



An
Bord
Pleanála

Inspector's Report PL29S.248667.

Development	Construction of a 7 storey office building and reinstatement of Lesson Place historic laneway and associated site works.
Location	Corner of Lesson Lane and Quinn's Lane, Dublin 2.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3893/16.
Applicant(s)	Office of Public Works (OPW).
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	Sheila Deane.
Observer(s)	None.
Date of Site Inspection	05 th of September 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

- 1.1. The site is located at the end of Lessons Lane, which radiates off the main Lesson Street Lower, close to St Stephens Green, Dublin City Centre. To the north, on the opposite side of the lane is a four storey apartment development, to the west is a five storey nurse building and beyond this building is the Department of Transport which is six storeys. The rear entrance to Loreto College is on the opposite side of Lessons Lane and the Catholic University School is located to the south.
- 1.2. A large derelict red bricked two storey building, Spruce House, is located on the north of the site fronting onto Lessons Lane and to the rear and the remainder of the site is used for car parking. The site is surrounded by palisade fencing.

2.0 Proposed Development

- 2.1. The proposed development includes the construction of a 7 storey office building, which may be summarised as follows:
 - Demolition of existing bicycle shed and generator room c. 50m² to the south west gable of the existing nurses building.
 - Construction of a new 7 storey, over basement office building c 7,075m² linked to the rear of Spruce House, at the upper ground and first floor levels to accommodate office, meeting rooms, sanitary and ancillary services.
 - Construction of a new ESB substation, customer switch room and store 35m² in place of demolished bicycle shed.
 - Refurbishment and restoration of Spruce House (c.445m²) with new door and disabled access at Lesson Lane.
 - External works for landscaping, lighting, new steps and ramps, 65 bicycle stands.
 - New gated service access from Quinn's Lane to the south-east. Primary access via Spruce House with a pedestrian point to new building via reinstated Lesson Place.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission with 14 no conditions following the submission of further information. Conditions of note include the following:

- C 7- Submission of a Mobility Management/ Travel Plan and inclusion of a Mobility Manager to oversee the implementation.
- C 11- Archaeological monitoring on the site in compliance with a method statement.
- C 12- No additional development allowed above roof level.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission following the submission of further information as summarised below:

- Submission of a shadow impact assessment,
- Clarification on the inclusion of gates along the new Lesson Place,
- Removal of railings along Quinn's Lane and inclusion of a staff entrance to ensure passive surveillance,
- Clarification on the improvement of works along Quinn's Lane and inclusion of a footpath,
- Submission of a construction management plan.

The report of the area planner also refers to the impact on the conservation area (the Architectural Heritage Impact Assessment), the submitted visual assessment, the design of the building, the traffic and pedestrian movements and the impact on the surrounding area.

3.2.2. Other Technical Reports

Waste Department- No objection subject to conditions.

Roads Department- No objection subject to conditions.

Drainage Division- No objection subject to conditions.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

Third party submissions were received from the adjoining Loreto College, Catholic University School and Laverty Court residents and the issues raised have been dealt with in the grounds of appeal.

4.0 **Planning History**

PL29S.230779 (3280/08)

Permission granted for construction of a hotel on the former nurses houses and former dispensary building with two new buildings along the north-east and south-east of the site and a new floor on the existing nurses building. A condition was included in the grant of permission requiring the omission of the seventh floor.

5.0 **Policy Context**

5.1. **Architectural Heritage Guidelines for Planning Authorities, 2004.** Development guidelines for Protected Structures and Areas of Architectural Conservation.

5.2. **Dublin City Development Plan 2016-2022.**

The site is included in the land use Z8, Georgian Conservation Area, where it is an objective “*To protect the existing architectural and civic design character, and to allow only for a limited expansion consistent with conservation objective.*”

- Permissible uses include office.

- Vacant sites are damaging to the great architectural and civic design character of these areas.
- Section 16.5- Indicative plot ratio- 1.5, with a higher allowance in certain circumstances.
- Section 16.6- Site Coverage- 50%, with a higher allowance in certain circumstances, the same as the plot ratio.
- Section 16.7.2: Assessment criteria for Building Heights:

Inner city: maximum height for commercial developments is 28m.

The site is located within a **Georgian Conservation Area**; therefore, the following policies are applicable:

Section 11.1.5.5: Conservation area policy rational: *The promotion of a compact, quality, green, well-connected city, which generates a dynamic, mixed-use environment for living, working and cultural interaction.*

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop- and pub-fronts of architectural interest.

Development will not:

1. Harm buildings, spaces, original street patterns or other features which

contribute positively to the special interest of the Conservation Area

2. Involve the loss of traditional, historic or important building forms, features, and detailing including roof scapes, shop-fronts, doors, windows and other decorative detail

3. Introduce design details and materials, such as uPVC, aluminium and inappropriately designed or dimensioned timber windows and doors

4. Harm the setting of a Conservation Area

5. Constitute a visually obtrusive or dominant form.

5.3. Natural Heritage Designations

The site is located c 3.1km from South Dublin Bay c SAC (0210).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by a resident of Lavery Court, to the south east of the site and signed by four others as “Concerned Residents of Lavery Court” and the issues raised may be summarised as follows:

- Excessive Height: The Board required a reduction in height to 6 storeys for a previous hotel on the site (PL29S.230779) and preplanning meetings for the proposed development included concern over the height. The building should be reduced and the upper floor set back to reduce the visual impact.
- Overdevelopment: The plot ratio on Z8 lands is 1:1.5 and the plot ratio proposed (1:4.3²) is in excess of the standard even with the allowance for an increase in certain circumstances. A reduction in height would decrease the ratio.
- Parking and Resurfacing: Resurfacing should continue along Lesson Lane/ Quinn’s Lane and there should be a provision for off-street parking along the side of the building.

6.2. Applicant Response

A response from the OPW was received which may be summarised as follows:

- Height: The planners report refers to the building heights in the vicinity of the site in particular the nurses home. A height of 6 storeys was discussed at the first pre-planning meeting, although at the subsequent preplanning the new development plan referred to height, irrelevant of storeys.
- Form, Massing and Set-back: The overall density, character and scale of the proposed building is in line with the urban context and the visual impact assessment has been accepted by the planners.
- Protected structure: The impact on the prospects within the Georgian Conservation Area where assessed in the Visual Impact Analysis and neither Spruce House nor the nurse building are protected structures. The refurbishment of Spruce House is a positive contribution to the conservation area.
- Georgian Conservation Area: The proposal is in keeping with policy CHC3 in relation to the character of the conservation area.
- Plot Ratio: The standards in the development plan (1:1.5) is indicative only. The site is in the city centre, well served by public transport infrastructure and includes a high quality design, therefore is in line with the requirement in certain circumstances which do not have to comply with the maximum ratio.
- Parking: The proposal seeks to regenerate the streetscape and increase on street car parking with 68no bicycle spaces.
- Resurfacing: Drawing No PLA-031 submitted as part of the further information indicates a footpath provision along Quinn's Lane and Condition No 7 requires details of proposed materials to be submitted for the agreement with the planning authority.

6.3. Planning Authority Response

A response from the planning authority states that the site is a vacant underutilised plot and the proposal to refurbish an attractive older building and include a 7 storey

building, which is in keeping with the surrounding area, is in accordance with the development plan policy.

6.4. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Development Plan Compliance
- Built Heritage and Visual Amenity
- Residential Impact
- Traffic and Car parking
- Other Matters
- Appropriate Assessment

Principle of Development

7.2. The proposed development is for a 7 storey office building, located in the city centre on lands zoned Z8, Georgian Conservation Area, where office use is a permitted. The development plan includes guidance for proposals in inner city locations and those within conservation areas, which I have dealt with separately below. Therefore, based on the zoning on the site and subject to complying with other policies and objectives of the development plan, detailed below, I consider the principle of development at this location acceptable.

Development Plan Compliance

7.3. The proposed building encompasses the majority of subject site (17,760m²) and the new building is 7,110m² in size. Guidance for development on inner city sites in the development plan is in the form of plot ratio, site coverage and maximum building height, detailed below.

- 7.4. Plot Ratio: Section 16.5 of the development plan allows a plot ratio of 1.5 for buildings within the Z8 zoning. The plot ratio of the proposed development is 1:4.3. Section 16.5 of the development plan allows a higher plot ratio on sites which adjoin major public transport corridors, where the redevelopment allows for urban renewal, where it is required to maintain and existing streetscape profile and/ or where the site already has the benefit of a higher plot ratio. The site is located within the proximity of a Luas Line, at St Stephens Green, and a main bus corridor, along Lesson Street, both of which are major transport corridors which I consider reason to justify the inclusion of a higher plot ratio. In addition, the current design and layout of the adjoining buildings such as the Department of Transport, with higher plot ratios, and the vacant, underutilised nature of the site support the circumstances which would allow a higher plot ratio.
- 7.5. Site Coverage: Section 16.6 of the development plan allows for a site coverage of 50% for building on Z8 zoning. The proposed development includes a site coverage of 59%. The development plan guidance extends to allow an increase in the site coverage under the same circumstances as the plot ratio. Therefore, I consider the site coverage of 59% is acceptable at this location.
- 7.6. Building height: The proposed development is for a 7 storey, 26.7m high, office building. The grounds of appeal raised an issue regarding the height of the building as excessive and referred to the preplanning discussions undertaken by the applicant and a previous Board decision on the site, PL29S.230779, and requirement a reduction in the height 6 storeys. The response from the applicant states that the initial preplanning discussions were prior to the adoption of the current development plan (Section 16.7.2) which includes a maximum height for inner city commercial buildings of 28m. In relation to the previous planning permission, Condition No 2 required the removal of the seventh floor, I note the building was setback along the south west and south east of the site, away from the closest residential properties. This proposal encompassed the existing nurses building along the west of the site for a much larger building, therefore I consider the scale and mass of this development different to the current proposal and I do not consider this decision provides a precedent for a lower height on the subject site. Therefore, based on the guidance in Section 16.7.2 and the inner city location of the site, I consider the proposed height complies with the development plan policy.

7.7. Therefore, having regard to the development plan guidance for building height and the inner-city location, I consider the overall design and layout of the proposed building complies with the requirements of the development plan, the impact on the conservation area, the visual and residential amenity is further discussed below.

Built Heritage and Visual Amenity

7.8. The subject site is located on lands zoned Z8, Georgian Conservation Area and the proposed 7 storey building is located directly to the rear, and adjoining, an old red bricked building, Spruce House. In addition to the building it is proposed to provide a laneway. The grounds of appeal argue the overall height and scale of the building will have a negative impact on the conservation area.

7.9. Office Building: The proposed development is 7 storey in height and has a flat roof. The design is modern with extensive glazing and an anodised metal finish. Policy CHC3 of the development plan provides guidance for development within conservation areas and refers to the acceptable use of contemporary architecture where it is of exceptional design quality, which is in harmony with the Conservation Area. The height of the office building will match the highest point of the adjoining nurses building to the west of the site and is separated by a new laneway, Lessons Place. I note the mix and range of contemporary and traditional materials and design on the buildings around the site and I consider the overall contemporary nature acceptable on this inner-city site.

7.10. Demolition of the bike shed: The bike shed is located to the rear of the nurses building and is a modern single storey, flat roofed building which I do not consider has any architectural merit. Therefore, I do not consider the demolition of the shed would have a negative impact on the conservation area.

7.11. Spruce House: This building is not a protected structure although it is an attractive old red bricked building which adds character to the area. It is proposed to refurbish the building and provide connections to the rear on the ground and first floor into the corresponding floors of the proposed office block, via new openings which I consider acceptable. I consider the retention and integration of Spruce House into the overall development will add to the character of the area.

7.12. Architectural and Visual Assessment: An Architectural Heritage Impact Assessment submitted with the proposed development refers to the state of Spruce House, the

adjoining nurse building and the wider urban context around the site and concludes that the scale and proportion of the proposed building is sensitive to the surrounding area and will reinvigorate the vibrancy of Lessons Lane and Quinn's Lane, which I consider reasonable. An architectural visual assessment has been submitted with the proposed development illustrates that the proposed development will not be visible from the wider context as the height of the building will not protrude above the skyline.

- 7.13. Having regard to the architectural and visual impact assessment, the location of the site within a commercial area surrounding by buildings of a similar height and the vacant nature of the site, I do not consider the proposed development would have a negative impact on the character and setting of the Georgian Conservation Area.

Residential Amenity

- 7.14. The site is located to the south of a 4 storey residential apartment development, St Stephens Apartments and north west to a row of 2 storey dwellings. The grounds of appeal are submitted in relation to the impact of the building, in particular the height and have requested a reduction and set back of the upper floors. I have addressed the impact of the proposal on the residential amenity below.
- 7.15. Overbearing: The proposed building is 7storeys in height and located 25m from the façade of St Stephens Apartments, separated by Lesson Lane and the existing two storey Spruce House, and 55m from the rear of the closest dwelling along Laverty Court. Having regard to the height of the proposed building at 28m and the distance from the closest residence, I do not consider the overall scale and mass will have a significant negative impact on the residential amenity of these properties.
- 7.16. Overshadowing: The residential apartments are located to the north of the site on the opposite side of Lessons Lane. A sunlight and daylight analysis was submitted as part of the further information and illustrated overshadowing on apartments to the north from the proposed development in the morning during the winter solstice and noon during the spring solstice, with no impact during the summer. It concluded that based on the amount of time shadow and the BRE guidelines, which states that the average daylight will remain in excess of 2%, the impact would not be significant. I note the location of living and bedroom windows along the façade of the apartments to the north and based on the duration of overshadowing I do not consider the

proposed development would have a significant negative impact on the residential amenity of the adjoining properties.

- 7.17. Overlooking: The proposed development is for office use and those windows on the northern elevation, facing onto St Stephens Apartments, are set back 25m from the apartments, behind Spruce House. I consider this a reasonable distance to prevent any significant overlooking into adjoining residential properties.

Traffic and Parking

- 7.18. The proposed development includes resurfacing of a laneway between the proposed building, Lessons Place, the removal of existing car parking and widening of the main Lessons Lane/ Quinn's Lane. The grounds of appeal submit that the Lessons Lane should be resurfaced and there should be further provision for parking along the side of the proposed building. The response from the applicant refers to Condition No 3, agreement of materials used with the planning authority prior to the commencement of development.

- 7.19. Car parking: The proposed development does not include any car parking and a set down area is provided on-site for short term deliveries/ service parking. The car parking standards listed in Table 16.1 of the development plan, office 1 per 400m², are generally considered to be the maximum permitted, as reliance should be placed on public transport infrastructure for sites within Zone 1 & 2. The maximum number of spaces for Zone 1 may be reduced where it is demonstrated the proposal would not give rise to a negative impact on the immediate street once the building is occupied. The subject site is included in Zone 1 and requires the provision of 18 spaces. A Traffic Impact Assessment (TIA) submitted details the provision of the existing and proposed cycling and pedestrian facilities, bus services and transport infrastructure serving the subject site. The policies and objectives in the development plan relating to efficient land use and integrated transport are listed in the TIA. The assessment concluded that provision of bicycle spaces (68 spaces) with inclusion of shower changing facilities, adjoining on-street parking, provision of access for service vehicles and the location of the site beside good public transport provision, the provision of car parking is not required. I note the objectives of the development plan which aim to promote a model shift from private car to more sustainable public forms of transport, and I consider that based on the city centre location and nature of

the proposed use for office, it reasonable that there is no car parking is provided on site.

- 7.20. Resurfacing: The proposed development includes the resurfacing of the laneway between the nurses building and the office building, Lessons Place. The grounds of appeal request that similar resurfacing is extended to the main Lessons Lane/ Quinn's Lane. The response from the applicant refers to Condition No 7 (3) where the finishes of all public areas and Lessons Lane are to be submitted for the agreement with the planning authority. In addition, a response to a further information request referenced the reinstatement of the footpath along Quinn's Lane in consultation with the Local Authority. There are no proposals for works to the road which I note is outside the control of the applicant. I consider the inclusion of a similar condition to that included in the grant of permission reasonable for the appropriate development of the footpaths and lane within the proposed development.

Other Matters

- 7.21. Archaeology: The site is located outside of the Zone of Archaeological Potential. Condition No 11 includes a requirement for archaeological monitoring. There have been no submissions from any prescribed bodies in relation although I note the inclusion of an archaeological monitoring condition in the previous grant of permission and based on the proposed ground works for the basement and the Z8 zone, I consider it reasonable to include a similar condition.

Appropriate Assessment

- 7.22. A screening report submitted lists four European Sites within 15km of the vicinity of the site, with South Dublin Bay c SAC (0210) the closest c.3.1km and concluded there would adverse impact any European Sites. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance 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 the conservation objectives of any European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the Z8 zoning objective for the area, the policies and objective of the Dublin City Council Development Plan 2016-2022, the pattern of development in the vicinity and the inner city location and design of the office building it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity or have a negative impact on the character and setting of a conservation area or endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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. Samples of all proposed materials for the buildings and the footpaths/ public areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

4. The layout, demarcation and design of the cycle spaces and provision of associated changing facilities, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

5. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development and shall include the provision of a Mobility Manager. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the

strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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

Reason: In the interests of public safety and residential amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

8. Water supply and drainage arrangements, including the 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.

9. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

Reason: In the interests of public safety and residential amenity.

11. 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

Karen Hamilton
Planning Inspector

13th of September 2017