wider area it cannot be claimed that the proposed development of a single use would comprehensively redevelop the wider area. Nor has the area been identified as in need of urban renewal. I am not satisfied that a case has been made for a doubling of the recommended plot ratio, particularly where the case has been made above that the height of the proposed building has adverse impacts on the wider streetscape.

10.5.0 Impact on Residential Amenity

10.5.1 The impact of the proposed development on residential amenity of New Row Place has been raised by an observer to the appeal. The decision of DCC included condition no. 4 which omitted two hotel bedrooms on the eastern end of the southern block at second, third and fourth floor levels (total 6 no. omitted to result in overall

development of 257 no. bedrooms). The agent on behalf of New Row Place development states that this is insufficient and requests that the Board omits six bedrooms from floors 2, 3 and 4 (result 245 no. bedrooms).

10.5.2 The application was accompanied by a Sunlight and Daylight Access Analysis. The analysis is based on the standards for daylight and sunlight access in buildings suggested in the British Standard BS8206 Lighting for Buildings.

10.5.3 The analysis notes that the vacancy of the site for a considerable time and states that this will exaggerate the impact of the proposed development on the surrounding area. The properties to the north of the site have received an artificially high level of sunlight during the day during the period of vacancy. The proposed development will cause overshadowing of these properties, notwithstanding scale. The report states that having regard to the scale and height of new development in the surrounding area, the impact of the proposed development on the buildings to the North will be moderate in extent.

10.5.4 According to the BRE Guide, sunlight is adversely affected if three criteria are met:

1. the centre of the window receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March, and
2. receives less than 0.8 times its former sunlight hours during either period and
3. has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

It must be noted at this juncture, that the BRE guidance is just that, guidance, and not standards that a development must achieve in order to receive development consent. Both the BRE document and the DCC development plan provide that development shall be guided by the principle of the document rather than be bound by them (section 17.9.1 of the development plan refers).

10.5.5 The analysis of the sunlight / daylight study found that of the first floor apartments on the northern side of The Coombe, the proposed development will cause no impact during the summer months. During the winter months the sunlight available to the first floor apartments will fall below the 5% threshold of the BRE guidance. The analysis states that poor access to sunlight during the winter months is typical in the dense shadow environment of

urban areas. The proposed development will also cause a noticeable decrease in sunlight access to the ground floor rear facing windows of no. 117 The Coombe – the building adjoining the northern boundary to the west. As with the analysis regarding the development to the north, the analysis report refers to the long term vacancy of the site and therefore the artificially high level of sunlight enjoyed by the surrounding buildings. The report describes the impact as moderate, quoting the BRE guidance of greater acceptance of sunlight absence in dense urban areas. The analysis also refers to the non-domestic use of the building (music school) and the problematic impacts of too much sunlight on computer screen based uses and on musical instruments. The report concludes that the occupants of the Music School are unlikely to consider the change in sunlight, negatively.

- 10.5.6 Regarding the apartment development at New Row Place, the analysis states that the proposed hotel development is to be located to the north of the apartments and therefore overshadowing will not occur for much of the year. During late evening summer days there may be an imperceptible or slight overshadowing of New Row Place. The two storey houses on New Row South are heavily overshadowed by the three storey apartment development at New Row Place and the dense band of trees on the eastern boundary of the site. The finding of the sunlight analysis is that in a 'no-trees baseline scenario' additional overshadowing of the rear windows of the houses on New Row South will occur. The impact is described as moderate, given the artificially high existing levels of sunlight and the urban environment. If the trees are included in the baseline analysis, the impact is described as a moderate increase in sunlight – an additional 4% to 6% annual probable sunlight hours where the trees are removed as part of the proposed development. The gardens to the rear of New Row Place, according to the analysis, do not currently experience the level of sunlight recommended by the BRE guidelines. The removal of the trees on the eastern boundary will result in the gardens at the northern end of New Row Place enjoying sunlight over a larger area than currently. Daylight access to rooms on the ground and first floors of rooms on all boundaries of the site will decrease by a small amount after the construction of the development. The existence of the dense band of trees on the eastern boundary and the consequent low levels of daylight in zones 1 and 2 (New Row South), the urban environment and the level of vacancy on the site all result in a finding of a moderate impact / reduction in daylight.

- 10.5.7 That the subject site is in a relatively dense urban area cannot be ignored in the analysis of the impact of the proposed development on the surrounding properties. Likewise, that the site has been vacant for a considerable period of time, has resulted in a situation where the level of sunlight and daylight available to these properties has been artificially high also cannot be dismissed. As acknowledged by the applicant, the guidelines of the BRE are a starting point. They are not a benchmark upon which a consent can hang. The results of a sunlight analysis must feed into the wider assessment of the impacts of a proposed development on surrounding properties.
- 10.5.8 I note the concerns of the appellants and the observer regarding overlooking of the dwellings and apartments on New Row South. The residents of the two storey dwellings on New Row South currently look out onto a dense band of trees. That outlook will be replaced with effectively a seven storey building, a whole section of which comprises glazing (see drawing no.s 2301revP-00 and 2500revP-00). It would be unrealistic for the residents of New Row South and / or New Row Place to expect the site to remain undeveloped, however, the progression from a vacant plot to a seven storey glazed structure at a distance of approx. 20m is significant. I note the policy of the development plan on transitional zones. Section 15.9 of the plan states that it is important to avoid abrupt transitions in scale and use zones and that it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. In zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties.
- 10.5.9 On this note, I am minded to accept the concerns over the impact of the proposed development on the residential amenity of properties to the east of the south. Whilst the overall or average impact of the development could theoretically be classified as slight, I am satisfied that the real life impacts will be significant and material. As concluded above, it is considered that the reduction in height of the proposed building would go some way to address the concerns of the appellants and ameliorate the impact of the proposed development on the surrounding area.

10.5.10 In summary, I am not satisfied that the proposed development will not have an adverse impact on the residential amenity of the surrounding properties in terms of overshadowing and overlooking. It is considered that the only conclusion that one can draw is that the proposed building is simply too tall / too high for the subject site, given the context of its two and three storey neighbours. It is considered reasonable to consider the possibility of reducing the bulk and mass of the subject building with the result that the impacts of overshadowing are reduced. I note and concur with condition no. 4 of DCC's decision to omit two bedrooms on the eastern end of the southern block at second, third and fourth floor levels. As discussed above, I consider that the proposed development would benefit from the omission of the second floor (reduction of 53 no. bedrooms). This should occur in addition to the omission of the two bedrooms on the eastern end of the southern block at third and fourth floor levels – overall reduction of 57 no. bedrooms resulting in a hotel development of 206 no. bedrooms.

10.6.0 Archaeological Heritage

10.6.1 The subject site lies within the zone of archaeological constraint for the recorded monument DU018-20 (Historic City Central Dublin).

10.6.2. The application was accompanied by an Archaeological Impact Assessment. The AIA states that the assessment involved a desk and a site study at surface level, under licence from the DAH&G. The report notes the significance of Cork Street / The Coombe as the ancient Sligh Dála, and notes that a well-laid metalled roadway extending east-west across the site is of the same era as the Sligh Dála and may possibly be the actual roadway remains. The report notes that in 1850 the subject site was occupied by a silk dyers (no. 118), tenements (119 and 120), a pawnbrokers (no.s 121 and 122), a pump maker (no 123), a grocer (no. 125), provision store and tallow chandler (no.s 126 and 127), and a public house at no. 129 at is still the case now. The laneway between no.s 125 and 126 contained 12 no tenements.

10.6.3 The AIA notes that the site has been cleared as part of previous development and that test excavations were undertaken in 2007. Limited medieval archaeological remains were found on the site: remnant medieval fields systems and features cut into the natural subsoil and possible remains of a late medieval street frontage building but more likely to be C17th. No evidence of a medieval watercourse. Significant C17th to C18th archaeology was found on site including post medieval outbuildings and rubbish pits, made

ground and the remains of early non basement street frontage buildings. Layers of C18th, C19th and C20th construction / demolition rubbish was found across the site. On the western side of the site, pre-Norman well preserved plot boundaries were found.

10.6.4 The AIA notes the immense historical and archaeological significance of the findings on the site and notes that it is likely that further remains remain underground. Regarding the proposed development, details are provided for foundation / piling in order to respect the archaeology of the area (see section 7.1). The visual impact of the proposed development on St Luke's Church and Graveyard is discussed and found to have no significance. Mitigation measures are proposed in section 8.

10.6.5 Given the comprehensive study of the site, the wider area and the impact of the proposed development I do not accept the submission that the medieval context of the subject site or the wider area has been ignored. The report of the City Archaeologist recommends that an archaeological hand excavation be carried out to detailed specification. Should the Board decide to grant permission, it is recommended that a condition requiring same be attached.

10.7.0 Traffic

10.7.1 The subject development proposes 23 no. car parking spaces and 32 no. bicycle spaces at basement level. One of the appellants has submitted that the proposed development is inadequately served by parking. The subject site is located in Area 1 of the DCC car parking provision.

10.7.2 The application was accompanied by a Mobility Management Plan. The plan notes the location of the subject site in the city centre and the availability of public and private transport facilities to the site – Luas, Dublin Bus, Dublin Bikes, private bus / taxi and walking and cycling routes. The plan states that the well established routes facilitate good connectivity to the surrounding urban and suburban areas.

10.7.3 The subject site is located in a city centre location which is well served by public transport. Residents of, visitors to and employees in such locations do not expect free and / or freely available car parking. I am satisfied that sufficient car parking has been proposed for this city centre location. I note that TII did not object to the proposal, nor did the Roads and Traffic Planning department of

DCC. I do not consider that traffic generated by the proposed development will cause an adverse impact on the surrounding road network.

10.8.0 Other

10.8.1 With regard to ownership of the land, I note the letter of 14th March 2016 from DCC Development Dept. outlining the Council's consent for the inclusion of their lands in the planning application.

10.9.0 Appropriate Assessment

10.9.1 The subject site is within 4.07km of the South Dublin Bay & River Tolka Estuary SPA (004024) and the South Dublin Bay cSAC (000210) and 3.79km to the North Dublin Bay cSAC (000206). The site does not overlap with any European sites, nor do any direct hydrogeological links to a Natura 2000 site exist.

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

10.10.0 Summary

10.10.1 I note the objectives and aims of the Liberties LAP to re-vitalise the Liberties as a cultural and tourist destination and consider that in principle the proposed development accords with those objectives. Likewise, the city development plan seeks to protect the city's cultural and built heritage (policies FC26 and FC27) whilst providing for mixed service facilities (Z4 District Centre zoning of the subject site). The extent of contemporary infill development that has occurred in the wider area is such that the character of the area has been somewhat diluted. Whilst it would be unreasonable to require future development to slavishly adhere to an architectural code that no longer exists, it is likewise not a carte blanche opportunity to permit anything in the name of regeneration. The protection of the rich cultural, historical and architectural heritage that exists in area of the subject site is worthy of protection and must be considered in any assessment of development in the area. This however must be balanced against the need for re-development of this long term vacant and currently derelict site that is undeniably a blight on the streetscape. In this instance, I am minded to find that the proposed development whilst too high and therefore too bulky, can be successfully integrated into the

streetscape with a reduction in height and therefore scale and mass.

11.0.0 RECOMMENDATION

11.0.1 I have read the submissions on file, visited the site, and have had due regard to the provisions of the Dublin City Development Plan 2011 – 2017 and the planning history of the site and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

REASONS AND CONSIDERATIONS

12.1.0 Having regard to the policies and objectives, as set out in the Dublin City Development Plan, 2011-2017 for the promotion and enhancement of the city as a world class tourist destination and the location in the historic area of the city of the proposed brownfield site at a prominent junction in close proximity to visitor attractions, it is considered that the proposed development would constitute an acceptable insertion into the streetscape and would not be detrimental to the setting and character of Saint Patrick's Cathedral and the ACA to the north, would not seriously injure the visual amenities and established character of the area or the residential amenities of property in the vicinity and 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. The proposed development shall be amended as follows:
(a) the omission of the second floor (53 no bedrooms) of the proposed hotel, with a resultant reduction in height to five storeys
(b) the omission of the proposed two bedrooms on the eastern end of the southern block at third and fourth floor levels, with the resultant overall reduction of 57 no. bedrooms resulting in a hotel development of 206 no. bedrooms.
Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the visual and residential amenity of the surrounding area

- 3 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 4 Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 5 Details of all external signage shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the amenities of the area and visual amenity

- 6 No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

- 7 No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

8. Prior to commencement of development the developer shall submit to, and agree in writing with, the planning authority full details of all materials, textures and colours for the external facades and fenestration. Samples to be displayed on site to facilitate the planning authority.

Reason: In the interest of visual amenity, clarity and orderly development.

- 9 A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 10 (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:
- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
 - (ii) An LAeqT value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the residential amenities of property in the vicinity of the site.

- 11 (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
(b) All windows and roof lights shall be double-glazed and tightly fitting.
(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.
Details indicating the proposed methods of compliance with the above requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity

- 12 The developer shall facilitate the archaeological appraisal of the site as follows:
- i. The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the City Archaeologist.
 - ii. No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.
 - iii. A method statement for all temporary and enabling works shall be agreed in advance with the City Archaeologist.
 - iv. The archaeologist shall carry out a detailed archaeological impact assessment (and impact assessment) of all proposed foundation works (including permanent, temporary and enabling works) based on the final design. Further strategic testing of the site may be required on foot of this impact assessment.
 - v. Where impact is unavoidable, all in situ features, including post medieval, must be fully recorded prior to removal by hand excavation (unless otherwise agreed).
 - vi. Once archaeological layers have been exposed, the ground shall be reduced as an archaeological exercise using archaeological hand excavation techniques. In the event of in situ articulated human remains or other significant archaeological deposits being located

during the course of this work, the archaeologist retained by the developer shall immediately notify the City Archaeologist and The National Monuments Service. Should such archaeological features be of great significance their preservation in situ shall be required. This may negate or curtail aspects of the development.

vii. The ground shall be reduced to the base of the archaeological deposits.

viii. A finds-retrieval strategy shall be developed by the licensed archaeologist and submitted for agreement with The National Monuments Service and the City Archaeologist.

ix. The developer shall fund the post-excavation work and sufficient resources allocated to ensure that correct archaeological procedures are adhered to.

x. The developer shall fund the public dissemination of the findings of archaeological investigations and excavations.

xi. A written and digital report (on compact disc) containing the results of the archaeological excavation and post-excavation shall be submitted on completion to this office and to The National Monuments Service.

xii. Following submission of the Final Report to the City Archaeologist, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, Pearse Street, Dublin or with another appropriate repository to be otherwise agreed with City Archaeologist within 2 years of excavation completion.

Reason: In the interest of preserving or preserving by record, archaeological material likely to be destroyed or damaged in the course of development and to conserve the archaeological heritage of the area.

- 13 The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred

to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Gillian Kane
Planning Inspector
16/10/16