



An
Bord
Pleanála

Inspector's Report PL 29S.247678

Development

The development will consist of partial demolition, alterations and extension of existing public house and ground floor retail units. The proposed extension will be to the rear and 2 floors above the existing ground floor retail units/ public house (giving an overall 3 storey building) and shall comprise a revised layout to the ground floor public house, ground floor access to 46 no. short stay tourist accommodation units which contain studios and 1 bedroom units. Ancillary accommodation to be provided includes reception, laundry, plant rooms and storage. The development also includes alterations to shopfronts of existing retail units, provision of site services with car parking spaces and bicycle parking provided within the site via existing entrance and existing set-down area to front of development.

Location

280-288 Harold's Cross Road,
Harold's Cross, Dublin 6W.

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| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | 3692/16 |
| Applicant(s) | Canbe Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission with conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Harold's Cross Village Community Council |
| Date of Site Inspection | 11 th April 2017 |
| Inspector | Tom Rabbette |

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1.0 Site Location and Description

The application site is located along Harold's Cross Road in Harold's Cross on the south side of Dublin approximately 3 km from the city centre. The site has a stated area of 1820 sq.m. There is a three storey structure fronting the public street on the site that accommodates the 'Rosie O'Grady' public house. To the south of that public house there are three single-storey commercial outlets on the site, to the north of the public house there is a gap in the street frontage that accommodates a vehicular entrance which provides access to the rear of the site. There is a surface car park on the site to the rear of the above mentioned commercial structures. Service access to the rear of the commercial outlets is also provided off the surface car park. There is a row of mature tall, thick evergreen trees along the rear site boundary. There is a laneway running to the rear of the site, there is a mature residential development consisting of two-storey terraced dwellings to the west of the laneway (Wilfred Terrace). There is a four storey residential development adjoining the site to its north that fronts onto the public street, this building is outside of the application site boundary but inside the blue line boundary holding. Likewise, there is a two-storey red brick structure fronting onto the street adjoining the application site to the south that is within the submitted landholding map. There is a petrol service station immediately across the street from the site.

2.0 Proposed Development

The applicant is seeking permission to partially demolish the ground floor of the public house, rebuild and extend to the rear. The upper floors of the public house are to be completely demolished (save for the front façade), rebuilt and extended to the rear. It is proposed to retain a public house use at ground floor level but also to accommodate a short stay tourist accommodation usage here. The short stay tourist accommodation will be provided to the rear of the public house in the rebuilt and extended ground floor level. The tourist accommodation is also to be accommodated in the two new floors behind the existing public house façade and above the extended ground floor area. The short stay tourist units are also to be accommodated in two new floors above the existing ground floor commercial units to the south of the public house and in two new floors above the vehicular entrance to

the site. The new street façade will be predominately three-storey save for the southern most element which will step down to a two-storey structure adjacent the adjoining existing two-storey red brick building on the holding. The finished development will accommodate a public house (use already existing on the site), 3 commercial units (already existing) and 46 short stay tourist accommodation units. A surface car parking area to the rear will accommodate 8 car spaces.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 4th November 2016 the planning authority decided to grant permission subject to 12 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report dated 03/11/2016:

- Permission recommended subject to conditions.

3.2.2. Other Technical Reports

Engineering Department Drainage Division Report dated 14/10/2016:

- No objection subject to conditions.

Roads Streets & Traffic Department Report dated 27/10/2016:

- No objection subject to conditions.

3.3. Third Party Observations

Observations/objections addressed to the planning authority make reference to the following: new-build design poor; no positive contribution to Harold's Cross village; proposed elevation and roof treatment poor; inferior development; contrary to CDP aparthotel guidelines; inadequate car parking with consequences for residents on adjacent residential streets/roads; overbearing impact; noise pollution; no landscape plan submitted; no traffic management plan; no waste management plan; sensitive

residential area; submitted drawings contain elementary faults; concerns that the accommodation will be used for temporary residential accommodation, emergency accommodation or student accommodation; development out of context with surroundings; it is massive for the area; poor architecture; disregard for local residents; overshadowing; overlooking; site overdevelopment; concerns raised over possible smoking area; traffic impacts; concerns raised about potential use of roof area; trees on site should be retained; use of loading area; visual impact; building height; new-build detracts from the character of the existing pub on the site; adequacy of applicant's solar shadow questioned; underground river in the area; room sizes, and planning history pertaining to the site.

4.0 **Planning History**

6504/07 (PL 29S.230614): The Board upheld a decision by the p.a. and granted permission for a mixed-use development on the subject landholding. The development as sought ranged in height from 3 to 5 storeys and included a basement car park. It contained commercial/retail units and 41 apartments. All existing structures on the holding were to be demolished to facilitate the development. Condition No. 2 of the Board's decision reduced the height of Blocks 1 and 2 and omitted Block 3. The current application site is smaller than the site that was subject of that previous decision, the southern half of the current holding also formed part of that previous application site. (Board's Order and plans and particulars of that previous decision are in attached appendix.)

6504/07/X1: An extension of duration of permission was granted in relation to 6504/07 for five years to 11/03/2019.

2967/15: Permission refused for the partial demolition, alterations, reconstruction and extension of existing public house and 3 no. commercial units with all associated site development works. The new building was to comprise of a public house, restaurant, reception, kitchen and ancillary spaces with 69 no short stay tourist accommodation units over 5 floors with access to roof terrace. The proposal was refused for 3 reasons. The site in that instance included the southern part of the current landholding. The decision to refuse was not subject of an appeal. (Plans and particulars in appendix attached to this report.)

5.0 Policy Context

Development Plan

The operative statutory plan for the area is the Dublin City Development Plan 2016-2022. The site is located in an area where the land use zoning objective is Z4 'To provide for and improve mixed-services facilities' as indicated on Map H of the Development Plan. Other sections of relevance are:

s.14.7 refers to 'Transitional Zone Areas'

s.16.5 refers to 'Plot Ratio'

s.16.6 refers to 'Site Coverage'

Figure 19 'Building Height in Dublin Context'

s.16.7 refers to 'Building Height in a Sustainable City'

Table 16.1 refers to 'Maximum Car Parking Standards for Various Land-Uses'

Appendix 16 refers to 'Guidelines on Aparthotels'

6.0 The Appeal

6.1. Grounds of Appeal

Harold's Cross Village Community Council

The contents of the third party's ground of appeal can be summarised as follows:

- The appellant estimates that, based on the residential mix proposed, the aparthotel has the capacity to accommodate 112 persons/bedspaces.
- The site is zoned Z4, it immediately adjoins Z1 zoned lands and is accordingly a transitional zone as defined in the CDP, the appellant goes on to quote paragraph 14.7 concerning transitional zones.
- The appellant cites s.16.2.2.2 of the CDP regarding infill development.
- The appellant refers to Appendix 16 of the CDP relating to aparthotel guidance.

- Appellant refers to previous grant of permission under 6504/07 (PL 29S.230614) stating that this establishes previously permitted heights, of particular note, a two storey structure was permitted to the rear.
- The appellant refers to the refusal of permission issued under 2967/15.
- The appellant refers to the p.a. decision on the current application, specifically conditions nos. 3 and 5, and also the statement of the 'Roads & Traffic Planning Division' of the p.a.
- The appellant is requesting that permission be refused.
- It is held that inadequate drawings were submitted to assess the proposed development.
- The appellant refers to numerous discrepancies and conflicts in the submitted drawings.
- The discrepancies have potential implications on the loss of historic structures and also the consequent loss of the original character of the streetscape.
- The drawings are ambiguous and do not sufficiently illustrate the nature and extent of work proposed.
- The three dimensional view accompanying the submission is not an accurate representation of the proposal.
- The appellant refers to the p.a. Planner's Report regarding comments about works to the existing front elevation.
- If it is intended to retain the existing eaves height, FI should have been sought by the p.a.
- The separation distance between the proposed extension and the adjoining building to the north is not correctly illustrated.
- The appellant refers to the need for further cross sections to properly explain the extent, nature and potential impact of the proposed development.
- The ground floor plan does not adequately differentiate reception and administrative layout for the aparthotel and the proposed public house.
- The floor plans for the studio units are inadequate.

- The same level of rigor in assessment of layout of apartments should be given to the layout of aparthotel units.
- The layout makes no attempt to illustrate how apartments may be amalgamated as required in the CDP standards for aparthotels.
- The ‘solar study’ or shadow analysis is inadequate, the proposed development is most likely to impact the dwellings to the west of the site during the morning, from 8 am to noon.
- Concerns raised in relation to visual impact of the proposed development.
- Condition No. 2 on 6504/07 (PL 29S.230614) required modifications to the development that reduced the scale and bulk of the development.
- In the current proposal, the existing height of the Rosie O’Grady public house has been increased and consequently the proportion of the Rosie O’Grady public house building has been altered.
- Based on the heights illustrated in the proposed elevations the overall height of the Rosie O’Grady public house will be higher than the existing adjoining buildings, and the parapet of the proposed infill will be higher than the adjoining building to the north.
- There is no justification to increase the height of the existing structure, and no rationale to continue these heights throughout the proposal.
- The resultant impact of the increase in height results in the new extension to the north being higher than the parapet of the existing structure to the north which presents an overall discordant and incongruous visual appearance.
- If Condition 5 is interpreted to require the retention of the existing eaves, the infill permitted is higher than the existing eaves.
- The design approach to provide flat roof constructions throughout presents a monolithic visual appearance that detracts from the visual appearance of the existing historic structures, presents an incongruous built form that does not integrate or compliment the contextual roof profiles, and does not contribute to the enhancement of the architectural character of the street.

- The composition of the infill elevation to the north presents a poor solid to void relationship.
- The overall height proposed to the rear is marginally below that previously refused, and given its width, height and proximity of this block to the rear boundary, it contrasts significantly with the existing context and will create an overbearing impact on the visual amenity of the existing structures at Wilfrid Terrace.
- The development should be refused on the basis that the modifications to the existing structure detracts from its architectural character.
- Concerns raised in relation to impact on amenity of adjoining developments.
- The appellant refers to a number of shortcomings with the applicant's Solar Study.
- It is likely that the proposed development will negatively overshadow the properties at Wilfrid Terrace.
- A review of the three-dimensional impact of the proposed development confirms that the development generates an overbearing visual impact and overshadowing of adjoining properties.
- The proposed development generates a car parking requirement of 48 spaces, it is accordingly seriously deficient in terms of parking provision.
- If permitted it would generate a negative impact on residential parking in the immediate area.
- There is no assessment of additional traffic generated by servicing the development including deliveries and waste disposal.
- No assessment of the impact of the intensification of traffic movement in particular in relation to the impact on Harold's Cross Road.
- The application does not adequately address traffic or pedestrian movement within and adjoining the site.
- The other aparthotels referred to by the applicant are within Car Parking Standard Zones 1 and 2, the proposed development is in Zone 3.

- The existing public house on the site is serviced from the existing car park and not from Harold's Cross Road as suggested by DCC.
- The development should be refused permission on the basis that there is insufficient car parking provision on the site, inadequate assessment of traffic generated by the proposed development, traffic management considerations, and consideration of pedestrian movement within the site.
- The proposed development does not meet the standards set out in the 'Development Plan Guidance for Aparthotels' or 'Failte Ireland Regulations for Holiday Apartments'.
- The proposed ground floor plans provide minimal information on the overall layout and do not differentiate circulation areas from front of house, to back of house services associated with either the aparthotel or public house.
- There is a poor range of unit styles and sizes as required in the development plan and the development falls seriously short of the mix of units to cater for a variety of visitor groups as required in the guidelines.
- The proposal provides minimal area of open space.
- Permission should be refused on the basis that the layout does not meet the CDP standard for aparthotels.

6.2. Applicant's Response

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

- The façade only of the Rosie O'Grady pub building is to be retained in condition no. 5 as it is proposed to provide a new roof on the entire new building, which will have a hipped section of roof over the Rosie O'Grady pub portion of the façade.
- The design of the new building proposes flat roofs either side of the hipped gable to allow Rosie O'Grady's to remain the dominant feature with new modern infill on each side.

- Sectional drawings were provided in the planning application, the drawings submitted were descriptive of the overall planned form of the building and its external appearance.
- The applicant estimates the normal occupancy to be between 56 and 72 visitors.
- The development is in accordance with the zoning and development guidance required in the CDP.
- Extensive pre-planning consultation was carried out with DCC to arrive at a situation where the scale, height, density and layout is in accordance with the CDP.
- There is still a live permission on the site for a 5 storey apartment development valid until 11/03/19.
- Reference to inadequate drawings submitted to assess the proposed development is not grounds for appeal or refusal and merely is a hair-splitting vexatious exercise by the agents for the appellant.
- The existing buildings are not historically important structures or indeed structures of exceptional architectural merit apart from the façade of Rosie O'Grady's and its importance in the streetscape.
- The existing buildings are not protected structures.
- With regard to the ground floor segregation of the aparthotel and public house this is a matter for management of the complex and not grounds for appeal, the public house will be a complimentary amenity to the aparthotel development.
- The internal layout of individual bedroom or studio units and position or absence of kitchenette units is not relevant to the overall principal of development and these comments appear to be vexatious.
- With regard to amalgamation of units, this is only required as correctly pointed out by way of interconnecting doorways to allow for visiting families on holiday. There is no intent in the proposal for future conversion of this development to apartments.

- An additional shadow analysis is submitted with the appeal response.
- An additional outline section through the existing buildings and the proposed development is submitted which confirms that there is no visual impact on existing building forms from the height or scale of this development.
- Separation distances to the rear are more than required and there is substantial existing vegetation screening the development.
- The plot ratio is 1.38 and the site coverage is 46% which are both well within CDP guidance.
- This is a low density development.
- There are no grounds for refusal on the basis of impact on amenity of adjoining developments and the facts here are being distorted by the appellant.
- This is not a hotel, it is an aparthotel in a city location on an arterial route.
- The parking to be provided (8 proposed) could be increased to 12 but the applicant does not believe this is necessary.
- There is also paid parking in the church grounds nearby.
- There is an existing loading bay on the Harold's Cross Road frontage to the site.
- An alternative ground floor plan is submitted and indicates how the bar can be completely segregated from the aparthotel.
- Amalgamation of units is by way of interconnecting doors.
- The developer is an established operator of short stay accommodation and it is not the intention either now or in the future to develop a residential apartment development on this site.
- There is no intent on the developer's behalf to develop apartments, the appellant is referring to guidance on open space for residential developments and student accommodation.

6.3. **Planning Authority Response**

Dublin City Council submission dated 20/12/2016:

- The Board is requested to uphold the p.a. decision.

Dublin City Council submission dated 15/02/2017:

No further comment to make.

6.4. **Further Responses**

Appellant's Response:

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

- The appellant rejects the suggestion that the appeal is vexatious.
- The issues raised in the appeal are entirely valid planning issues.
- Practical design issues have not been addressed in the overall submission.
- The proposed open space will be overshadowed.
- Concerns in relation to building height maintained.
- The existing eaves height on the public house should be maintained.
- Concerns regarding visual impact and car parking maintained.

7.0 **Assessment**

I have read all the file documentation and have had regard to the statutory plan for the area and relevant guidelines in relation to the development. I have also carried out a site inspection. In my opinion the substantive matters to be addressed in this assessment are as indicated hereunder.

7.1. Visual Impact

The appellant holds that permission should be refused on the basis that the modifications to the existing structure, the Rosie O'Grady public house, detract from its architectural character. It is also held that the proposed building heights and built form would be visually intrusive in relation to the existing character and scale of the

streetscape along Harold's Cross Road and the existing character and scale of the dwellings to the rear at Wilfrid Terrace. Questions are raised in relation to proposed works to the façade of the Rosie O'Grady public house, particularly proposals in relation to the height. The appellant seeks clarity in relation to the p.a. Condition No. 5a concerning this existing façade.

The applicant is proposing to provide new upper floors and a new roof behind the façade of the public house.

The existing Rosie O'Grady façade onto Harold's Cross Road is three stories. The new-build elements immediately to the north and south of this will be three stories also, the southern element of the proposed new-build onto the public street will step down to two stories adjacent No. 288, this adjoining No. 288 is within the ownership (blue line) boundary of the holding but outside of the application site boundary.

I cannot find that the proposed three and two storey proposal along the streetscape is excessive. There are a variety of building heights and idioms along the street frontage. The heights proposed, along with the proposed materials, provide for an integrated development along this streetscape. The existing single-storey buildings fronting onto the street to the south of the public house, and the gap in the frontage immediately to the north of the public house, detract from the urban form at this location, they facilitate 'space leakage'. In addition, they represent a wasteful use of serviced zoned land. The applicant's proposal will fill these gaps and create a strong urban edge at this location. The urban edge will be reinstated and reinforced. This is a positive contribution to the streetscape at this location, in my opinion. The height and scale at the site frontage is not excessive. Nor do I consider that scale and height to the rear to be excessive, at three storeys it is well within the Development Plan guidance in relation to height. I note there is a 4 storey apartment block on the site adjoining to the north (also with the subject landholding).

In relation to impact on the Rosie O'Grady façade, I note that this is not a protected structure, it is not located within an ACA and it is not on the NIAH. Furthermore, there is an extant permission for a development, of a larger scale than that currently before the Board, that includes for the demolition of the existing structure. The applicant's design approach is to allow the Rosie O'Grady façade remain the dominant feature with new modern infill on each side. In the circumstances it would

be unreasonable to refuse permission for the development for reasons relating to impact on the façade of the public house.

7.2. Impact on amenity of adjacent residential development

Concerns have been raised by the appellant in relation to potential impacts on adjacent residential amenities. Plot ratio and site coverage are cited in the appeal. The appellant also refers to 'shortcomings' in the applicant's 'Solar Study'.

There are two-storey dwellings located to the west of the site in Wilfrid Terrace and a two-storey terrace located further to the south known as Fitzpatrick's Cottages. The dwellings in Wilfrid Terrace do not back directly onto the application site, there is a laneway running between the rear gardens of these dwellings and the application site. The dwellings at Fitzpatrick's Cottages face north towards the subject landholding, they do not back onto to it (it should be noted that the southern boundary of the actual application site is c. 26 m from the front of this terrace). The applicant has indicated the proposed separation distances between the proposed three storey element to the rear and these existing established residential areas. In an urban context I consider the proposed separation distances to be reasonable, and in some cases generous. At no point is there less than 22 m between opposing windows. The three-storey element to the rear is pulled well back from the application site boundaries to the south and west. There are mature tall trees along the western boundary with the lane and Wilfrid Terrace beyond. These are to be retained (ref: 'Site Layout Plan' drg. No. 1320 P002). The proposed development is located to the north and west of Fitzpatrick's Cottages and Wilfrid Terrace respectively. Given this orientation, and also having regard to the proposed height and proposed separation distances, I am satisfied that the proposed development will not adversely impact on established residential amenities by reasons of overshadowing, access to daylight or overlooking. The four storey apartment block to the north of the site is located within the applicant's landholding, there are no windows or balconies on the southern side of that adjacent development. In relation to the plot ratio and site coverage, stated as 1.38 and 46% respectively, these are comfortably within the Development Plan guidance for such planning tools. The scale of the proposal is below that of the extant permission for the subject holding.

Having regard to the foregoing I would not recommend refusal in relation to impacts on adjacent established residential amenities.

7.3. Car Parking Provision and Traffic Impact

The applicant is proposing to retain the location of the existing vehicular entrance off the public road onto the site, however, it is proposed to build over this vehicular entrance at first and second floor level. The proposal will result in the loss of existing surface car parking on the site to the rear. However, the applicant is proposing to retain and serve the development with 8 on-site car parking spaces as indicated on the plans submitted with the application. This provision was based on a car parking analysis of existing short stay facilities in the city (ref: report for the applicant by Jason Redmond & Associates Consulting Engineers). A new footpath is proposed connecting the car parking area and the open space provision back onto Harold's Cross Road and the entrance to the development.

The appellant has raised concerns in relation to car parking provision and traffic management issues arising. It is held by the appellant that there is a minimum car parking requirement of 46 spaces based on a hotel use within car parking zone 3. The appellant notes that the car parking analysis relied upon by the applicant related to facilities in car parking zones 1 and 2 (as defined in the Development Plan), and not zone 3 as per the application site location. The appellant holds that the development should be refused permission on the basis that there is insufficient car parking provision on the site, inadequate assessment of traffic generated by the proposal, traffic management considerations and considerations of pedestrian movement on the site.

The site is located on a regional route serving the city. The urban speed limit applies. There is a bus lane in-bound on this route in front of the application site. There are in-bound and out-bound bus stops within walking distance of the development. The Development Plan does not apply 'minimum' standards but rather 'maximum' standards in terms of car parking provision, ref: Table 16.1 of the Dublin City Development Plan 2016-2022. It is also noted here that Table 16.1 does not list specific parking standards for aparthotels/short stay tourist accommodation units. The existing dedication of a large proportion of the site to surface car parking represents a wasteful use of serviced zoned land within a dedicated urban boundary.

There are on-street 'pay and display' parking spaces in front of the site. Servicing of the development can take place from the street side or from within the site. The SSD comply with DMURS recommendations, in any event this is an existing vehicular entrance. The area is served by a good footpath network. The proposed development does not pose an unacceptable risk to traffic or pedestrian safety, in my opinion.

There is a report on file from the 'Roads Streets & Traffic Department - Road Planning Division' of DCC (dated 27/10/2016). It notes that pre-planning consultations were held between the applicant and the Division and that the current proposal took cognisance of the issues raised. The report notes that servicing of the public house can continue as existing from Harold's Cross Road, it indicates satisfaction with the applicant's justification in relation to car parking provision. The report concludes indicating no objection subject to conditions.

Having regard to the foregoing I would not recommend refusal in relation to car parking provision or traffic management. I would, however, recommend that the on-site car parking be increased to 12 spaces, the applicant has stated in the response to the grounds of appeal that 12 spaces can be accommodated on site, and I would also recommend that the extent and location of on-site bicycle parking be agreed with the p.a. by way of condition.

7.4. Quality of proposed development

The appellant states that the ground floor plan does not adequately differentiate reception and administrative layout for the aparthotel and the proposed public house. It is also held by the appellant that the layout as submitted makes no attempt to illustrate how the units may be amalgamated as required in the Development Plan. The appellant submits that there is a poor range of unit styles and sizes being provided and that the development falls seriously short of the mix of units to cater for a variety of visitor groups as required in the Development Plan. It is also held by the appellant that the proposal provides a minimal area of open space and that it is of poor quality.

I note that the public notices refer to the provision of 46 "short stay tourist accommodation units". I further note that documentation accompanying the application refers to the provision of self-serviced short-term accommodation units

and that the development will be managed in the same manner as a hotel ref: report by 'Kenny Lyons' for the applicant dated 08/09/16. That report goes on at page 4 to state that the proposed use falls into the category of aparthotel in the Development Plan.

In response to the grounds of appeal the applicant's agent submitted, inter alia, an alternative ground floor plan indicating how the reception area/lobby can be laid out and also indicating how the bar can be more separated from the aparthotel reception area if required. Furthermore, an amended first floor plan indicates how the layout could comply with the p.a. condition no. 5b requiring that 10% of the total number of units proposed shall be "2-bed units".

In assessing the development, I am applying the guidance on aparthotels given in Appendix 16 of the Dublin City Development Plan 2016-2022. I note that this guidance is not very detailed in terms of prescriptive standards. In that regard, I note that there is no mention of either on-site communal open space provision or private open space provision, such as balconies, for aparthotel units. Notwithstanding the appellant's reference to the quantity and quality of the communal green open space area on site, as there is no specific requirement in Appendix 16 for such space, it would be unreasonable to refuse permission in relation to this matter. In relation to the amalgamation of units to cater for the needs of visitors, especially families, this can be done by providing interconnecting doors between the units. While this is not shown on the submitted drawings it can be addressed by way of condition. The Development Plan guidance does indicate that the planning authority will resist the over-provision of single-bed aparthotel units and that a mix of unit sizes and styles should be provided. This requirement led to the p.a. condition 5b. I'm not altogether convinced for the need for this condition 5b, especially if interconnecting doors are to be provided i.e. the interconnecting door can convert two 1 bedroom units into a 2-bedroom unit. The applicant is correct to note that such interconnecting doors will not affect the bed numbers to be provided. Likewise, the amended upper floor plan submitted in response to the grounds of appeal showing 2-bedroom units does not change the number of actual bed spaces to be provided. The wording is a little unclear in Appendix 16 as it refers to 'single-bed' units. The p.a. planner and the applicant appear to interpret this as meaning 'single-bedroom' units. As indicated above, an interconnecting door can easily change the unit type from a 1-bedroom

unit to a 2-bedroom unit. I tend to agree with the applicant's response where it is stated that this is an internal management issue, as the bed spaces are not being changed it has little, if any, impact on the proper planning and sustainable development of the area. The applicant has stated that it is not the intention to provide regular apartments, that is not the subject of this application, if such a proposal was to emerge it would require the benefit of planning permission.

Given the contents of Appendix 16, I would not recommend refusal in relation to unit sizes or types, the internal layout, including that of the reception and its interface with the bar, is an internal management issue and has little to do with the proper planning and sustainable development of the area. If permission is to be granted I would recommend that the Board apply the restrictions on the use of the aparthotel units as listed at the bottom of Appendix 16. If interconnecting doors are to be provided I am not convinced of the need to apply a condition similar to that applied by the p.a. under condition 5b.

7.5. Drainage

Reference is made in some of the submissions to the planning authority of an underground river in the area and flooding in the wider area. I note that there is a storm water sewer indicated on the plans submitted with the application. This storm sewer is located at the western end of the site. The applicant is maintaining a 3 m clearance from this sewer and the new-build structure. The applicant's 'Site Layout Plan Showing Foul & Storm Layout' (by J. Redmond & Associates Consulting Engineers) indicates an attenuation tank on the storm water system proposed. I note that the proposed surface water drainage is not to connect to the storm sewer located along the western end of the site. The planning authority's 'Engineering Department Drainage Division Report', dated 14/10/2016, indicates no objection to the proposal subject to a number of conditions, including a condition pertaining to solutions to mitigate the potential risks from all flood sources.

The footprint of the proposed development is not much greater in area than the existing footprint of the structures on the site (most of the additional floor area is being provided in the new upper floors). The proposed FFL at ground floor level to the rear is above the existing FFL of the public house on the site. The extent permission on the site (ref: 6504/07/X1) provides for a larger development that

includes a basement car park, there is no basement car park proposed in the current application. In the event of a grant of permission I would recommend that the Board apply a condition requiring drainage proposals to be to the satisfaction of the planning authority.

7.6. Appropriate Assessment

This is a proposal to redevelop an existing developed site in the city centre. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and 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.

Recommendation

I recommend permission be granted for the proposed development subject to conditions as indicated below.

8.0 **Reasons and Considerations**

Having regard to the policies and objectives of the Dublin City Development Plan 2016-2022, including the land use zoning objective for the site, the established uses on the subject landholding, the pattern of development in the vicinity, and also having regard to the planning history for the site, including an extant planning permission, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 **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 units shall be used for short stay tourist accommodation only and, in that regard, the maximum occupancy period of the units shall be two months. The units shall not be used for the purposes of permanent residential accommodation or student accommodation.

Reason: In the interest of clarity, residential amenities, and the proper planning and sustainable development of the area.

3. A number of the short stay tourist accommodation units shall be provided with interconnecting doors to the satisfaction of the planning authority. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, amended floor plans indicating which units shall be provided with the required interconnecting doors.

Reason: To allow for the amalgamation of units, as required, to cater for the needs of visitors, especially families, and to provide for a range of unit sizes in compliance with appendix 16 - 'Guidance on Aparthotels' of the Dublin City Development Plan 2016-2022.

4. Details of the design and layout of the vehicular entrance off the public street, the internal access road, and the layout of the car park including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works. The on-site car parking spaces shall be increased to 12 (as stated in the applicant's response to the grounds of appeal received by An Board Pleanála on the 11th day of January 2017). Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, an amended site layout plan indicating the 12 no. car parking spaces and shall also indicate the location and extent of bicycle parking to be provided on-site to serve the development.

Reason: In the interests of amenity and of traffic and pedestrian safety

5. The construction of the development shall be managed in accordance with a Construction Management Plan and a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These plans shall provide details of intended construction practice for the development, including hours of working, traffic routes, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity

6. Water supply, drainage arrangements and flood risk mitigation measures, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Adequate clearance, to the satisfaction of the planning authority, shall be provided to the existing storm water sewer located along the western end of the application site.

Reason: In the interest of public health.

7. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of visual amenity.

8. Prior to commencement of development the applicant shall submit to, and agree in writing with, the planning authority, a plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Tom Rabbette
Senior Planning Inspector

12th April 2017