



An
Bord
Pleanála

Inspector's Report PL29S.248831

Development	6 Storeys (4 storeys with 2 setback penthouse levels) over single level basement office building, 2 enclosed parking spaces with 28 no. enclosed cycle spaces.
Location	Kildress House, 1&2 Pembroke Row, Lower Baggot Street, D2
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4153/16
Applicant(s)	Kildress Property Co. Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V Grant
Appellant(s)	Grandarm Management Ltd Baggot Bridge Court Management Ltd
Observer(s)	Bagod Rath Management Company Ltd

Date of Site Inspection

2nd October 2017

Inspector

Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The appeal site comprises of Kildress House, which is a three storey office building and Numbers 1 and 2 Pembroke Row, which are three storey residential units that adjoin Kildress House on the western side. Kildress House is a red brick, flat roof building with undercroft parking and parking to the rear of the site. Numbers 1 and 2 Pembroke Row are three storey red brick dwellings.
- 1.2. To the west the site is bounded by the new LinkedIn Headquarters which is 6 storeys in height, with the top two floors setback To the south-east it is bounded by 13 Pembroke Row, a three storey redbrick office building (current appeal relating to the redevelopment of this site which includes No. 6 Pembroke Row– Appeal Ref 248921). To the rear of the site are the Court apartments on Wilton Place, which are part-5 storeys, part-6 storeys in height. To the north and north-east of the site are 2 no. apartment blocks which range in height from 3-4 storeys - Baggot Bridge Court and Bagod Rath.
- 1.3. Approximately 30m to the south-east of the site are Nos. 1 to 6 Wilton Place, which are Protected Structures.

2.0 Proposed Development

- 2.1. The proposed development will consist of the demolition of the existing 3 storey Kidress House building and the 2 no. 3 storey dwellings at Nos. 2 and 3 Pembroke Row and the construction of a 6 storey (4 storeys with 2 setback levels) over basement office building with office accommodation from ground to fifth floor.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission subject to 14 conditions. Conditions of note include:
 - Condition 3: Increase set back at fourth and fifth floors to 5.4m from the red line site boundary on Pembroke Row

- Condition 4: No element shall oversail red line boundary – revised drawings in relation to the design of the feature window at second and third floor levels

3.2. **Planning Authority Reports**

Planning Reports

3.2.1. The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Principle of demolition and redevelopment of the site acceptable
- Height is acceptable – visual impact assessment submitted – proposal will appear visually consistent with recent permitted developments
- Additional information requested in relation to the following (i) clarify and amend any oversailing of red line boundary (ii) revised proposals for the mansard roof (iii) clarify if the translucent layer is for the front and rear elevation (iv) clarify setback of the upper two floor (v) carry out daylight analysis of the upper floors of residential buildings in proximity to the application site.

3.2.2. Following receipt of Significant Additional Information, including amended proposals for the upper two floors and an addendum to the daylight and sunlight analysis, it was recommended that planning permission be granted.

Other Technical Reports

3.2.3. Roads - No objection subject to conditions

3.2.4. Drainage – No objection subject to conditions

3.3. **Prescribed Bodies**

3.3.1. None

3.4. **Third Party Observations**

3.4.1. Submissions were received on the original submission, and on the Further Information submission. The issues raised are covered in the Grounds of Appeal.

4.0 Planning History

- 4.1.1. 2956/01 Grant - Construction of new boiler room enclosure at roof level over existing stair core
- 4.1.2. Other Relevant History
- 4.1.3. 6 & 13 Pembroke Row (adjoining site to the south east of appeal site)
248921 (4303/16) – Current appeal - Demolition of buildings and associated structures, construction of 6 storey building for office use
- 13 Pembroke Row (adjoining site to the south east of appeal site)
2364/08 – Grant – 6 storey office building. Condition 2 omitted the fourth and fifth floors from the development.
- 12 Pembroke Row (to the north of the appeal site)
- 4.1.4. 2043/15 – Grant - 5 storey mixed-use building and consisting of an art gallery, cafe and 4 no. residential units
- 5/5A Lad Lane to rear of Hagan's Court, Dublin 2 (to the north-west of appeal site)
- 4.1.5. 248982 (2952/17) – Grant - Demolition of buildings and construction of 6 storey building consisting of 25 apartments, restaurant and cafe, outdoor terrace parking and access

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject site is zoned objective Z6 – Employment/Enterprise under the Dublin City Development Plan 2016-2022. The zoning objective seeks 'To provide for the creation and protection of enterprise and facilitate opportunities for employment creation'.
- 5.1.2. Office is a permissible use within this zoning (within the canal ring).
- 5.1.3. The subject site adjoins a Z1 zoned area to the rear (Wilton Court Apartments) and to the north there is a further Z1 zoned area. As such the site is considered a Transitional Zone Area.

5.1.4. The site is located within a Conservation Area.

5.1.5. Relevant provisions of the Development Plan include:

- Policy QG23: To discourage demolition of habitable houses
- Policy CEE11: To promote and facilitate the supply of commercial space/facilitating re-development of obsolete office stock
- Policy SC25: promotes high quality design
- Policy CHC1: seeks 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.
- Policy CHC2/4 seeks to ensure the protection of the special interest of Protected Structures, and the special interest and character of all Conservation Areas is protected.
- Section 14.7 Transitional Zone Areas states it is important to avoid abrupt transitions in scale and use zones.
- Section 16.2: Design, Principles and Standards
- Section 16.4/5/6/7: Density Standards/Plot Ratio/Site Coverage/Building Height

5.2. Natural Heritage Designations

5.2.1. None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are 2 no. Third Party Appeals received from Baggot Bridge Court Management Ltd and Grandarm Management Ltd (Management company responsible for Court Apartments, Wilton Place - submitted by Jim Brogan, Planning and Development Consultant). The grounds of appeal are as follows.

Baggot Bridge Court Management Ltd.

- Development does not recognise the essential residential character of the neighbourhood – is inconsiderate of apartment buildings opposite at Baggot Bridge and Bagodrath.
- Living rooms of apartments opposite would be overlooked.
- Would give rise to light pollution.
- Pembroke Row is a relatively narrow former mews lane – scale, massing and presentation/façade treatment is inappropriate for its context.
- Existing buildings employ materials consistent with the scale and texture of the local environment.
- CDP has many policy objectives designed to promote and reinforce living in the city centre- redevelopment proposals need to recognise the needs and rights of their immediate neighbours.
- No obscured glazing/translucent layer proposed for the front windows facing Baggot Bridge Court apartments – only proposed for the rear facing Wilton Court – Baggot Court apartments are closer.
- Proposed windows facing Baggot Bridge Court are full-width and full height.
- Massive increase in the perception of overlooking as the percentage of wall area that is window is increased from 40% to 100%.
- Bay windows could provide light from east and west as well as allowing views up Pembroke Row – layering of the façade would provide screening as well as visual interest.
- Double skin façade would provide indirect daylighting without direct overlooking.
- Step backs would break up the monolithic massing and provide opportunities for natural lighting from a courtyard or lightwell/rooflight.
- Possible arrangement of desks does not mitigate against potential overlooking/overlooking will occur from occupants standing at the window or passing close to the glazing/overlooking can be oblique/semi-opaque glazing does not prevent overlooking from eye-line height.

- If green roof is used as a terrace would result in overlooking/should be conditioned 'for maintenance access only'.
- Façade will have 500 sq. m of glass – will produce a vast white light box less than 13m distant from the living rooms of the residential units opposite.
- Relative angle of the Baggot Court façade and the proposed façade is irrelevant – there is a distance of less than 13m between the two.
- Request that the fenestration and façade treatment on Pembroke Row be reconsidered to address the above concerns.

Grandarm Management Ltd (submitted by Jim Brogan, Planning and Development Consultant

- Proposed development, by reason of excessive height, mass and scale constitutes over-development of the site.
- Will result in excessive overlooking and visual overbearing – will have a seriously injurious effect on residential amenities of Court Apartments (Wilton Place).
- Is a 'Transitional Zone Area' as defined in the CDP – Wilton Court zoned Z1/Appeal site is zoned Z6.
- Each of the 15 apartments on the upper floors has two windows serving habitable rooms i.e. a bedroom and a kitchen facing towards the appeal site.
- Separation distance will be reduced from 20m to 13m - overall height will be increased by 12.4m (3 floors higher than the existing building).
- 21 windows on the first to third floors and the 4th and 5th floors will be fully glazed
- Material change to the setting of the Court Apartments.
- Translucent screens and brise-soleil are proposed by the applicants – do not appear on drawings.
- Traditional standard of separation between first floor windows at the rear of 2 storey dwellings is 22m as referred to in the CDP.
- Screening measures confirm that overlooking is a legitimate matter of concern
- Screening measures are inadequate.

- Not acceptable in a transition zone and constitutes a legitimate substantive reason for refusal.
- Separation distance is inadequate – Court Apartments are in an area where the CDP gives priority to the protection of amenities of residential development.
- Will result in visual overbearing - proposed development by reason of its height/mass and scale will totally dominate the yard area within the Court Apartments to the rear - constitutes a legitimate reason for refusal.
- Plot ratio is 4.5 – indicative plot ratio for Zone Z6 is 2.0-3.0.
- No proper consideration in the Planning Report of the issue of plot ratio.
- None of the exceptional circumstances for increased plot ratio are applicable in this instance.
- LinkedIn development is in a strategic cornerside location – does not set a precedent for a development of the same height and scale.
- Excessive plot ratio constitutes a reason for refusal.
- Proposed site coverage of 80% is higher than the indicative site coverage of 60% for Z6 areas – none of the exceptional circumstances apply in this instance.
- Planning reference 2364/08 – related to the development of a six storey office block on the land to the immediate south-east of the development site – is relevant.
- The fourth and fifth floors of this proposal were omitted.
- These considerations also apply in this instance - height will be excessive – should be refused on this ground.
- No provision for public open space - New footpath does not constitute public open space – should be refused on this ground.
- Proposal represents a visually obtrusive and dominant form of development on Pembroke Row which is not reconcilable with its designation as a Conservation Area in the Development Plan – this constitutes a further reason for refusal.

6.2. Applicant Response

6.2.1. A response to the two Third Party Appeals has been submitted on behalf of the applicant. The response also includes an additional drawing (Bay Study 01). The response is summarised below:

- Refers to recent planning history in the surrounding area.
- Evident that Pembroke Row as well as the surrounding area is experiencing significant redevelopment that will change and improve the character of Pembroke Row and the surrounding area.
- Design approach to the LinkedIn building was continued for this proposed development.
- Amendments were made at FI stage – upper floors now fully glazed façade/height reduced by 600/set back increased/top two floors will have a very benign visual impact.
- New footpath is being provided.
- Steady and continuous demand for additional office space in Dublin.
- Vacancy rate is 3.7% in the city centre.
- 16,000 office jobs created in Dublin alone in the last year.
- Existing office building is dated - internal layout does not meet the expectations or requirements of occupiers in the current market place.
- Use is acceptable in principle.
- In relation to overlooking, top floors have been set back/translucent layer on the rear elevation to prevent overlooking of the rear.
- Changes at FI stage will also reduce overbearing impact.
- Desks are not placed at windows/structural design results in large support columns close to the windows.
- New development is smaller than LinkedIn Headquarters and the IDA building on Wilton Place.

- In relation to Plot Ratio - the site is located within major public transport corridors/will facilitate the continued redevelopment of Pembroke Row/brownfield site within the city centre.
- CDP does not require that all criteria as set out in S16.5 of CDP need to be met.
- Plot ratio reduced to 4.3 as a result of the amendments.
- Plot ratio of LinkedIn headquarters is 4.5 – has previously been accepted by ABP Inspector.
- Site coverage is justified as per plot ratio.
- Site coverage is already at maximum with existing building
- Site coverage of LinkedIn is 72.4%.
- Site coverage of development on opposite side of the road (2043/15) is 100%.
- In relation to height, proposal is lower than LinkedIn Building.
- Previous decision of LPA (2364/08) at Rothco building, referred to by a Third Party Appellant, was not subject to an appeal, was made under a previous CDP and the surrounding area has undergone significant change.
- Developments at LinkedIn and at 6&13 Pembroke Row (6 storeys) have been approved.
- Court apartments is in fact a 6 storey building due to the change in ground levels at the front and rear of Wilton Place.
- In relation to Public Open Space a new footpath is being provided/within walking distance to a number of existing areas of public open space.
- In relation to Conservation, while the site is located within a Conservation Area, none of the buildings are designated Protected Structures.
- Building is a relatively recent addition – much of the architecture on Pembroke Row and also at Wilton Place is relatively modern.
- Proposal is contemporary yet respectful to the surrounding area.
- Appellant has not stated how or where the design of the proposal fails to comply with the CDP or any relevant planning guidelines.

- Scale has taken cognisance of the existing scale of buildings on Pembroke Row.
- Façade treatment takes reference from the LinkedIn building but there is more variation of materials.
- Differentiation between public space on Pembroke Row and private space to the rear.
- Brick façade more appropriate for the rear than to the front.
- Façade study drawing has been submitted as part of the response to the Third Party Appeals.
- Numerous examples of designs where glass stone or aluminium successfully integrate with traditional brick facades.
- Number of design tools have been incorporated to prevent overlooking.
- In relation to light pollution the development will normally be occupied from 09.00 to 17:30 Monday to Fri.
- There is already an building in active use, the majority of which is office based.
- New building does not mean there will be more light emitted than existing.
- Measures proposed to reduce lighting levels/prevent light overspill.
- Existing streetlamp arguably cause more light pollution than that emanating from the office.
- Issue of light was considered as part of the assessment of the LinkedIn building.

6.3. Planning Authority Response

- Existing building on site is of limited architectural merit and in general adds little to the streetscape.
- Argued that the existing building is not energy efficient and the floor plans are dated.
- No objection to the redevelopment of the site and creating greater site coverage and plot ratio.
- Proposed use is a continuation of the office use.

- Proposed height complies with 16.7.2 of the CDP.
- Below the height of the adjoining building.
- Increasing the set back at fourth and fifth floor level would reduce the scale and massing of the building and allow upper floors to align with the set back of the adjoin site.
- Translucent layer on windows will reduce overlooking.
- Daylight and sunlight analysis considered that the increased overshadowing would be slight to moderate.

6.4. Observations

6.4.1. One observation has been received from Michael B. Doyle Architects on behalf of Bagod Rath Management Company Ltd. This is summarised as follows:

- Will have a serious impact on residential amenity.
- Substantial number of residential properties within 50m of Kildress House with a diverse range of owner occupiers and rental properties.
- Scale massing and presentation of the building not appropriate for narrow former mews lane.
- Existing building employ materials consistent with the local environment.
- Proposed street elevation could not be more opposite to the existing context.
- Current CDP promotes city centre living.
- New buildings should seek to integrate.
- This development and the development next door should be treated in combination.
- More impact on the existing residential uses than the Linked-in building.
- Previous office development was respectful of human scale, palette of materials and proportionate areas of glazing.
- Land would be more appropriately zoned residential.
- Injurious to the scale of this part of the city.

- Dockland is a more suitable site for such development.
- Area needs more, not less, residential.
- Overlooking of properties to the front of site.
- Bay windows could provide light from east and west as well as allowing views up Pembroke Row – layering of the façade would provide screening as well as visual interest.
- Double skin façade would provide indirect daylighting without direct overlooking.
- Step backs would break up the monolithic massing and provide opportunities for natural lighting from a courtyard or lightwell/rooflight.
- Possible arrangement of desks does not mitigate against potential overlooking.
- Less than the 22m separation distance normally required.
- Light pollution.
- Impact on views.
- Façade should be redesigned.
- Moderation of access to terrace is required.
- Additional greening and contribution to public realm is requested.

6.5. Further Responses

6.5.1. A further response has been received from Jim Brogan, Planning and Development Consultant, on behalf of Grandarm Management Ltd.

- Fully support objections to the proposed development raised by Baggot Bridge Court Management Ltd.
- Both sets of objections constitute substantive grounds for An Bord Pleanála to overturn the decision made by LPA.

6.5.2. A further response has been received from Jim Brogan, Planning and Development Consultant, on behalf of Grandarm Management Ltd, responding to the submissions made by the LPA and to the submission made by the applicants:

- Have no objection in principle to the proposed office use.

- Concerns relate to the height, scale and design and the impact on the amenities of Court Apartments.
- Mitigation measures will not overcome overlooking to any significant degree.
- Use of bedrooms may occur during the day.
- Office hours can vary beyond 9am to 5pm – can be 24/7.
- Would increase the impact on resident’s amenities.
- 17m separation distance is inadequate.
- Changes to the set-back and height are marginal modifications having regard to the visual overbearing impact.
- Increase in height and length and proximity to the boundary would result in a further diminution in the residential amenities enjoyed by the residents.
- The proposal does not satisfy any of the criteria that allow for a higher plot ratio.
- Site coverage is nearly 10% higher than the LinkedIn development.
- Previous permission at 6-13 Pembroke Row (2364/08) is still relevant.
- Provision of a footpath does not meet the criteria for public open space.
- Failure to provide a civic space represents a lost opportunity to make a positive contribution to the enhancement of the public realm.
- Extensive recessed areas with significant setbacks on LinkedIn building helps moderate the impact of this building by reducing its mass and scale.
- Absence of variation of this type in the proposed development, along with the adjacent proposal at 6-13 Pembroke Row, will result in a set of buildings which will visually dominate the streetscape and have an adverse overbearing impact on Pembroke Row.
- Proposal is not reconcilable with the Conservation Area designation.

6.5.3. A further response was received from Downey Planning Ltd, on behalf of the applicant, responding to the submission from the LPA:

- LPA submission provides a strong defence of the merits of the proposed development.

- Submission is in line with applicant's previous submission to the Board.
- LPA has not sought any changes to the proposal.

7.0 **Assessment**

7.1. The following assessment covers the points made in the appeal submissions and also encapsulates my *de novo* consideration of the application. The main issues in the assessment of the proposed development are as follows:

- Principle of Development
- Neighbouring Amenity
- Conservation and Design/Impact on Protected Structures
- Other Matters
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The subject site is zoned objective Z6 – Employment/Enterprise under the Dublin City Development Plan 2016-2022. The zoning objective seeks 'To provide for the creation and protection of enterprise and facilitate opportunities for employment creation'.

7.2.2. Office is a permissible use within this zoning (within the canal ring). The proposed use, then, is acceptable in principle.

7.2.3. In relation to the loss of the 2 no. existing three bed houses, the CDP notes that demolition of houses is generally discouraged on sustainability grounds and also may lead to a loss of residential character. However, I note that the existing units are somewhat of an anomaly on this side of Pembroke Row, sitting between established and redeveloped office space within an area zoned for employment. In my view, the loss of these units is acceptable, given that their loss would not result in a loss of residential character.

7.3. **Impact on Amenity**

7.3.1. There are existing residential uses opposite the site at Baggot Bridge Court and Bagod Rath. To the rear there are existing residential units at Wilton Court.

- 7.3.2. In terms of potential overlooking, I note that Baggot Bridge Court is a minimum of 15m from the proposed building at its closest point. Bagod Rath is set back a minimum of 16m from the proposed building. Baggot Bridge Court is a 3 storey building with windows facing towards the proposed development and Bagod Rath is a 4 storey building with windows facing towards the proposed building. I note these buildings are angled slightly relative to the appeal site.
- 7.3.3. There are no minimum distances set out the CDP for residential windows that are opposite office uses. I note that there are existing windows on the front façade of the existing building that face towards the residential units. The proposal will result in a larger 6 storey structure with larger areas of glazing facing towards the residential units. The upper two floors are set back by 3.8m from the front façade.
- 7.3.4. The proposal incorporates design measures to reduce actual and perceived overlooking. These include the introduction of a translucent layer of 1.35 m above FFL to the rear elevation and applied manifestation 0.8m above FFL to the front elevation which is designed to mitigate against overlooking from the office occupants when sitting at a desk. If the Board is minded to approve the proposal, I recommend that a condition be imposed requiring applied manifestation up to 1.35m above FFL on the windows of Pembroke Row elevation. In my view this would only be necessary on the ground, first, second and third floors, given the setback of the upper floors.
- 7.3.5. I note that the Wilton Court apartments are located to the rear of the site and there is a minimum of 17m window-to-window distance. I consider that a similar mitigation measure as at the front can be applied here and this would overcome any actual or perceived overlooking from the proposed development.
- 7.3.6. In terms of the creation of a sense of enclosure or the perception of an overbearing structure opposite the existing residential units on Pembroke Row, I note there is a 3.8m setback at first floor level. I concur with the view of the LPA that this setback should be increased to 5.4m in line with the LinkedIn building to the north-west. This increased setback results in a significant reduction in the perceived bulk and scale of the building and, in my view, overcomes any potential to result in a sense of enclosure for those residential units on Pembroke Row. There is sufficient distance to the Wilton Court apartments so as to ensure that no sense of enclosure results.

- 7.3.7. In terms of light pollution, the appellants have argued that the proposal would result in light pollution. The applicant has responded by noting there are measures to ensure minimal light overspill and notes existing streetlamps which, it is argued, result in light pollution already.
- 7.3.8. I note the existing building would result in level of light impact. While there are larger areas of glazing associated with this proposal, I consider that with the applied manifestation in place on the Pembroke Row elevation, and well having regard to the usual hours of occupation of office buildings, the impact resulting from light pollution would not be significant in my view.
- 7.3.9. In terms of loss of daylight and sunlight, I note a Sunlight and Daylight Analysis report has been submitted with the application, as well as an addendum report submitted as Further Information. This concludes that while there will be some moderate impact on daylight and sunlight levels to the residential units opposite, the impacts are within BRE Guideline recommendations.
- 7.3.10. Having considered the findings of the report, and from my observations on site, I concur with the conclusions contained therein and I do not consider that there would be a significant impact as a result of loss of daylight and sunlight.
- 7.3.11. I note the site lies within a Transitional Zone Area where particular attention must be paid to the use, scale, density and design of development proposals and to screening proposals in order to protect the amenities of residential properties. In this instance I consider that the proposal, subject to conditions, has had due regard to the adjoining Z1 zoned areas. In addition, the screening proposed will overcome any actual and perceived overlooking.

7.4. Design and Conservation/Impact on Protected Structures

- 7.4.1. I note the provisions of Section 16.10.17 'Retention and Re-Use of Older Buildings of Significance which are not Protected' of the current CDP. This states that the re-use of older buildings of significance is a central element in the conservation of the built heritage of the city and that the local authority will actively seek the retention and re-use of buildings which make a positive contribution to the character and identity of streetscapes. I do not consider that the existing buildings are of any particular architectural merit and does not contribute to the character of the areas. As such I do not have an objection to the principle of demolition and redevelopment.

- 7.4.2. Policy CHC1 seeks to preserve 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. Policy CHC4 seeks to protect the special interest and character of all Dublin's Conservation Areas.
- 7.4.3. In relation to the merits of the proposed replacement building I note the following.
- 7.4.4. The proposed building is a 6 storey building with the fourth and fifth floors set back from the Pembroke Row elevation. To the Pembroke Row elevation façade materials will be satin anodised metal and glazing to the ground, first, second and third floor levels with glazing and limestone cladding to the setback fourth and fifth floor levels. The rear facade incorporates a light coloured brick façade at ground to fourth floor levels with a glazed fourth and fifth floor levels.
- 7.4.5. In terms of Plot Ratio, the CDP sets out Indicative Plot Ratio standard for Z6 zoned areas is 2.0-3.0 The plot ratio as proposed is 4.3. As such the standard is exceeded in this instance. The site coverage for Z6 areas is 60%. The proposed redevelopment is 80% site coverage which exceeds the standard.
- 7.4.6. A higher plot ratio and site coverage may be permitted where the site adjoins a major public transport termini, where an appropriate mix of residential and commercial uses are proposed, to facilitate comprehensive re-development in areas in need of urban renewal and to maintain existing streetscape profiles.
- 7.4.7. In this instance, given the redevelopment of the area in progress and the streetscape profile of the LinkedIn Building adjacent to the site, I would consider that a higher plot ratio and site coverage is appropriate on this site.
- 7.4.8. The height of the proposed building will be 22.4m. The top two floors will be set back by 3.8m from the Pembroke Row elevation. In terms of the building's relationship with surrounding development, I note that the proposed building is lower than the adjacent building to the north-west (LinkedIn Building). It is higher than the existing building at Rothco House (13 Pembroke Row) to the south-east which is just over 10m in height for the majority of its length with a projecting element of 13m in height. I note that a proposed development on this site, granted by the planning authority, and currently under appeal (Ref 2489241), has the same height as this current proposal.

- 7.4.9. Subject to the top two floors being set back by 5.4m, I consider that the bulk, scale and massing of the proposal is appropriate given the scale of the adjoining building to the north-east and also having regard to the scale of the buildings to the south at Wilton Court and at Wilton Park House. There are longer views towards the site along Wilton Place and the proposed building will be seen in the context of the 7 storey building at Wilton Park House and the 6 storey LinkedIn Building.
- 7.4.10. The site is zoned Z6 which constitute an important land bank for employment use in the city. The CDP notes that any redevelopment proposals should ensure that the employment element on the site should be in excesses of that on site prior to redevelopment in terms of numbers employed and/or floor space. As such it is expected that the redevelopment of this site would result in an increase in the scale of structures on the site.
- 7.4.11. In relation to the detailed design, the proposal makes reference to the LinkedIn building to the north-west, with the incorporation of additional materials such as anodised metal and limestone cladding to the Pembroke Row elevation so as to mitigate against large unbroken facades of glazing. To the rear a palette of brick and glazing is proposed, which reflects the materials of development to the rear of the site. I consider that the overall design approach is successful in this instance.
- 7.4.12. In relation to the impact on the setting of the Protected Structures at No.'s 1-6 Wilton Place, located approximately 30m to the south-east of the site, I do not consider that there will be an adverse impact on the setting of these buildings, having regard to the distance from the appeal site from No.'s 1-6 Wilton Place.

7.5. **Appropriate Assessment**

- 7.5.1. The site is neither in nor near to a Natura 2000 site. The closest SPA to the site is South Dublin Bay and River Tolka SPA which is 2.3km to the east of the site. The closest SAC is the South Dublin Bay SAC which is 2.3km to the east of the site.
- 7.5.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced inner-urban location, and the proximity to the nearest European Site, no Appropriate Assessment issues arise and it is not considered the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1.1. I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below and subject to the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Dublin City Development Plan 2016 to 2022, including the zoning objective for the area, and to the nature, and scale of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not detract from the streetscape or the visual amenities of the area and would not result in significant impacts on the residential amenity of residential property in the vicinity. 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, as amended by the further plans and particulars submitted on the 13th day of April 2017, and by the further plans and particulars received by An Bord Pleanála on the 2nd day of August, 2017, 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 setback at fourth and fifth floors shall be increase to 5.4m from the red site boundary on Pembroke Row

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 interests of visual and residential amenity.

3. The glazing at ground, first, second and third floors of the front elevation, and at first, second and third floors of the rear elevation, shall be fitted with a translucent layer/obscured glazing or an applied manifestation up to a height of 1.35m above finished floor level (FFL).

Reason: To prevent overlooking of adjoining residential property.

4. No element of the proposed design shall oversail the red line site boundary. 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:

5. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing, by the planning authority.

A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Any proposed render finish to be self-finish in a suitable colour and shall not require painting.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of orderly development

7. The site development and construction works shall be carried out such a

manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

8. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

9. The site works and building works required to implement the development shall only be carried out between 07.00 hours and 18.00 hours, Monday to Friday and between 08.00 hours and 14.00 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of the surrounding area.

10. Notwithstanding the provisions of the Planning & Development Regulations 2001 (As Amended), no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element, shall be displayed or erected on the building or within the curtilage, or attached to the glazing, without the prior grant of planning permission.

Reason: In the interests of visual amenity.

11. 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.

12. Prior to commencement of development, the developer shall lodge with the

planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision satisfactory completion and maintenance until taken in charge by the local authority of services required in connection with the proposed development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion and maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement shall be referred to an Bord Pleanála for agreement.

Reason: To ensure the satisfactory completion of the development.

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.

Rónán O'Connor
Planning Inspector

23rd January 2018

