



An  
Bord  
Pleanála

## Inspector's Report 29S 248844.

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<b>Development</b>	Demolition of existing buildings and construction of a nine storey plus plant level over ground floor 155-bedroom hotel development including public realm upgrades to St. Andrew's Lane.
<b>Location</b>	Nos 9-17 St. Andrew's Lane. Dublin 2.
<b>Planning Authority</b>	Dublin City Council
<b>P. A. Reg. Ref.</b>	4342/16
<b>Applicant</b>	Appalachian Property Holdings Ltd.
<b>Type of Application</b>	Permission.
<b>Decision</b>	Grant Permission
<b>Appellant (1)</b>	Gavin Gallagher Trinity St Carpark. (3 <sup>rd</sup> Party)
<b>Appellant (2)</b>	Eircom Ltd t/a Eir. (3 <sup>rd</sup> Party)
<b>Appellant (3)</b>	The Firstwood Partnership (3 <sup>rd</sup> Party)
<b>Appellant (4)</b>	Appalachian Property Holdings Ltd.
<b>Observer (1)</b>	Phillip O'Reilly
<b>Observer (2)</b>	Victoria Limited Partnership
<b>Observer (3)</b>	Brian Rutledge.
<b>Inspector</b>	Jane Dennehy
<b>Dates of Inspection</b>	27 <sup>th</sup> October 2017.

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## 1.0 Site Location and Description

- 1.1. The site, is that of a two storey warehouse structure with a corrugated roof dating from the 1950s and is located on the east side of St. Andrew's Lane to the north of Exchequer Street and south west of Trinity Street. The Andrew's Lane Theatre used to occupy the building and it has now been in use as a nightclub. It was originally constructed for use as industrial premises. The stated area of the site 426 square metres which is increased to 730 square metres, when the area in which public realm upgrades are proposed and which are to be carried out by the applicant. The site has frontage along the western boundary directly on the side of St Andrew's Lane, as well at the northern end. The east side frontage opens onto a shared service lane at the rear of properties on St. Andrew Street and Exchequer Street and the southern end of the site abuts properties on Exchequer Street.
- 1.2. St Andrew's Lane services the Trinity Street Carpark (177 spaces) which adjoins the site on the north side, the Eircom site comprising a yard for service vehicles and car parking, mast, and associated structures and buildings.
- 1.3. St. Andrew's Lane is two-way for traffic between Trinity Street and a blind corner off which there is the entrance to Trinity carpark, a rear service area for buildings on Exchequer, Street, St Andrew Street, Trinity Street and the entrance area to the Eircom site. Between this corner and Exchequer Street the lane on way only northwards, is circa four metres in width and double yellow lines are on each side and there are no footpaths.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for removal of the existing buildings and for construction of a building which has a stated floor area of. 4,138 square metres and a height of twenty-eight metres. The proposed hotel ("Alt Central") is part of the "Alt" Hotel Group which provides modest sized bedrooms. No restaurant, café, car parking, concierge/reception or other facilities are to be provided. Guests will use automatic check in and check out facilities.
- 2.2.

- 2.3. The reception / check in area is to be based on a lower ground floor level along with some rooms and service areas. Bedrooms, nineteen at each level are provided throughout all nine floors above and there is an additional top floor in which plant and equipment are to be housed. A double height entrance is designed as a “*porte cochere*” the purpose of which is to enhance the public realm. It has a 2.7 metre setback from the street frontage from which access is provided internally to the reception area on the lower ground floor level. It is the applicant’s intention to replace a previously approved development for which the grant of permission has expired. (P. A. Reg. Refs. 2963/08 and 2073/11 refer.)
- 2.4. A further information submission was lodged with the planning authority on 18<sup>th</sup> May, 2017 in which amendments are made to the form and design to address concerns about visual impact, particularly the impact of the roof level floor containing plant and equipment, the plot ratio and concerns as to potential overlooking, separation distances and future development potential at adjoining properties.
- 2.5. In the proposed revisions, the roof level on which plant and equipment is to be located is to be enclosed with mansard roofing and setback from the street frontage. No modifications to address the planning authority concerns as to overlooking and overshadowing were proposed due to existing conditions, the commercial location, and a prior grant of permission. (P. A. Reg. Ref. 2963/08 refers. See section 4.1 below.)
- 2.6. The following documents accompany the application:
- Urban Design statements with CGIs;
  - Planning reports
  - Energy and Sustainability Statement
  - Glazing, façade, and sustainability statement
  - Construction Plan
  - Waste Management Plan,
  - Engineering Services Report
  - Sunlight and Daylight impact analysis report|
  - Visual Impact Assessment report
  - Traffic and Transport Assessment report
  - Archaeological Assessment report

Conservation Assessment report and,  
Appropriate Assessment Screening report.

In addition, two letters of support for the proposed development were attached to the application.

- 2.7. The application includes proposals for public realm improvement works along St. Andrew's Lane to include signage for Pedestrian priority at Exchequer Street, and a selection of paving materials with either a shared surface or a separate surface as far as the east side of the frontage to the adjoining lane on the east side.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated, 13<sup>th</sup> June, 2017 the planning authority decided to grant permission subject to eighteen conditions most of which are of a standard nature.

The following modifications are required under Condition No 3:

- (a) omission of the proposed mansard roof;
- (b) substitution of the roof design and top floor layout in the original application submission of 15<sup>th</sup> December, 2016 incorporating the plant room revisions proposed in the further information submission of 18<sup>th</sup> May, 2017 and,
- (c) omission of one floor.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The planning officer in her final report states that she considers that the concerns over the original application submission were satisfactorily overcome in the modifications proposed in the further information submission and that she acknowledges that increase in overshadowing and obstruction of daylight at adjoining properties will occur but considers these conditions acceptable for a commercial, city centre location which needs urban renewal.

### 3.2.2. Other Technical Reports

The report of the **Roads and Traffic Planning Division** of 1<sup>st</sup> February, 2017 indicates to the lack of any on site car parking provision and the proposed upgrade works to St Andrew's Lane at the front of the hotel are acknowledged. The Division considers that concerns that it has about taxi drop offs at the front entrance where traffic is two-way, may be addressed through possible future traffic management works to be provided at the applicant's expense, with agreement of the City Council. There is a recommended requirement, (by condition) for monitoring of the taxi arrivals and departures at quarterly intervals over a year, in liaison with the city council in addition to standard conditions which include a requirement for a construction management plan to be prepared and submitted for agreement with the planning authority.

The report of the **Drainage Division** of the Engineering Department indicates no objection subject to standard conditions.

No other technical reports are available.

### 3.3. Third Party Observations

The issues indicated in third party observations include concerns about:

- Management of demolition and construction especially in relation to traffic management,

- Site coverage, plot ratio/intensity of development, form and massing and height

- Proximity to adjoining development

- Obstruction of access to and from the adjoining carparks

- Overlooking, overshadowing and obstruction of daylight at adjoining properties,

- Development potential at adjoining sites.

Separately, support is expressed for the proposal to provide for additional hotel development in the city.

## 4.0 Planning History

P. A. Reg. Ref. 2963/08: Permission was granted for removal of the existing building and for construction of a six storey over basement building incorporating a double basement theatre and an additional basement level for car parking with accesses from a car lift on St. Andrew's Lane. Permission for modifications to the previously permitted development was granted under P.A. Reg. Ref 2073/11. However, a request for an extension of the duration of the prior grant of permission was refused under P.A. Reg. Ref 2073/11/X1 in 2014.

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site is subject to the zoning objective: Z5: *"To consolidate and facilitate the development of the central area, and to identify, reinforce and strengthen and protect its civic design character and dignity."*

For development subject to the Z5 zoning objective, the indicative plot ratio is 2.5 – 3. and the indicative site coverage is 90 percent.

The Grafton Street and Environs Architectural Conservation Area is immediately to the south and includes the buildings on the north side of Exchequer Street.

Development management guidance and standards are set out in Chapter 16 and guidance for taller building development is set out in Chapter 15. Section 16.7.1 and Policy SC17 provide for protection and enhancement of the skyline with a co-ordinated approach to positioning of mid-rise and taller buildings so that they make a positive contribute to the skyline and urban character of the city and are sensitive to the historic city centre and environs.

Policy CEE 112 (i) provides for support for increased provision of hotels and associated tourism infrastructure and the promotion and enhancement of the city as an international tourist destination.

Section 11.1.5.3 and Policy CHC4 provide for the protection of the special interest and character of all Dublin's Conservation Areas and encourages opportunities for

development to enhance and protect character and settings in these areas where possible. (Note: The development plan provides for specific objectives for designated “Conservation Areas” in addition to and distinct from statutory Architectural Conservation Areas as provided for in Part IV Chapter 2 of the Planning and Development Acts, 2000 as amended.)

The Grafton Street Quarter Public Realm Plan 2014 includes provision for proposals for paving works along the entire lane. Flows less than 600 pedestrian movements per hour are anticipated.

## **6.0 The Appeals**

### **6.1. Grounds of Appeals**

#### **6.1.1. Appeal 1. First Third Party Appeal by Trinity Street Carpark. (Gavin Gallagher.)**

An Appeal was received from Gavin Gallagher on behalf of the appellant, Trinity Street Carpark on 7th July, 2017. It is stated that there is no objection in principle to the proposed development but that owing to the constraints of the site and St Andrew’s Lane, it is essential that a comprehensive demolition and construction management plan be prepared prior to determination of a decision and not deferred to a post planning stage for resolution by condition. The appellant’s concerns in this regard are outlined below:

- There serious implications for traffic and the operation of Trinity Street carpark during traffic during the period of demolition and construction. The assessment of the demolition and construction phase was totally inadequate. It could be expected to last for eighteen months. It is requested that details of specific measures for this phase be submitted for assessment prior to the determination of the decision and not by way of compliance with a condition.
- There are five to six hundred visits to the carpark daily and closure of the routes would affect the use of the carpark and result in loss of revenue. There are no details about the duration of this phase and in particular about possible obstruction or road closures which can affect public access to the carpark. St. Andrew’s Lane is extremely narrow.

- There are no details about hoarding and fencing and the location of the construction compound that would affect St Andrew's Lane. These details should be shown on layout drawings. There are no details about use of high reach concrete crushers and excavating buckets and grabs. It is likely that this equipment would occupy the laneway for long periods. There is no assurance that it would be necessary to close the southern section of St Andrew's Lane for the entire construction period.
- There are no construction traffic management details available. Volumes and types of vehicles should be specified so that mitigation can be arranged to manage the impact on adjoining businesses.
- It is not clear whether the restrictions on working hours under Condition No 8 (a) is confined to site works or to deliveries and site works. Deliveries will further burden St Andrew's Lane during construction.
- The outline details on the submitted outline Construction Management Plan are insufficient and the submitted traffic impact assessment report only addresses the operational stage. Condition No 5 (d) which requires a Construction Management Plan to be agreed does not include consultation with adjoining businesses and there is no recourse in the event of agreements not being reached between parties. All substantive matters, technical details and mitigation measures should be fully detailed to allow for assessment of the impacts on adjoining land uses during construction and it must be demonstrated that access for vehicles entering Trinity Street Car and other businesses on St. Andrew's Lane will not be impeded.

#### 6.1.2. **Appeal 2: Second, Third Party Appeal by Eircom Ltd. t/a Eir.**

An Appeal was received from Declan Brassil and Co Ltd., on behalf of the appellant, Eircom Ltd. t/a Eir, on 7th July, 2017. Attached are a copy of a letter of consent by Dublin City Council, a location map, auto-track drawings for Terex 55T Cranes and Taxi and minibus drop offs at the proposed hotel entrance.

At the outset, the validity of the application is also questioned on ground that the applicant does not have ownership of or the written consent of all the lands included within the site boundary delineated by the red line on the application drawings having regard to the provision of Article 22 of the *Planning and Development Regulations*

2001 as amended. (PDR). It is submitted that the area of St Andrew's Lane to the west and north west of the application site, including the bell-mouth entrance to the appellant property has been included but that a letter of consent as required under Article 22 (g) of the PDR. (Copy of Folio Map DM152496F is attached)

It is stated that permission should be refused for the current proposal but that there is no objection in principle to the redevelopment of the site subject to sensitivity to the operational needs and future development potential of adjoining businesses.

According to the submission:

- The proposed development is in such close proximity to the eastern boundary of the Eir site at the side where there is potential significant adverse impact on the development potential on the lands of the Appellant party. The siting and form of the hotel is inappropriate. To mitigate adverse effects on the development potential of the Eir site due to overlooking from the bedrooms at the levels from the second floor upwards the proposed overhang of the façade at Level 2 upwards should set back to align with facades for the ground and first floor levels. The interface between the proposed development and Eir site could be enhanced by alteration to the solid to void ratio in the western elevation reducing window size or other measures to mitigate overlooking. The development as proposed could have detrimental adverse impact on possible future residential development on the Eir site thus compromising development potential due to the close proximity across St Andrew's Lane, unacceptable loss of daylight and sunlight and loss of privacy by reason of overlooking, and the overbearing impact of the proposed structure.
- The planning authority failed to conduct comparative analysis of the existing, previously permitted, and proposed development. It has an increased streetscape and amenity impact. The scope for overlooking from the west elevation of the existing two storey building shown in the survey drawings provided with the application for the previously permitted development is minimal. The permitted mixed-use building was restricted, by condition to six storeys over basement level. (P. A. Reg. Ref.2963/08 refers.)
- The proposed improvements to the public realm at St Andrew's Lane are welcome but they would be undermined by the proposed development due to

enclosure of the space detracting from its functionality and amenity potential by the over sailing and overbearing impact of projecting elements of the upper floors and massing and height of the building. An adverse micro climate would also be created with lack of daylight and sunlight penetration and a wind tunnel effect on the lane. If permission is not to be refused, the applicant should be required to modify the development increasing the setback and the solid to void ratio for all the floors above the first level should be modified.

- The restricted width of St Andrew's Lane and lack of servicing facilities associated with drop and collections and with servicing of the hotel will adversely affect road safety, carrying capacity and congestion on the lane. This is to the detriment to the operations on the Eir site which require unrestricted vehicular access from Trinity Street and St Andrew's Lane.
- The methodology and assumptions in the submitted TIA do not take into account the impacts on the development potential of the other significant sites accessed off St Andrew's Lane in that the access and servicing needs of these developments were not assessed. A comprehensive TIA for all existing and future development on sites serviced by St, Andrew's Lane is required.
- No designated taxi minibuss drop-off pick up area has been provided in the application. Vehicles approaching from Trinity Street would contribute to congestion in that they would have to make a 'U' turn to exit as the street is one way to Exchequer Street. It is demonstrated in the auto-track analysis (Drawings attached) that five manoeuvres are required for taxis and nine manoeuvres required for minibuses to turn. It is acknowledged in the report of the Transportation Division of the Dublin City Council that there are problems with the proposed arrangements and that the changing of Trinity Street to a one-way street could be considered but this would adversely affect the accessibility of the Eir site.
- It has been concluded in a crane access study for the Eir site conducted in 2016 that a 50-60 ton crane would need to be positioned within the Eir carpark to meet minimum access requirements for the roof and telecommunications mast in the Eir site. Removal of street furniture and

signage on Exchequer street may be necessary to facilitate a crane to turn onto St Andrew's Lane.

- The attached Auto-track drawing CLT 1709B-123 demonstrates the difficulty with the southern entrance to Andrew's Lane at Exchequer Street. The attached auto track drawing CLT 1709B-125 demonstrates that articulated and rigid trucks cannot access the Eir site from the southern end of St Andrew's lane so they are dependent on use of the two section from Trinity Street. This could adversely affect the accessibility of the Eir site for the continued operation in present use and possible future development.
- The proposed development has no service bay provision and relies on existing service bays on Exchequer Street and disruption will be caused if these bays are occupied.
- The Construction Management Plan must be agreed with the appellant and the planning authority before a decision is made on the application. Major disruption to access to the Eir site including road closures will be caused which could occur over an eighteen-month period.

In the event of favourable consideration of the proposed development, inclusion of the following modifications, by condition is requested.

The levels at second floor and above be set back, at a minimum to a position corresponding with the previously permitted western façade of the development permitted under P. A. Reg. Ref.2963/08 and 2073/11 or to the vertical plane of the round and first floor west façade.

Inclusion of opaque or screens louvres at second floor level and above to restrict direct westerly views across to laneway to the Eir site.

Inclusion of a serving/loading bay off the laneway that provides for the hotel's servicing and operational requirements without compromise to the capacity and safety conditions on St Andrew's Lane.

### 6.1.3. **Appeal 3: Third, Third Party: The Firstwood Partnership.**

An Appeal was received from Stephen Little and Associates on behalf of the appellant, The Firstwood Partnership which is the owner of The Pichet restaurant which accessed off Trinity Street and The Trinity Street carpark. on 10th July, 2017.

Attached is a technical report prepared by TrafficWise on behalf of the appellant. It is stated that the concerns about the impact on traffic circulation during the construction and operational stages raised at application stage have been heightened by the manner in which the decision of the planning authority was reached. According to the appeal there is too much uncertainty in the requirements of Condition Nos. 5 (c) and (d) attached to the decision and re-examination is necessary. An outline summary of the reasoning follows:

- Condition No 5 (c) does not meet the basic criteria set out in section 7.3 of the statutory Development Management Guidelines. It is neither precise or enforceable leaving traffic management issue open ended and the commitment of the planning authority in this regard questionable. The use of St Andrew's Lane should be restricted for use for collections and drop offs until such time as specific provision has been made by the applicant. No proper provision has been made for taxi arrivals and departures and for deliveries and services vehicles in the application. There should be no such provision on St Andrew's Lane itself.
- The Trafficwise report assesses and addresses the effect of the scale of taxi drop offs and collections and associated disturbance at the front of the hotel on St Andrew's Lane. The lane is already heavily used by other traffic, extensive city centre pedestrian traffic, services, bin storage, access and other interactions and the area has little scope to cope with additional vehicular traffic. There is no space to turn a vehicle on St Andrew's Lane and vehicles traveling in the direction of Trinity Street will come to an unsighted area seeking to turn causing serious traffic hazard. The lane cannot accommodate a doubling in pedestrian movements at operations stage.
- From the perspective of business properties that are reliant on St Andrew's Lane for access, Condition No 5 (c) is open ended with regard to traffic management measures. This is unreasonable, lacks certainty and is not enforceable, Permission should be refused on the basis of the reasoning in the Traffic wise report on grounds that traffic impact endangers public safety or, that the development is premature pending alterations in Condition No 5 (c) which are necessary to facilitate the development. No stopping or servicing should be permitted on Andrew's Lane and appropriate signage to

this effect being erected. Use of the lane for taxi pick-ups and drop offs should be excluded until such time as provision has been made for same by the developer.

- With regard to the post decision requirement for submission by compliance of a construction management plan under condition no 5 (d) dependency in entirety on St Andrew's Lane for access by Trinity Street Carpark and the potential impact of the construction phase is unacceptable. Appropriate measures are required to manage this aspect of the development. The Developer is not obliged under condition No 5 (d) to adhere to the proposals in the TTA, particularly with regard to operational hours.

If permission is granted, attachment of a condition with the following requirements would be essential:

- Retention of vehicular access to Trinity Carpark during demolition and construction. with suitable diversion signage should be provided if a road closure is in operation. All construction deliveries should take place between 0010 hrs and 0700 hrs when the carpark is closed. No manoeuvring or marshalling of construction vehicles can take place in front of the entrance of the carpark during its operational hours.

It is noted that the TTA confirms that no servicing of the hotel would occur on St Andrew's Lane. The use of the loading bays on Exchequer Street is proposed but arrangements when the hotel is operational are not addressed. Preclusion of access from Trinity Street for deliveries and access should be required in addition to Condition No 5 (d)

According to the accompanying Trafficwise report, the outline Construction management plan included with the application offers little meaningful commitment to mitigation of impacts including maintenance of the access to the Trinity Street Carpark or comprehensive details of proposed arrangements. Concerns and outstanding issues can be addressed by the additional requirements being added to Condition 5 (d) for the construction stages.

There are clear concerns about endangerment of public safety and adverse impact on business operations owing to a predominance of pedestrians is indicated in the Trics Analysis, issues over turning and stopping movements, interference with the safe and free flow of traffic, lack of provision for set down and pick up space for hotel patrons, access to the Trinity Carpark being impeded and prohibition on stopping all along a lane with double yellow lines on both sides. The condition is imprecise, the requirement for monitoring is imprecise and there are no means for third parties to assess the potential impacts on their interests.

Permission should be refused on grounds of endangerment of public safety, adverse traffic impact and premature development pending alterations as envisaged by the planning authority to facilitate the development. It is requested that permission be refused as public safety and traffic impact concerns have not been addressed in the determination of the decision.

If permission is granted, Condition No 5 (c) be amended to prohibit stop offs and picks ups and waiting on the lane by taxis or other vehicles on St Andrew's Lane. Appropriate signs can be erected. These activities can be provided for on Trinity Street or Exchequer Street.

#### **6.1.4. Appeal 4: First Party Appeal by the Applicant.**

An appeal against Condition Nos 3 (c) and 8 was received from Brock McClure on behalf of the applicant on 10<sup>th</sup> July, 2017. The appeal includes a detailed outline and discussion on the planning background and context and the current proposal. The appeals against the two conditions can be outlined in brief as follows:

Condition No 3 (c)

Omission of one floor from the proposed development.

It is requested that the condition be deleted because it is demonstrated that the floor should be retained as it is demonstrated that the visual impact of the proposed development as amended in the further information submission is not substantial, is a good fit for the site, is designed to address the surrounding heritage context and, is in accordance with development plan standards.

Condition No 8

Restriction on Construction hours to 0700 hrs to 1800 hrs Mondays go Fridays and 0800 hrs to 1400 hrs on Saturdays.

It is requested that the condition be revised because hours of construction can best be agreed post planning through compliance with a condition with the requirement for submission for agreement to on a construction management plan.

Separately, in the submission an alternative scheme is proposed for consideration should the proposed development as submitted in the further submission be considered unacceptable. Substitution of a basement level to compensate for the omission of the bedrooms in the floor to be omitted is proposed. According to the appeal the option allows for the ten bedrooms at basement level to be retained and these rooms are considered essential to the viability of the development. It is pointed out that a three-basement level development was included in the previously permitted development under P. A. Reg. Re. 2963/98.

## 6.2. Applicant Response

A submission was received from the applicant's agent on 4<sup>th</sup> August, 2017 in response to the third party appeals. Attached to the submission is a supplementary report and Drawing prepared by NRB consulting engineers which is referred to in the submission. In the NRB report, Access and functionality of St Andrew's Lane, Pedestrian and Shared Street capacity, the requirements of Condition No 5 (c) attached to the planning authority decision, accessibility of adjacent lands, servicing requirements and construction stage impacts are reassessed in detail. An outline summary of the submission follows:

- A letter of consent to the inclusion of the lands outside the ownership of the applicant was provided by Dublin City Council. This area is taken in charge by the local authority.
- The 0.6 metres overhang was agreed by the planning authority and is not an unusual design solution. It considers this feature as positively contributing to permeability and public realm upgrade including shelter, allowing interior lighting to fall onto and animate the laneway. Pedestrian movement will be lower and less concentrated than that associated with the theatre and night club use, and is well within guidelines for a shared surface.

- Eircom's development rights are unaffected by the overhang solution. Their eircom site is ample, is circa fifty metres in width and does not need provision of an overhang onto the laneway to provide a hypothetical development design solution.
- Overlooking and overshadowing are minimal in impact and appropriate to a city centre location.
- The applicant's consulting engineers report (NRB report) supports the claims about the functionality of St Andrew's Lane so there is no basis for the contention that St Andrew's Lane will ultimately be one way. The current arrangement whereby it is two-way at the northern end is to remain in place.
- The laneway width is not being reduced and an improved public realm will be provided by the setback at the entrance. Hotel Drop offs will not impact on the operation of the laneway as most taxis will come from Exchequer Street (on to the one way one section) where there is adequate manoeuvrability for turning at the northern end of the lane, if necessary. Guests in taxis will walk from the adjoining streets or and guests will arrive by public transport. Taxi journeys are estimated to amount to four two way trips per hour representing less than four percent of the entire flow at 136 trips.
- The turning movement survey on the lane indicates an AADT of twenty-nine taxi trips one way from Exchequer Street. The College Green traffic measures which may preclude an access through college green as a through route are taken into consideration Drivers would not choose to use the lane as a preferred route. Local zone traffic will decrease.
- The traffic survey commissioned by the applicant indicated 468 taxi movements on a Friday and 385 on the Saturday and confirmed three u turn movements on Friday and one on the Saturday. Taxi drivers are familiar with the restriction in the city centre but a three-point turn can be achieved within visibility of approaching drivers given the setback of the hotel at the corner. The monitoring required under Condition 5 (c) will confirm that U turning will not be an issue. A no through road sign can be provided at the northern entrance to the lane.

- The applicant is in agreement with a condition whereby servicing is restricted to the Exchequer Street loading bays. The theatre and night club use had more onerous servicing requirements than the proposed development. One or two linen deliveries per week from loading bays on adjoining streets are anticipated. No food offering is included in the hotel so the hotel's servicing requirements will be minimal.
- There is no requirement to consider future development potential on adjoining lands under TTA guidance. Only permitted development is considered.
- The contention that Condition No 5 is into enforceable is rejected. The consultant's report (NRB) demonstrates that taxi set down and service requirements can be adequate accommodated on the laneway.
- The Appellants do not acknowledge the benefit of the availability of the Trinity carpark to hotel patrons and the ability to exclude parking provision for the hotel in the application resulting in better use of resources and a boost by the hotel to existing enterprise in the area.
- It is not feasible to provide a construction management plan in detail in advance of the tendering process and selection of a contractor. Impacts on adjoining properties will be minimised where possible being undertaken at off peak periods. Construction management will be in line with best practice.

### 6.3. **Planning Authority Response**

There is no submission from the planning authority on file.

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### 6.4. **Observations**

#### 6.4.1. **Observer 1: The Victoria Limited Partnership.**

A Submission was received on 2<sup>nd</sup> August, 2017 from Thornton O'Connor on behalf of The Victoria Limited Partnership owner of Exchequer Chambers, Nos 19-27 Exchequer Street which has frontage onto St. Andrew's Lane to the north west of the application site. According to the submission there are two concurrent applications for these lands and they are proposals for an office extension to increase from two to

four storeys with a sedum roof and plant, new windows at ground floor level at the east elevation of the restaurant at No 27 Exchequer Street Chambers to provide frontage to St. Andrew's Lane (P A. Reg. Ref. 3319/17 refers.) and proposals for (Change of use of basement and ground floor at No 25 Exchequer Chambers to a restaurant. (PA. Reg. Ref. 3406/17 refers.) According to the submission:

- The development potential of Exchequer Chambers is compromised. The Chambers are in a key position with frontage onto St Andrew's Lane and Exchequer Street. The proposed development is fragmented and piecemeal whereas a cohesive development strategy for the entire area is essential. There is a clear opportunity for new morphology and character for the area which respects the historic context. The large brownfield Eircom land in particular has future redevelopment potential. In the absence of such a cohesive strategy, careful consideration of adjacent sites is essential.
- The quality of the public realm at Andrew's Lane would be seriously compromised by over sailing and compromise of sunlight and daylight access.
- There is a need for a detailed transportation study for the St Andrew's Lane area which would have a large increase, further to the proposed-development in pedestrian and vehicular traffic. A study could address:
  - Potential for pedestrianizing St. Andrew's Lane from Exchequer Street which would improve the environment and create a pedestrian connection from Exchequer Street to the College Green.
  - Relocation of the proposed taxi drop off point to a newly created taxi drop point at the front of Exchequer Chambers serving Exchequer Street, St Andrew's Lane developments.
  - Relocation of the loading bay outside Exchequer Chambers to a dedicated taxi drop off point and strengthening of the loading bay at Drury Street.
  - Consideration of traffic and pedestrian movement having regard to the changes at College Green and a Stephen's Green in connection with the LUAS hub.

- The concerns about the set down and access constraints at the hotel could have been addressed proactively in a Transport Study. A plan led strategy cannot prevent future access difficulties at adjoining sites.
- An alternative taxi access strategy must be developed for the proposed development because picks up and drop offs at the entrance to the hotel will irrevocably impact on the potential for transformation of the area into an attractive vibrant urban street dominated by pedestrian activity.
- There is no formal taxi stop on Exchequer Street and drop offs on the street will lead to congestion and interruptions to flows of traffic on Exchequer Street.
- All service areas and utility cabinets in the proposed development should be relocated to the opposite side of the building in order to create active street frontage to St. Andrew's Lane. It is a key lane connecting a Category street to the College Green Plaza.
- If permission is granted, it is requested and a condition be included in which the construction management plan is agreed with the planning authority. It requires stakeholder liaison including liaison with adjacent landowners having regard to the height, access constraints and the tower crane impact along with its potential to operate without interruption to existing services and facilities.

6.4.2. **Observer 2: Phillip O'Reilly.**

6.4.3. A submission was received from Philip O'Reilly on his own behalf on 31<sup>st</sup> July, 2017. According to the submission:

- The proposed development pays no heed to the location in a very uniform established homogeneous part of the city in architecture and building height. It dominates and distorts the skyline as demonstrated in the photographic images. The structure is a nine storey monster on a restricted site with a massive metal mansard roof that destroys the visual setting of the city. It approaches the height of the central bank building, would be visible from the north side of the river and, would destroy the skyline for miles around including Merrion Square and St Stephen's Green. The historic and visual character of the area will be destroyed and the street network is too narrow.

- A more modest development would better serve the city in character. It should be similar to the surroundings and should respect the character of the city. The proposal is the lowest of bad standards and tolerance of such low standards should be resisted. Traditional materials and a maximum of six storeys could be allowed if the limitations of the site are taken into account.

#### 6.4.4. **Observer 3 Brian Rutledge.**

A submission was received from Tony Manahan Planners on 8<sup>th</sup> August on behalf of Brian Rutledge, owners of Nos 11-13 St Andrew's Street which includes the service hard and storage shed to the rear adjoining the Appeal site. Attached is a copy of the observation which includes some photographs which was submitted with the application. The appeals of Firstwood Partnership and for the Appeal of Eir are supported.

According to the submission,

- The application is invalid and that the validity is open to legal challenge due to inclusion of part of the laneway and Eircom property within the red line.
- It is unreasonable for a decision on the proposed development to be made without:
  - a detailed construction management plan owing to the circumstances and constraints of the site, the proposed development and St. Andrew's Lane.
  - agreement in advance on proposed changes to St Andrew's Lane with full inclusion of third party participation.
- The plot ratio is too high, without and with, as proposed the inclusion in the site are of part of the laneway.
- The cantilevering over the lane for the proposed building increases the otherwise unacceptable proximity and impact on the Eircom lands.
- The proposed windows on the boundary with his property are unacceptable. Mr. Rutledge is prepared to seek judicial review if permission is granted for this element of the proposed development. The applicant's agent has also in the application put forward an argument for hotel bedroom windows with no windows to support the proposed bedrooms at basement level. The argument

could also have been used for omission on windows on the elevation on the boundary with Mr. Rutledge's property.

- The proposed multi storey development on the boundary would seriously restrict the development potential of Mr Rutledge's property. The undetermined application for the extension of Mr Rutledge's property is subject to a request for additional information to address potential obstruction of daylight and sunlight on the proposed hotel's windows. (PA. Reg. Ref. 3071/17 refers.) This is contrary to the concept of equitable development, consideration of which has been abandoned in the case of the assessment of the application for the hotel. There is some elaboration on some of the issues raised in the submission made at application stage along with objections to the scale, height and capacity of the site location and as to adverse impact on the amenities of the surrounding development and wider area.

It is requested that permission be refused.

## **6.5. Further Responses**

### **6.5.1. Response to the First Party Submission by Trinity Carpark (Gavin Gallagher, First Third Party)**

A submission was received on 17<sup>th</sup> October 2017 in which it is stated that Trinity Carpark is a small family owned business and it is acknowledged that it would benefit from a hotel development. According to the submission:

- Post planning agreement on a CMP is not acceptable. An experienced construction manager could be appointed early so that the areas of difficulty can be addressed and mitigated. The poorly planned construction process would adversely effect on the carpark business. The existing lanes on three of the four sides of the site, existing accessibility requirements of adjacent and users, the 100 percent site coverage, narrow laneway which could be impossible with hoarding in place are serious challenges for the construction stage planning. There is no place for a contractor's crane to be assembled and there is lack of hard standing for a compound and site office.
- There are contradictions in Condition 8 which imposes hours of construction and 5 (d) which requires agreement on hours of work.

- A survey conducted at the carpark confirms continuous use of the lane by multiple delivery vehicles and services vehicles for the restaurants and stores in the area. Early morning customers of the carpark tolerate short delays but construction traffic would be different in impact and customers would use an alternative carpark.
- The demolition excavation could require 200 truckloads of materials to be removed.
- A solution is to amend condition No 8 so that all construction related traffic takes place between midnight and 6 am. Daytime erection of a tower crane boom would be unacceptable but may be feasible during the night.
- The lack of hard standing for site office and material is a concern. These could be placed on a deck above street level but careful site management would be essential. The hoarding will affect the flow because of the narrow lane width.
- An experienced and well-resourced contractor can manage this issues. It is unrealistic to expect taxis to drop guests off on the street network as opposed to the hotel entrance.
- Another applicant has been lodge for a nine storey hotel less than five metres away from the site of the proposed development which is an additional concern for the Eircom site.

#### 6.5.2. **Response to the First Party submission by Eircom T/A Eir. (2<sup>nd</sup> Third Party)**

A submission was received from the Appellant's agent on 11<sup>th</sup> October, 2017. It is submitted that the issues in the appeal are not addressed in the applicant's response. An outline summary follows:

- The application documentation is defective and the application is invalid as it includes third party lands without consent of the owners.
- The overhang size is understated as it is not the stated 0.6 metres. The drawings indicate 0.977 metres which provides considerable additional floor space and is twenty-five percent of the lane. It would undermine the integrity and quality of the lane as a pedestrian link and the future improvement works

to the lane although the use positively provides active overlooking of the lane. Issues as to overbearing impact and enclosure are reiterated.

- The contentions that the development potential of the Eircom lands is not at issue is not accepted as best practice. Appropriateness to future and existing use, amenities, streetscape in urban design are all significant issues in a densely development area characterised by narrow streets and underutilised sites. If minded to grant permission, it is requested that the following alterations be required by condition:
  - Increased setback at upper levels and revised fenestration on the western elevation to reduce overlooking and
  - Mitigation such as opaque glazing, louvres or blinkered windows to prevent direct viewing to the west from the hotel bedrooms.
- A two-way section at the northern end of Andrews Lane must be maintained to ensure maintenance and other works at the Eircom site can be facilities on a 24/7 basis. It cannot be changed to a one-way system. The council has suggested narrowing of the lane and a one-way system as a future mitigation measures and this is not acceptable for Eircom
- The objection to the absence of loading bays and the concerns for with regard to the functionality of the lane are reiterated.
- Although the NRB report demonstrates feasibility of a three point turn on the two-way section of Andrew's Lane the specification of the vehicles is not included in the auto track of report. It would require driving tight to a building on the opposite side to the entrance close exit from the carpark and tight to the kerb. Driver ability varies so the auto track drawing CLTG 1700B/122 submitted with the appeal is more realistic as representing a U turning manoeuvres. More than three manoeuvres rare required and this carries increases in delays. A mini bus could not turn at the entrance causing potential congestion.
- Construction impacts will be significant It is essential the CMP is agreed with Eircom and the planning authority in advance. Emergency access must be facilitated along the two-way section of Andrews Lane.

**6.5.3. Response to the Applicant's Submission by The Firstwood Partnership.  
(Appellant 3)**

A submission was received from the Appellant's agent on 17<sup>th</sup> October, 2017. It is requested that modifications be made to Condition Nos. 5 (c) and (d), should permission be granted:

Condition No 5 (3) should be amended to preclude stopping and servicing by taxis or other vehicles on Andrew's Lane and that appropriate signage prohibiting stopping and waiting be erected in locations to be agreed with the planning authority. The appellant does not accept the applicant claim that taxi and servicing requirements can be met on Andrew's Lane and Exchequer Street. The reasons for the Appellant's contentions in this regard within the appeal are reiterated and it is submitted that the request for amendment to the condition is reasonable.

It is pointed out that there are conflicting statements in the reports within the submissions of the applicant in that in the final submission acceptance of the amendment to the condition requested by the Appellant is indicated.

The request for amendment to Condition No 5 (d) is reiterated to ensure access during operational hours to Trinity Carpark. It is confirmed that it is accepted that disruption to the operation of the carpark would be unaffected if the condition is amended as requested.

**6.5.4. Response to the Applicant's Submission by Brian Rutledge (Observer 3)**

A submission was received from Mr. Rutledge's agent on 13<sup>th</sup> October, 2017.

In the submission reference is made to the plans provided by the applicant which show the footpath across the entrance to Mr. Rutledge's property at Nos 11-13 St Andrew Street. The service yard to Nos.11-13 St Andrew's Lane is at the same level as the public lane. The applicant's proposal for a footpath across the entrance to the service yard at the same level as existing footpaths adjacent to the site and No 13 Trinity Street and for a dropped kerb at the boundary with the service yard with changes to the existing levels is not acceptable to Mr. Rutledge. He therefore proposes two options for a solution for consideration and provides a sketch map.

Option 1 which is Mr Rutledge's preferred option is for omission of the proposed widened footpath kerb at the northern end of the site, to retain the kerb at existing

locations and change the surface to a shared surface. Option 2 is for a wider dip if the kerb is not reduced so that the dip extends beyond the line of the corner of the existing and proposed building line. This would prevent vehicles from mounting the kerb when reversing to the adjoining service yard at a tight angle in front of the hotel.

It is essential to Mr Rutledge that the level of the surface in front of the service entrance to his property is unchanged. A raised footpath and widened footpath is not acceptable and inadvisable in the interest of free flow of traffic on the lane.

## 7.0 Assessment

There is no dispute between the parties as to the desirability in principle of redevelopment of the site or as to the regeneration with intensive redevelopment consistent with the interests of the strategic and local objectives set out in the current development plan for the central city location and sustainable development. Several of the concerns raised are shared by one or more of the appellant and observer parties and are taken into account in the following assessment followed by the first party appeal and appropriate assessment. The validity of the application and clarification regarding the entitlements of adjoining landowners have been raised and are addressed at the outset followed by the issues central to the determination of a decision as set out below:

Validity of the Application.

Entitlements of Adjoining Landowners.

Scale, Height and Mass and Design.

Obstruction of Daylight and Sunlight.

Overlooking.

Animation of St. Andrew's Lane

Site Coverage and Plot Ratio and Intensity of Development.

Construction Stage. Traffic and Pedestrian Circulation and Access – Safety and, Convenience.

Operational Stage. Traffic and Pedestrian Circulation and Access – Safety, Convenience and Amenity.

First Party Appeal against Condition Nos. 3 (c) amendments and (8) construction hours.

Appropriate Assessment.

## **7.1. The validity of the application.**

7.1.1. The validity of the application has been questioned mainly with regard to the inclusion of third party lands within the application site as shown in red in the application drawings lodged with the planning authority. It is noted that the applicant provided evidence of written consent to the inclusion of lands under the control of Dublin City Council within the application and no objections by the City Council in this regard were raised and considered in the assessment of the application. Any other contentions and dispute as to encroachment on third party lands without consent lie outside the planning remit and it is open to the parties to refer the matters to the legal system for resolution.

## **7.2. Entitlements of adjoining landowners.**

7.2.1. The assertion on the part of the applicant that development potential of adjoining landholdings is not a material consideration unless there is an extant grant of permission or planning application under consideration is not accepted. To this end, the assertion made in the appeal of Eircom that the proposed development adversely affects the development potential of its lands is accepted as a material planning issue to be taken into consideration in the assessment of the application and appeals.

7.2.2. Disregard for development potential of adjoining lands potentially amounts to disregard for the future delivery of the strategic and local objectives within statutory development plans for an area. The St Andrew's Lane area is subject to a number of urban regeneration and sustainable development policies and objectives for underutilised or lands in inappropriate uses for the central city location which provide for intensive sustainable development in appropriate land uses. In view of the foregoing, irrespective of whether there are any extant grants of planning permission and/or concurrent applications the development potential of adjoining lands is taken into account as material consideration in the assessment.

## **7.3. Scale, Height and Mass and Design.**

7.3.1. Appellant and observer parties consider the height excessive, detrimental in visual impact, particularly with regard to the existing historic architectural character and with regard to overshadowing and overbearing effect on the lane and adjoining property

- 7.3.2. The applicant has appealed the requirements for modification under Condition No 3 (c) of the planning authority decision to grant permission in which there is the following requirement: “*The development shall be reduced by one full storey (middle floor)*” and the reason provided is: “*In the interests of orderly development and visual amenity*”.
- 7.3.3. It is considered that the planning authority was justified in attaching the condition. Reconsideration of the required omission on the basis of the concern of the applicant as to the reduction in the development of nineteen rooms on grounds of shortages in supply of hotel rooms and the viability of the proposed development is not accepted.
- 7.3.4. It is also not accepted that there is a basis for justification for the development with reference to the previous grant of permission for hotel development on the site. (P. A. Reg. Ref. 3846/17 refers.) The grant of permission expired in 2014 when a second request for an extension of the duration was unsuccessful.
- 7.3.5. It should be noted that in some of the images provided with the visual impact assessment, the proposed structure is obscured by Christmas lights and decorations in the foreground along the streetscapes and View 4 was unclear. The impact of the proposed structure which has been assessed as ‘moderate’ in Views 5 and 6 from Drury Street and from Grafton Street at the intersection with Wicklow Street but it is considered that there is significant negative impact. These vantage points come within the area of the statutory Architectural Conservation Area. (ACA) The insertion of the proposed development into the site has negative impact on the context and setting of the existing buildings which close the vistas in the foreground, many of which are have strong architectural features, vertical emphases reflective of plot sizes and materials especially the red brick facades.
- 7.3.6. It is acknowledged that the maximum height restrictions provided for in the current development plan are not exceeded. However, the height, mansard roof finish and massing of the proposed structure, given the sensitive location and the proximity to and prominence of the upper levels as a backdrop to the historic buildings in the foreground in views from Lower Grafton Street is particularly obtrusive and negative in the established historic context. This view concurs with that of the planning authority in regard to the original design proposal but it is considered that the requirement for omission of one floor under Condition No 3 (c) only partially

ameliorates the impact. These concerns could be addressed and even eliminated by height reductions and redesign. As proposed the proposed development adversely impacts on the visual integrity and architectural character of the streetscapes within the Grafton Street and Environs Architectural Conservation Area.

- 7.3.7. The impact on the views from vantage points in close proximity and on St. Andrew's Lane itself give rise to some concern as to design quality, particularly Views 1 and 3 owing the height and scale relative to surrounding development. It appears somewhat functional in the views as well as being excessive in scale and reconsideration would be advisable, inclusive of the finish to the front façade in views from Trinity Street. The narrow width of St. Andrew's Lane at approximately four metres at the southern end is such that the height is particular overbearing with minimal exposure to the sky resulting in tunnel effect. The overhanging element over the ground level exacerbates the tunnel effect of the lane.

#### **7.4. Obstruction of Daylight and Sunlight.**

- 7.4.1. As stated above, the proposed development would result in tunnel effect on St Andrew's Lane due to the increased height relative to the existing development, the projecting elements and narrow width of the laneway. This reduces the civic amenity potential of the laneway as opposed enhancing it notwithstanding the desirability of the replacement of the existing with contemporary facades sympathetic materials and finishes. Some increase in overshadowing would occur but it is accepted that the diminution relative to current conditions is relatively modest and can be accepted in a quality development at the location which is in need of regeneration at the centre of the city.
- 7.4.2. It is acknowledged that there is some ameliorative effect by way of ground level setbacks and lighting in night time hours from the building and from the overhead projecting elements but the height and proximity across the lane to existing and future development is overbearing and curtails the amenity potential of the lane as public amenity space and circulation route and future scope of development potential on the lands to the west. A reduced height development with setbacks would be essential if the development is to be rendered compatible with the adjoining narrow width St. Andrew's Lane and possible future development on adjoining lands.

## **7.5. Overlooking.**

- 7.5.1. The concerns as to overlooking from hotel bedrooms is potentially reciprocal, should similar hotel or apartment development be constructed on adjacent sites. Within a central city context this relationship is not unreasonable but is a greater concern should apartment development as permanent places of residence be considered. In the event of favourable decision on the proposed development, provision for effective ameliorative measures should be considered.

## **7.6. Animation of St Andrew's Lane.**

- 7.6.1. There is no objection in principle to the proposed hotel use but the nature of the current proposal which is confined to hotel bedroom facilities without dining or other facilities and services and includes self-service check in has implications for the quality of adjoining lane network. While the proposed double height entrance level, extensive glazing and arched overhang and canopies may bring lighting to the laneways after dark it is not accepted that the proposed development significantly animates and enhances the public amenity potential of laneway as a high quality built environment. The entrance lobby will not be staffed and there is no potential for casual assembly or activity within the lobby or at the entrance area. As a result, it is considered that the type of hotel which is proposed in which the entrance area is unmanned and has not function other as an access route to the rooms would be very ineffective as regards achievement of animation along the laneway and the applicant's contention to the contrary is not accepted.
- 7.6.2. However, in principle hotel use is supported and considered consistent with the development objectives for the area subject to incorporation of an element at street frontage element that incorporates an active use that provides for active street frontage and passive surveillance. The St Andrew's Lane area has considerable potential for enhancement so that it positively contributes to the quality of the built environment within the network of streets and lanes at the central city location if appropriate uses at street level can be encouraged in order turn the lane around from back street and servicing uses that characterise it present. Comments to this end in some of the submissions of the third parties and observer parties are supported.

## **7.7. Site Coverage and Plot Ratio and Intensity of Development.**

- 7.7.1. The site coverage, at one hundred percent exceeds the ninety percent maximum coverage and the plot ratio is radically in excess of the indicative range of 2.5 – 3 recommended within the Dublin City Development Plan, 2016-2022. The plot ratio at 5.5. for the proposed development, (with the area of the site outside of the ownership of the applicant included) is considerably higher than the indicative range and significantly increased if the third party lands are excluded from the site area.
- 7.7.2. As has been the case in consideration of central city commercial development proposals over recent years, significant exceedance of these standards particularly with regard to plot ratios have been considered and accepted by both the planning authority and An Bord Pleanála following appeal, subject to qualitative standards being satisfactory. A plot ratio in excess of the indicative range is potentially acceptable at the subject location and justified subject to it being demonstrated that all other qualitative planning considerations are not materially adversely affected resulting in substandard overdevelopment. In the case of the subject proposal, the visual impact and overbearing impact on St Andrew's Lane attributable to the scale and height have been referred to above.
- 7.7.3. The lack of provision in the building design and layout for cycle parking and storage of cycles on which guests may arrive and depart with is a concern and potentially suggestive of excessive intensity of development. It is noted that one storage space per fifteen rooms is recommended in the development plan cycle parking standards. It is considered likely, given the nature of the hotel offer, that some guests, particularly tourists, may arrive with and need to store cycles at the hotel. It is considered unlikely that there is a need by residents to 'hire out' fold up cycles stored at the hotel given the availability of the Dublin Bike Scheme, the nearest station being on Exchequer Street. The restricted storage and ancillary space for guests and staff and hotel equipment is indicative of over emphasis on maximisation of the numbers of rooms at the expense of quality storage and ancillary space. Given the concerns as to visual impact over height, there may be some scope with some omissions and reordering of the internal layout, for plant and equipment to be accommodated at basement level.
- 7.7.4. In addition, there are number of serious concerns with regard to the traffic and pedestrian movement and circulation which seriously restricts the development potential due to the configuration of the site and lane width which as stated above

also presents limitation with regard to overbearing impact due to scale and height. The site does not have the capacity to accept the current proposal for one hundred percent site coverage and a plot ratio well in excess of the recommended range irrespective of whether the area within third party ownership is or is not included.

7.7.5. It can be concluded that the matters raised above are indicative excessive intensity of development and overdevelopment in several respects and that therefore the proposed plot ratio, with or without the area not in the ownership of the applicant included is excessive. In this instance therefore it is not demonstrated that a plot ratio in excess of the indicative range can be accepted.

**7.8. Construction Stage. Traffic and Pedestrian Circulation and Access Safety and Convenience.**

7.8.1. Construction traffic management is not straight forward and is complicated due to the restricted and confined site configuration, local street and lane network, built up city centre location and nature of the proposed development entailing demolition, significant excavation and construction of a large, and relatively high structure. It is appreciated that it is often practicable and reasonable for comprehensive construction management and construction management traffic plans to be prepared post planning once a contractor has been appointed but it is not feasible in the case of the current proposal.

7.8.2. The submitted outline construction management plan for the current proposal is insufficient and fails to provide information for comprehensive consideration of construction management and construction traffic management matters at application/appeal stage. To this end it is considered that the availability of comprehensive details for consideration prior to determination of a decision along with third party observations is essential. the concerns indicated in the appeals and observer submissions in this regard are supported.

7.8.3. Details the consideration of which are essential prior to determination of a decision include a comprehensively detailed construction traffic plan owing to the confined configuration of the site within the built up central city location area, the limitations of the local street and lane network. It is necessary in advance of determination of a decision to allow for consideration of details of vehicles, trip generation at demolition and construction stage, routes and management of dust, noise and accidental

spillage. It is considered likely that the northern end of St. Andrew's Lane only should be used given the narrow width of the southern end which terminates at Exchequer Street.

7.8.4. As has been pointed out in the submissions made in connection with the appeals, transportation of machinery and equipment, not least assembly of cranes required for the proposed development and which would have special requirements has not been addressed. Furthermore, the overhanging elements along the western frontage over St Andrew's Lane may cause obstruction and complications for higher vehicles and machinery. Full details of these arrangements, a site compound for site office, facilities for employees, storage of materials etc. are construction traffic parking proposed development entails a one hundred per cent site coverage. While hoarding is not generally a matter for the planning code the concerns indicated by the third parties about the ability to provide a satisfactory solution without obstruction of circulation along and ease of access from the lane are reasonable. It is agreed that there is some scope for these matters to be addressed, such as arrangements for certain activities and transportation and loading and unloading between the hours of midnight and 0700 hrs. but it is clear that the use of loading bays on Exchequer Street at construction stage is not feasible and unacceptable.

7.8.5. The site, lane network, the demolition, excavation and construction of a relatively large and high structure are such that construction management planning and construction traffic planning clearly is a challenge. It can therefore be concluded that the proposed development cannot be considered without review of a comprehensively detailed construction management plan and construction traffic management plan. Minor details can be resolved by compliance with a condition should permission be granted.

#### **7.9. Operational Stage. Traffic and Pedestrian Circulation and Access – Safety, Convenience and Amenity.**

7.9.1. While it is agreed that the nature of use of the hotel, that as a room only accommodation facility managed by a self-service check in / check out arrangement would limit the amount of servicing required, it is considered that the estimates for trip generation provided within the application are conservative. It is considered that the projected trip generation by the proposed development of a one hundred and fifty-five room hotel could be underestimated and to this end the estimates and

projections and conclusion as to the capacity of St Andrew's Lane within the submitted Transportation Assessment report to serve the development is not persuasive.

- 7.9.2. The estimations with regard to servicing trips are also considered to be conservative. At seventy-five percent to full occupancy and an average stay of two or three days in a 155 room hotel, it is considered that the collection and delivery of laundry in standard, large sized vehicles would occur more than once or twice weekly, possible daily or on alternate days. The stop off time for these vehicles for loading and unloading would also take thirty minutes to one hour. Refuse collections will be regularly required although it is noted that the absence of restaurant facilities for guests radically reduces the amount of waste to be removed. Staff may be dropped off and collected at the site frontage and maintenance, repair and servicing requirements would generate trips along the St Andrew's Lane many of which would generate a demand for turning at the frontage of the hotel, Trinity carpark and Eircom site in order to exit the lane where it is on the two-way system. Achievement of the manoeuvres required to turn vehicles as indicated on the auto-track drawings provided on behalf of the applicant in all instances without difficulty is questionable.
- 7.9.3. In addition, it is considered that the estimated generation of taxi trips by hotel guests is also conservative and that the presumption that majority of guests would arrive off the Airport Coach services is an overestimate. Some guests may opt to arrive by car in their own vehicles or rental cars along the lane and use the adjoining Trinity Carpark or other close by carparks. There is no objection to the absence of any on-site parking for the proposed development, given the central city location and availability and convenience of carparks in the immediate vicinity. However, as stated in subsection 7.5.14 above, it is considered that on site provision for storage of guest cycles in addition to staff cycles is required, the hotel by reason of the nature of accommodation provided being likely to attract some guests arriving by bicycle. The concern is solely related to traffic generation and its implications. Bearing the foregoing in mind and the development potential of the Eir site which is considerable owing to its there are serious implications for the capacity of St Andrew's Lane to serve pedestrian and vehicular traffic simultaneously.
- 7.9.4. This scenario gives rise to serious doubt about pedestrian and vehicular traffic movements along the southern section of St Andrew's Lane the width of which is

insufficient in capacity to operate as a shared vehicular and pedestrian surfaced route. It is of note in this regard that there are future proposals for St. Andrew's Lane in the Grafton Street Quarter Public Realm Plan issued by Dublin City Council in 2014 are paving works which while welcome would not materially increase the capacity of the lane due to the narrow width. Pedestrians, with or without such works in place need to stand aside to allow vehicles to pass safely. As such the lane is hazardous to the public safety of pedestrians at present. This hazardous scenario would be radically exacerbated if volumes of pedestrian and vehicular movements are significantly increased.

- 7.9.5. To this end, acceptance of additional vehicular movements along the southern section of St. Andrew's Lane is not supported on grounds of additional traffic generation by the current and possible future proposals for development on sites accessed off the lane. However, there may be scope to allow for servicing traffic during restricted early morning hours.
- 7.9.6. The loading bays on Exchequer Street have been observed during the early morning, mid-morning, lunchtime and early evening hours on weekday evenings in late October and early November, 2017 and on each occasion these dedicated spaces were fully occupied by goods deliveries and services vehicles and in addition, similar vehicles were observed in unauthorised spaces elsewhere in the vicinity. While it is acknowledged that these observations were casual and informal they give rise to serious concern as to the capacity of these loading bay areas to serve additional developments such as the proposed development once operational. However, it would appear that the Eircom site, in the event of redevelopment, may not be dependent on servicing from the Exchequer Street loading bays provided that loading and turning space is available off street within the site. This would be a matter for consideration should permission be sought for future redevelopment. As stated above the projected estimates of deliveries and services transport is considered to have been underestimated in the applicant's submissions. However, there is no objection to movement along pallets or similar contained units along St Andrew's Lane in early morning periods to the hotel.
- 7.9.7. Given the foregoing, it would be essential the northern end of St. Andrew's Lane only, as a two-way route be the sole route for vehicular access, both for guests and

services traffic for development on the site and that use of the southern end of St Andrew's Lane should not be permitted. It would therefore be essential for a satisfactory solution to be achieved which allows for turning to enable vehicles to return to Trinity Street along the northern end of St. Andrew's Lane without obstruction of access to third party lands and other road users. It would appear that vehicular access onto the area of the site would be necessary so that satisfactory arrangements for turning can be achieved. For this arrangement to be of the site area and public space within the lane would be necessary.

7.9.8. The comments of the Observer party in relation to the treatment of the surface at the front of the service entrance on the east side of the site for properties on St. Andrew Street, Exchequer Street have been noted and are considered reasonable and understandably of major importance to that party bearing in mind the concurrent application for hotel development. The observer party's insistence on maintenance of the existing arrangements with regard to the kerb or his recommended alternative is requirement appear to be feasible and could be addressed by minor modifications.

**7.10. First Party Appeal against Condition Nos. 3 (c) amendments and (8) construction hours.**

7.10.1. The appeal against Condition No 3 (c) in which the applicant objects to the requirement for omission of one floor from the development is not supported on the basis of the comments in Subsection 7.5 above. It is therefore recommended that the appeal in this regard be rejected.

7.10.2. The omission of Condition No 8 in which the hours of construction works are restricted is reasonable given the city centre mixed use location. Restriction should not be eliminated but greater flexibility should be open to consideration such as an extension to 20.00 in the evenings and 1800 hrs on Saturdays with provision for deviation being subject to prior agreement with the planning authority. It is therefore recommended that a revised condition could be attached or agreement through proposals within the construction management plan, could be considered.

7.10.3. The contradictions in the two conditions attached to the planning authority have been noted but this matter can be addressed by way of a condition relation to construction hours. These hours of operation provided for in a separate condition can be incorporated into a construction management plan.

### 7.11. **Appropriate Assessment.**

- 7.11.1. The application includes a short statement which has been consulted. The nearest European sites are the South Dublin Bay SAC (000210) the qualifying interest for which is *Tidal Mudflats and sandflats* and the South Dublin Bay and River Tolka SPA (0004024) the conservation interests for which are a range of bird species.
- 7.11.2. The site, which is serviced is that of an existing long established but currently vacant industrial warehouse building, last used as a theatre and night club which is connected to existing services within the city centre. The main threat to these European sites are that of potential for pollution arising from a range of activities. There are no direct source-pathway receptor links between the site and the European sites.
- 7.11.3. The project entails demolition and removal of all the existing buildings, excavation works and construction of a hotel with up to one hundred and fifty-five rooms. No provision is being made for on-site parking or for restaurant, café or function room facilities. The hotel development is to be connected to existing sewerage network via which effluent will be transferred for treatment at the Ringsend Treatment Plant prior to disposal.
- 7.12. Having regard to the location on a serviced site within the city centre and to the restricted nature of use of the proposed hotel, it is considered that no appropriate assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Conclusion and Recommendation**

- 8.1. In view of the foregoing, it has been concluded that a recommendation for refusal of permission on the basis of the reasons and considerations set out below is necessary, given that the range and significance of the issues that cannot appropriately be satisfactorily resolved by compliance with conditions. A draft order is set out below.

## 9.0 Reasons and Considerations

1. The proposed development would endanger public safety by reason of traffic hazard by reason of the narrow width of the southern section of St Andrew's Lane as far as Exchequer Street, the additional traffic generation by the proposed development which would obstruct and interfere with the free flow, convenience and safety of pedestrians with whom the surface on this section of the lane is to be shared and, by reason of insufficient space and configuration to facilitate turning by vehicles at the hotel entrance prior to exiting the lane along the two way section to Trinity Street which would result in obstruction and hazard at the accesses to the adjacent properties, for vehicles and pedestrians. Furthermore, the proposed development would set precedent would be set for future additional traffic generation on the lane by possible future development on adjacent lands as a result of which the endangerment of public safety by reason of traffic hazard would be exacerbated. The proposed development would therefore be contrary to the proper planning and development of the area.
2. The proposed development by reason of the design and height and the overhanging element and lack of active street frontage uses at ground floor level would be overbearing, resulting in a tunnel effect to users of the lane, especially pedestrians and would fail exploit the potential of the lane network in the immediate vicinity to contribute to enhancement of the quality and civic amenity of the built environment in the immediate vicinity.
3. Having regard to the zoning objective for the area: *To consolidate and facilitate the development of the central area and to identify reinforce and strengthen and protect its civic design character and dignity*, and to the Grafton Street and Environs Architectural Conservation Area from within which there are important vantage points towards the site location, it is considered that the proposed development which would be visible immediately at the rear of historic buildings on Exchequer Street, would, by reason of height, mass and selection of materials and finishes be incongruous in design, visually dominant and obtrusive and would fail to satisfactorily integrate into the historic architectural

context, character and integrity of the streetscape. As a result, the proposed development would be contrary to the development objective for the area because it would fail to protect the civic design, character and dignity of the central city area and because it would adversely impact on the Grafton Street and Environs Architectural Conservation Area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

4. Having regard to the location within a built up area serviced by a narrow lane network, to the site configuration and to the scale, height and site coverage for the proposed development the Board is not satisfied on the basis of the information available in connection with the application and the appeals, namely a detailed construction management plan and construction traffic management plan, that satisfactory arrangements can be made for the management of the demolition and construction stages for the proposed development.

**Jane Dennehy**  
Senior Planning Inspector  
21<sup>st</sup> November, 2017.