



An
Bord
Pleanála

Inspector's Report PL29N. 247314

Development	Demolish 6 houses and build hotel
Location	28-31 Benburb Street, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2692/16
Applicant	Dublin Corporate Apartments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	First party vs. condition
Appellant	Dublin Corporate Apartments Ltd.
Observer	None
Date of Site Inspection	10 th January 2017
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

1.1. The site is in a central part of Dublin city. It has a stated area of 964m². It contains six vacant houses, four of which are in a terrace along Benburb Street to the south of the site. The other two face Wood Lane to the east. The site contains other derelict structures. The Luas runs along Benburb Street in front of the site. The adjoining site to the west is vacant. The buildings in the block to the east on the other side of Wood Lane are two- and three-storey brick fronted terraces which appear to date from the 19th century. A late 20th century apartment building of 5 storeys stands on the opposite side of Benburb Street. The wider area has a mix of buildings from various period and at various scales.

2.0 Proposed Development

2.1. It is proposed to clear the site and build a hotel with 96 bedrooms. The proposed building would have six storeys of accommodation over a basement and would be 20.6m high. The stated floor area is 3,904m². A delivery bay with 3 car parking and 10 bicycle spaces would be provided at ground floor level to the rear of the site with an access off Wood Lane. The main entrance to the hotel would be from Benburb Street. The building would have a contemporary design, with extensive glazing on its facades facing Benburb Street and Wood Lane.

3.0 Planning Authority Decision

3.1. The planning authority decided to grant permission subject to 21 conditions. Condition no. 3 states –

The development shall be revised as follows:

a) The overall height of the proposed development shall be reduced from six to five storeys, to be achieved by the omission of the fourth floor level.

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 interests of visual amenity and to provide for an appropriate transition in scale along the Benburb Street frontage

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report accepted the principle of development. The plot ratio of 3.29 was acceptable having regard to the need for regeneration in the area and the proximity to a public transport corridor. The height would be within the upper limits set out in the development plan, but would not have sufficient regard to the protected structures to the east. The design of the south-eastern corner would leave a large expanse of blank wall. An augmented shadow study should be provided. The concerns expressed by TII regarding a possible impact on the Luas line were noted. It was recommended that further information be sought regarding overshadowing, a reduction in height and revised design for the south east corner.

The report on the further information stated that the predicted level of overshadowing was acceptable, as were the revised design features on the south east corner. However the revised design did not include a reduction in the number of floors and fails to provide a more responsive design solution to the streetscape context and in particular to the two and three storey buildings immediately to the east which include a number of protected structures. The scale of the revised design does not provide an appropriate transition in scale to the existing context of the streetscape to the east and would have an adverse visual impact when viewed from the east of the site. The building should be reduced by the removal of an internal floor. This would reduce the scale and visual impact of the hotel and provide a more appropriate transition in scale and still allow the retention of the four bedrooms along the spine of the building at the 5th floor. It was recommended that permission be granted subject to conditions including one omitted a storey from the building.

3.2.2. Other Technical Reports

The Roads and Streets Division had no objection subject to condition.

The Environmental Health Officer had no objection subject to condition.

3.3. Prescribed Bodies

Transport Infrastructure Ireland sought details of works to ensure that the Luas line was not affected.

An Taisce welcomed the proposed investment in the north inner city, but stated that 6 storey buildings were not appropriate there. It was recommended that the badly proportioned 6th storey be removed to bring the overall building back to scale and give good urban density.

3.4. Third Party Observations

A local resident stated that the site had been derelict for 20 years and the area was in need of regeneration. The proposal would be at an appropriate density and would have a positive engagement with the street, improving the perception of safety along it. The proposed hotel use is a massive boost for the area.

The Law Society expressed concerns regarding overlooking and overshadowing, access arrangements and the impact on a party wall. It stated that it owned the adjoining vacant site upon which permission for redevelopment had withered.

4.0 Planning History

No previous planning applications on the site were mentioned by the parties. There is an appeal before the board regarding a proposed sports pavilion on the grounds of the Law Society to the north of the current site under PL29N. 247231 Reg. Ref. 2720/16.

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022 came into force on 21st October 2016. The site is zoned under objective Z5. 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. The strategy for the zoning is to provide a

dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city by day and by night.

Standards for building heights and volumes are set out in section 16 of the plan. An indicative standard for plot ratios in the Z5 zone is set between 2.5 and 3.0 in section 16.5. The section also states that plot ratios cannot determine built form. It states that a higher plot ratio may be permitted in certain circumstances such as –

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed
- To facilitate comprehensive re-development in areas in need of urban renewal
- To maintain existing streetscape profiles
- Where a site already has the benefit of a higher plot ratio
- To facilitate the strategic role of institutions such as hospitals

Section 16.6 sets an indicative standard for site coverage in the Z5 zone of 90%.

Section 16.7 states that Dublin should remain a predominantly low rise city.

Commercial buildings in the inner city are classified as low rise to a height of 28m.

The two-storey terraced buildings at Nos. 23-25 Benburb Street to the east of the site are protected structures, although the three storey buildings in the same terrace are not. The Bluecoat school to the north of the site occupied by the Law Society is also a protected structure.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal is against condition no. 3 of the planning authority's decision which would reduce the proposed development from 6 to 5 storeys. The condition is not justified by the physical characteristics of the proposal and would affect it from an economic and social perspective. It would involve the loss of 19 bedrooms or 20% of the proposed accommodation which would injure the economic viability of the scheme

- The site is located on a prominent corner in the inner city on a public transport corridor. Buildings in the area vary in height and appearance. The 2011 development plan allows buildings up to 28m in this area.
- There is a significant shortage of hotel accommodation in Dublin. Several reports are quoted to support this assertions. The proposed development would help address this shortage on a prime site with excellent public transport links.
- The further information submitted to the planning authority included a shadow study and revised design details to address the planning authority's concerns about the integration of the proposal into the built fabric of the area. This design is the most appropriate response to the context of the site. It included a setback of the fifth floor by 2.25m from the Benburb Street frontage and a reduction in the height of the parapet by 0.6m. The plant would be setback from the edge of the roof which would reduce it visual impact. The details and materials of the facades on Benburb Street and Wood Lane were also improved. The removal of the fourth floor required by condition no. 3 is unnecessary and would detract from a carefully considered design response. The low rise buildings to the east should not determine the appropriate heights for this set, as is recognized in the council planner's report.
- A report from an historic building consultant was submitted with the appeal. It states that the transition of height along Benburb Street would not be excessively abrupt with an angle of 26° calculated between the top of the proposed building and part of the neighbouring ones. The stepdown of the building to its rear would have a strong ameliorative effect when viewed from the east along Benburb Street. The scheme would have a positive effect if it were to proceed.
- The development, if delivered, would support the regeneration of a currently vacant and underutilised. The proposed hotel use would not be likely to disrupt the predominant residential uses in the vicinity.
- The development would comply with the provisions of the 2011 development plan, including the Z5 zoning of the area. The building would be 20.6m high, compared to the 28m limit for the inner city; the plot ratio would be 3.29,

compared to a upper limit of 3.0 for the Z5 zone, but this is justified by reference to its contribution to urban renewal which is recognised in section 17.4 of the plan. The site coverage of 66% is below the upper limit of 90%. It would also be in keeping with policy RE30 to promote Dublin as a tourist destination.

- Three other planning permissions are relevant for the proposed development. The planning authority granted permission in January 2015 for a change of use from industrial to retail at the Edmundson factory on Benburb Street under Reg. Ref. 2529/14, after recognising the disamenity that arose from the underutilisation of the site. It granted permission in December 2007 under 1837/07 for a development that would have included 10 storey building on Benburb Street c90m east of the current site. The board granted permission in April 2005 under PL29N. 209816, Reg. Ref. 1569/04 for a development on the site beside the appeal site which was considered in preparing a final design response in this case.

6.2. Planning Authority Response

- The planning authority's response referred to the report of its planner on the application.

7.0 Assessment

- 7.1. The proposed development would utilise a derelict site in the city centre in accordance with its zoning objective. No submission or report to the planning authority objected to the principle of development. The assessment of the application as if it had been made to the board in the first instance would not be warranted, therefore. The appeal should be considered under section 139 of the planning act as one against condition no. 3 of the planning authority's decision only.
- 7.2. The buildings at Nos. 23-25 Benburb Street are a terrace of 3 two-storey buildings built around the turn of the last century to provide shops on the ground floor and flats above. Their brickwork and shopfronts are of some architectural interest and their status as protected structures is merited. The adjoining three-storey houses at Nos. 26 and 27 Benburb Street complement the protected structures but do not exhibit the

same architectural quality or historical interest. The proposed hotel would be a large structure whose contemporary form and design bears no relation to that of the protected structures some 25m to the east, although it would form part of the same streetscape and building line. The hotel would appear above the protected structures and the adjoining houses in views from the east along Benburb Street and from its major junction with Blackhall Place. The concerns expressed by the planning authority in this regard are therefore reasonable and the justification put forward by its planner for condition no. 3 should be given proper consideration.

- 7.3. Nevertheless I would prefer the position put forward by the applicant on the issue. The design submitted to the planning authority as further information achieves an acceptable standard of design for this area and is a significant improvement on that submitted with the initial application. The historic buildings at Benburb Street are valuable in their own right. However they are not part of a continuous or coherent streetscape. The character of the area is defined as much by larger buildings, both modern and historic, as it is by smaller Victorian and Edwardian houses. As stated in the historic building report submitted with the appeal, the appreciation of the protected structures requires a close focus to discern the quality of their details. This would not be effected by what takes place a few doors down the street. The proposed development would not, therefore, unduly effect the setting of the protected structures or the adjoining older houses. Given that much of the rest of the frontage onto Benburb Street in the vicinity consists of 5 storey buildings, the proposed 6 storey building would not represent an undue abrupt transition in scale nor would it injure the visual amenity of the area.
- 7.4. The height of the proposed building, at 20.6m, is well below the upper limit of 28m specified in the development plan. The plot ratio of 3.29 is justified by criteria set out in section 16.5 of the plan, which are the location of the site on a public transport corridor in an area in need of regeneration. The guidance with regard to height and plot ratio in the 2016 plan do not differ materially from those set out in the 2011 plan that applied when the planning authority's decision and the appeal were made. It is noted that the submission to the planning authority from An Taisce made a general point about the appropriate height of buildings in Dublin. However such general issues fall to be determined in the plan making process by the elected members of

the planning authority. The proposed development complies with the provisions of the development plan which are material considerations for this appeal.

8.0 Recommendation

- 8.1. I recommend that the board direct the planning authority to omit condition no. 3 of its decision and to renumber the other conditions accordingly.

9.0 Reasons and Considerations

Having regard to the scale, form and design of the proposed development and to the scale and character of the existing buildings in the vicinity, it is considered that the proposed development would not unduly affect the setting of the protected structures at Nos. 23 to 25 Benburb Street, that it would not injure the visual amenity of the area and that would provide an appropriate frontage onto Benburb Street.

Stephen J. O'Sullivan
Planning Inspector

10th January 2017