



An
Bord
Pleanála

Inspector's Report PL29.248961.

Development	Demolish existing 6 storey building and construction of 8 storey, 249-bedroom hotel.
Location	River House, 21-25 Chancery Street, Dublin 7.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	2560/17.
Applicant(s)	Melonmount Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	1. An Taisce. 2. Pat Coyne.
Observer(s)	None.
Date of Site Inspection	18 th October 2017.
Inspector	Karen Kenny.

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1.0 Site Location and Description

- 1.1. The site is located at the junction of Chancery Street and Greek Street in Dublin 7. It is bounded by Chancery Street (the main east-west route of the Luas Red Line) to the south, Greek Street to the west and St Michans Place (cul de sac) to the east.
- 1.2. The site faces onto the rear of the Four Courts. It also faces onto Chancery Place (a north south link street to the quays) and terminates a vista from Christchurch to the south, along Winetavern Street, O'Donovan Rossa Bridge and Chancery Place. St. Michan's House a four storey block of local authority flats bounds the site to the north. To the east of the site there is a terrace of two to four storey buildings, including Hughes Public House on the corner of Chancery Street and St Michans Place. There is a surface car park associated with the Dublin Fruit and Vegetable Market located to the north east of the site and the Fruit and Vegetable Market is further east. The Dublin District Court House is located on the western side of Greek Street opposite the site.
- 1.3. The site with a stated area of 0.132 hectares comprises a vacant six storey office block (River House). This building dates from the 1970's. The concrete clad building has a raised ground floor level and the first floor projects out beyond the building line of lower and upper floors.
- 1.4. The site is located approx. 0.86 kilometers from O'Connell Street, 400 metres from Smithfield Square and is midway between Heuston Station and Connolly Station and is easily accessible from the adjacent Four Courts LUAS stop, the Dublin Bikes station to the south west and Dublin Bus stops on the quays to the south.
- 1.5. There are a number of protected structures in the vicinity of the site including The Four Courts to the south, the Land Registry Office and Public Records Office to the south west and the Dublin Christian Mission, Chancery House Public Housing Scheme, and No. 3 Inns Quay to the south.

2.0 Proposed Development

- 2.1.1. The development will consist of the demolition of the existing 6 storey office building and the erection of a new 8 storey (249 bedroom) hotel over a single level basement.

- The hotel has a stated gross floor area of 8,857 square metres (including basement).
- The ground level incorporates an independent café (with floor space at mezzanine level), hotel lobby, bar and restaurant areas. The bedroom accommodation is on the mezzanine to seventh floor levels. The basement incorporates plant areas, a meeting room, fitness room and service areas.
- The proposed development includes a substation, switch rooms, landscaped terraces and plant enclosures. Services access is from Greek Street and it is proposed to create a loading bay and taxi set down area on Green Street. The proposal also includes public realm enhancement works to Chancery Street and Green Street.
- Externally the ground floor is double height with external glazing and a mezzanine floor on the northern and eastern sides. The upper levels cantilever over the ground floor and external seating terraces are provided in the recess areas. Elevations from first to sixth floor are composed of large double height glazed openings set in a brick façade. The seventh floor is a lightweight glazed floor that is set back from the main building line.

2.1.2. The application is accompanied by the following documents:

- Planning Report.
- Architectural Design Statement.
- Landscape and Visual Impact Assessment & Computer Generated Images.
- Shadow Analysis / Vertical Sky Component Study.
- Travel Plan.
- Justification & Outline Method Statement for Demolition.
- Sustainability and Energy Statement.
- Preliminary Environmental Construction Management Plan.
- Outline Construction & Waste Management Plan.
- Engineering Assessment.
- Operational Waste Management Plan.

- Noise Impact Assessment.
- Flood Risk Assessment.
- Ecological Impact Assessment.
- Appropriate Assessment Screening.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 19 no. conditions. The following conditions are of note:

Condition no. 9: Archaeological testing required following demolition of the existing building.

Condition no. 11: Developer to contact Transport Infrastructure Ireland and facilitate any requirements.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's Report reflects the decision to grant permission. The Report notes the following:

- Site is zoned Z5 and is suitable for hotel use, subject to compliance with standards and to design and residential amenity considerations.
- Plot ratio and site coverage are above indicative standards for Z5 lands. The CDP lists circumstances where increased plot ratio and site coverage can be considered and the development is considered to fall within these circumstances.
- Proposed building is within the maximum permissible height of 28 metres for commercial development.
- The proposal is acceptable in principle and the proposed use, scale and mass would be acceptable in principle.

- Further Information sought in relation to design of the double height windows, extent of bar and restaurant space, proposed public realm works and the noise impact from condensers.
- The assessment following receipt of further information concludes that the proposal would provide for a contemporary building in place of the existing poor quality structure and would improve the streetscape and that the proposed new building is appropriate in respect of its scale and massing and would not detract from the setting of the Four Courts or from the quays (subject to high quality finishes and signage). The Report also concludes that the proposal would have no undue adverse impact on the amenities of adjoining residents.

3.2.2. Other Technical Reports

Roads Streets & Traffic Department: No objection.

Drainage: No objection.

Archaeologist: No objection, subject to archaeological testing.

3.3. Prescribed Bodies

Irish Water: No objection.

TII: No objection subject to conditions.

An Taisce: Important site seen from top of Winetavern Street and forming part of the backcloth to the Four Courts.

Building design, scale and form short of quality required for this site. Building appears monolithic, lumpen and lacking modulation. Double storey articulation of floors is inappropriate, distorting the scale of the building and creating a heavy, ungainly massing.

Appropriate design worked out for the redevelopment of the site under previous applications.

3.4. Third Party Observations

A total of fourteen third party observations were received and considered by the Planning Authority. The issues raised that are additional to the grounds of appeal can be summarised as follows:

- Redevelopment of site welcome.
- Building height not in keeping with local area.
- Need comprehensive management plan for demolition and construction.
- No detailed information regarding excavation work for basement.
- Applicant should be required by condition to liaise with adjacent residents.
- Hours of operation should be restricted.
- No rationale for the absence of car parking.
- Drop off zone at Greek Street unacceptable as it would allow for coach parking opposite St. Michan's House.
- Hotel bedrooms require full length blinds to avoid light overspill from windows.
- Overlooking of courtyard of Blocks A & B St. Michan's House.
- Public realm improvements should include a precinct improvement scheme for St. Michan's House, with details of timelines to be agreed.

4.0 Planning History

Appeal Site

PL29N.237458 (Reg. Ref. 2999/10): Application for the demolition of River House and the erection of a new part 6, part 7 storey office building over double basement. Local Authority decision to **grant** permission was appealed by two third parties. An Bord Pleanála decided to **grant** planning permission. The following condition is of note:

- **Condition 2 (a):** *The entire building shall be reduced by one floor (that is, it shall become part 5/6 storey). The building shall be set back from the northern*

site boundary to the north of gridline 5 and east of gridline B above the 1st floor. The details of revised elevations, floor plans and cross sections shall be agreed in writing with the planning authority prior to commencement of development.

Ref. Ref. 2999/10/x1: Permission sought for extension of duration of permission to 2021. Approved.

PL29N.230716 (Reg. Ref. 6171/07): Application for the demolition of River House and the erection of a new part 7, part 11 storey office development over double basement level. Local Authority decision to **grant** permission was appealed by several third parties. An Bord Pleanála decided to refuse planning permission for the following reason:

- 1. The site of the proposed development is in a prominent location, in an area where the planning authority's zoning objective, as set out in the Dublin City Development Plan 2005 – 2011, is to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design, character and dignity. The site adjoins and forms part of the backcloth to the Four Courts, an iconic Dublin building of considerable historic and civic importance to the city and which itself forms part of a designated conservation area in the current Development Plan for the area, and where it is the policy of the planning authority that new building should complement the character of the existing architecture in design, materials and scale. Having regard to the existing scale and pattern of development in the area, it is considered that the proposed development, by reason of its scale, height and detailed design, would detract significantly from the established character of the existing architecture in the vicinity, would be visually obtrusive and would not strengthen or protect the existing civic design character of the Four Courts area. The proposed development would therefore, conflict with the provisions of the Development Plan and would be contrary to the proper planning and sustainable development of the area.*

Bridewell Garda Station

PL29N.244466 (Reg. Ref. 2990/14): Application for a part 5, part 6 and part 7 storey student accommodation building at 27 – 31 Church Street, Dublin 7 to the west of the appeal site. The proposed development as amended on foot of a request for further information was part 5 and part 6 storey. Local Authority decision to **grant** permission for the revised scheme was appealed by third parties. An Bord Pleanála decided to **grant** planning permission.

Dublin City Fruit and Vegetable Market

Reg. Ref. 3462/14: Application under Part 8 of the Planning and Development Regulations 2001 (as amended) for part change of use, renovation and upgrade to the wholesale fruit and vegetable market. The proposal includes provision of a new vehicular entrance to the public car park to the north east of the appeal site from St. Michan's Place. Approved by Dublin City Council on 2nd March 2015.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Dublin City Development Plan 2016-2022 is the relevant statutory plan for the area. The following sections are considered to be relevant:

- The site is zoned Z5 "City Centre" with an objective '*to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*'.
- Section 14.8.5. The primary purpose of this use zone (Z5) is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night.

- CEE12: (i) To promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, apart hotels, tourist hostels, cafes, and restaurants, visitor attractions, including those for children.
- CEE 13 (iii): To promote and support the development of additional tourism accommodation at appropriate locations throughout the city.
- SC7: To protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence.
- SC25: To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.
- SC28: To promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures.
- SC29: To discourage dereliction and to promote the appropriate sustainable re-development of vacant and brownfield lands, and to prioritise the re-development of sites identified in Dublin Inner City Vacant Land Study 2015.
- CHC1: To seek 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.
- CHC2: To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will: (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.

- CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include: (1) Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting. (4) Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area.
- CHC9: To protect and preserve National Monuments.
- Zoning Map E: The site not within a designated conservation area but is adjacent to Conservations Areas at Smithfield, River Liffey and Halston Street / Green Street.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal has been received from An Taisce. The principal grounds of appeal are summarised as follows:

- Important and prominent city centre site. Site visible from the medieval high ground across the River Liffey at Christchurch Cathedral and the top of St. Michaels Hill, terminating the sight line down Winetavern Street, across O'Donovan Rossa Liffey Bridge and along Chancery Place.
- Site forms part of the backdrop to the Four Courts (Protected Structure) a major historic and architectural landmark.
- Design, scale and form of the development falls short of the quality of building required for this site. Building appears monolithic, lumpen and lacking modulation.

- Double storey articulation of floors is inappropriate, distorting the scale of the building in its location and creating a heavy, ungainly massing. This is not part of the architectural design language of new buildings in Dublin to date. Apparent floor heights should be consistent with those in the vicinity and those of the city centre generally.
- The building permitted under PL29N.237458 is appropriately broken down and respects the surroundings and the very important context. Degree of departure from previously permitted development would not protect the setting of the Four Courts and would be in conflict with the guidance contained in the Markets Area Framework Plan 2006, would be in conflict with zoning objective which seeks to strengthen and protect the civic design character and dignity of the central area and would conflict with provisions of the Development Plan on Protected Structures (refers to Policy CHC2 of Development Plan), Conservation Areas (refers to Policy CHC4 of Development Plan) and Views (refers to Policy SC7 of Development Plan).
- Lack of material illustrating the critical design context of the proposed building with the Four Courts (other than street level photomontages).
- Recent permission for a 6 storey building on a site fronting Church Street and to the rear of the Bridewell Garda Station (PA Ref. 2990/14) should be considered due to comparable proximity and location in relation to the Four Courts.

6.1.2. A third party appeal has been received from a local resident. The principal grounds of appeal raised in this appeal are summarised as follows:

- Impact on residential amenities, in particular on Saint Michan's House and Greek Street Flats.
- Disturbance associated with hotel use, hours of operation, air conditioning units, refuse collection, taxi and coach collections / drop offs.

6.2. Applicant Response

6.2.1. The applicant's response can be summarised as follows:

- Principle of development is highly appropriate. Provides for regeneration of a strategic brownfield site immediately adjacent to major public transport corridor. The development will contribute significantly to improving the visual amenities of the area and provide a more attractive public realm.
- Hotel and restaurant uses are permissible under the Z5 land use zoning and are supported under economic development policies of the Development Plan.
- The Markets Area Framework Plan 2006 is non-statutory, out of date and is superseded by the current Development Plan and 2015 Part 8 consent.
- Development acceptable by reference to relevant site development standards and criteria relating to building height, plot ratio, site coverage and car and bicycle parking. Increased plot ratio and site coverage can be considered under Section 16.5 and 16.6 of the Development Plan, given the location of the site immediately adjacent to strategic public transport connections and the proposal to develop an area in need of renewal.
- Potential impact on protected structures and on the setting of The Four Courts given careful consideration and assessed in the Conservation Report and Landscape and Visual Impact Report submitted with the application. Height, scale and massing of the building is appropriate and will have no material adverse impact on the character and setting of the protected structures. The Four Courts 'occupies' the river corridor and dominates views along the river. Beyond the river corridor, there are only limited views towards the Four Courts. There would be no views of the proposed development from the River Liffey Corridor, except in the vicinity of O'Donovan Rossa Bridge. The principle view of the development in the context of the Four Courts occurs towards the junction of Winetavern Street, Wood Quay and Merchant's Quay along with the approach across O'Donovan Rossa Bridge to Chancery Place. The proposed development would provide a distinct but pleasing contrast to the historic buildings along the waterfront, residing in the background with reflective qualities and a contemporary distinction that allow the historic waterfront to dominate the view. From Winetavern Street The Four Courts is largely screened from view behind buildings on the western side of the street

where the vista is terminated by the proposed development in the first instance.

- The proposal adheres to the general principles of height, form and massing previously permitted on this site under the extant permission. The design is contemporary and respectful of its surroundings.
- The 'double height' openings echo traditional plot sizes in the horizontal rhythm and adopts proportions similar to that of Georgian windows but on a grander scale. The openings allow for expansive glazing that would create a lightness of appearance. It is also a visual tool that 'plays down' the height of the building in longer views, while at the same time responds to the grand scale of the Four Courts. An Taisce have previously raised concerns to double height windows e.g. in the case of the redevelopment of the Metropolitan Garda Headquarters at Hartcourt Square (DCC Ref. 3987/15; PL29S.246119) An Bord Pleanála upheld Dublin City Council's decision to grant permission.
- The appellant's description of the proposed development as "monolithic, lumpen and lacking modulation" is unjust and misrepresents the appearance of the building.
- A substantial amount of information has been provided to allow for assessment of proposal in context. In response to the request for aerial views, the proposal will be read from street level rather than at a height and that aerial views would be of limited use for assessment. Notwithstanding this, an aerial view has been prepared and is included at Appendix 7 of the applicant's response.
- Appeal makes reference to nearby permission on Church Street which is currently under construction (Ref. 2990/14). Height was reduced to Church Street.
- The future context of the scheme should also be considered as surrounding sites will be redeveloped and the visibility of the proposed scheme will be further limited.

- The scheme has been designed to reduce potential impacts on residential properties. The upper floor is set back along Greek Street and the elevation set back to the north east to minimise potential overlooking or overshadowing. The Noise Impact Assessment, uses baseline data contained in DCC noise mapping and establishes that the area is not a quiet area due to a combination of road and LUAS traffic and the adjacent market area. The assessment concludes that the proposed hotel (including air conditioning units and bottle collections) will not generate noise levels that would increase the existing noise climate at the closest residential developments, including St. Michan's House.
- The development takes a contemporary approach to the enhancement of the local urban area, introducing high quality architecture that echoes other new development taking place in the area, yet makes concessions to the scale and character of the adjoining Four Courts by adopting its own distinctive character. It does not compete with the Four Courts for attention and serves as a backdrop that allows the historic buildings to remain dominant.
- Appendix 6 of the appeal submission incorporates a comparison of the profile of the existing, permitted and proposed developments on the site.

6.3. Planning Authority Response

None.

6.4. Observations

One observation has been received from Failte Ireland. No new planning considerations raised. The observation states that demand for hotel bedrooms in Dublin, exceeds demand and states that proposal for a hotel in the city centre would be a valuable addition to accommodation stock.

7.0 Assessment

7.1.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site I consider the key planning issues relating to the assessment of the appeal are:

- Principle the Proposed Development
- Building Height
- Design
- Plot Ratio and Site Coverage
- Conservation and Built Heritage
- Residential Amenity
- Other Issues
- Appropriate Assessment

7.2. Principle of Development and compliance with policy

7.2.1. Under the provisions of the Dublin City Development Plan 2016 – 2022 the appeal site is zoned Z5 'City Centre' and is subject to an objective "*to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*". The Development Plan states that the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. Hotel uses and café / restaurant uses are permissible in principle under this zoning objective. Furthermore, the proposed development provides for the redevelopment of a vacant site which is located within the City Centre and immediately adjacent to the Four Courts Luas stop. Overall I consider the principle of the proposed development to be acceptable subject to the assessment of the relevant planning issues identified below.

7.3. Building Height

7.3.1. While the grounds of appeal do refer directly to the height of the proposed structure, I consider height to be an important consideration. The existing River House building is a six storey structure dating from the early 1970's with a stated height of 24.86 metres over ground level (including roof plant). There is an extant permission on the site for a five to six storey office building with a parapet height of up to 27.2 metres

over ground level (ABP Ref. PL29N.237458 refers). The Planning Authority granted permission for a 6 to 7 storey office building and An Bord Pleanála approved the development on appeal subject to a condition that omitted one floor. A previous proposal for a 7 to 11 storey office building on the appeal site was granted permission by the Planning Authority and refused permission by An Bord Pleanála on appeal for reasons relating to its scale, height and detailed design (PL29N.230716 / Reg. Ref. 6171/07 refers). Building heights in the area vary with effective building heights (based on modern day floor to ceiling heights) ranging from two storeys to c. five to six storeys.

- 7.3.2. The proposed development is an eight storey over basement hotel building with a double height ground level. The overall height of the proposed structure is 27.2 metres over ground level. The proposed building is c. 2.34 metres higher than the existing building and is in keeping with the maximum height of the previously permitted office building under Ref. PL29N.237458.
- 7.3.3. The Dublin City Development Plan acknowledges the intrinsic quality of Dublin as a low-rise city and recognises the need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. Section 16.7.2 sets out maximum building heights for low rise areas that are not designated for mid-rise or taller buildings. The maximum building height for commercial buildings in the inner city area is 28 metres. The proposed parapet height of 27.2 metres is within the upper height limits for this area and is within the definition of a low rise commercial building in the inner city area.
- 7.3.4. The impact of building height and scale on the historic context of the Four Courts and other historic structures is also a key consideration in this instance. The Landscape and Visual Assessment establishes that there are a limited field of views from where The Four Courts complex and the proposed structure could potentially be seen along the River Liffey. The site does, however, occupy an important site that terminates the vista from Christchurch, over the O'Donovan Rossa Liffey Bridge and any new building on the appeal site will be visible along this vista and from this view of the Four Courts. The applicant in their response to the appeal contends that the proposed building is of similar scale to the existing structure and the approved office building and that the building height appears significantly lower than the dome of the Four Courts, which is a focal point on the skyline at this location. I would

agree with the argument put forward by the applicant. The height increase over the existing is not significant. The height and scale of the development is similar to that previously permitted under ABP Ref. PL29N.237458, and in itself would not have an adverse impact on the character and amenity of the local area. Having regard to the city centre location and the surrounding context, in addition to the maximum building height set out in the Development Plan for this area, I consider that the height of the proposed development is acceptable. Concerns raised in relation to the impact on conservation and built heritage is addressed separately in Section 7.6 below.

7.4. Design

- 7.4.1. In terms of design I would concur with the submission of the applicant that the replacement of the existing vacant concrete building, which is of little architectural merit, with a contemporary building will serve to improve the streetscape and the visual context.
- 7.4.2. The appellant (An Taisce) contends that the proposed structure is monolithic, lumpen and lacking modulation and states that it falls short of the quality of building which would be required for this site. The grounds of appeal also state that an appropriate design and volume of development was 'carefully worked out' under the previous application (ABP Ref. PL29N.237458). The approved office building referenced by the appellant is expressed in two parts at upper floors, as it steps down by one floor to 5 storeys on the western side, thereby reducing the scale of the building at the upper floors. In contrast and as highlighted in the grounds of appeal, the proposed building would read as single volume. While this comparison is of note, it is clear that the current building has a different function and architectural style, and that it needs to be considered in its own right. I consider that the proposed building defines this prominent corner and provides a strong and active edge to the adjacent streets. In relation to the proposed use of double height openings, I consider that the proposed openings and extensive glazing would serve to break up the elevations and lighten the scale of the building. I also note the applicant's argument that the openings would reflect the classical forms of the Georgian development in the area. The height and footprint of the proposed development is within the parameters of the previously permitted development and I consider that the design and materials used are sympathetic to and will be subservient to the

protected structures in the vicinity, in particular the Four Courts. At ground level, I consider that the development will make a significant positive contribution to the public realm along Chancery Street and Greek Street and that it will introduce active uses during day and night time hours that will contribute to the regeneration of this area.

- 7.4.3. In conclusion, I agree with the view of the Planning Authority. Having regard to the city centre location and the surrounding context, I consider that the scale and form of the proposed development is acceptable. A visual assessment and computer generated images show that the proposal would not dominate the Four Courts or the quays, while the fenestration is considered to be in keeping with the style of some of the more recent commercial developments in the historic core of the city.

7.5. Plot Ratio and Site Coverage

- 7.5.1. Section 16.5 of the Dublin City Development Plan 2016-2022 sets out indicative plot ratio standards for each land use zoning. The indicative plot ratio standard in the Z5 area is 2.5 to 3 and in certain circumstances higher plot ratios may be permitted as follows:

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

- 7.5.2. The proposed development has a plot ratio of 6.3 and clearly exceeds the indicative standard for Z5 lands. However, I am satisfied that proposed scheme satisfies two of the identified circumstances where a higher plot ratio may be permitted due to its location adjoining a major public transport corridor and in an area that is in need of urban renewal. On this basis I consider that the proposed plot ratio is acceptable.

- 7.5.3. Section 16.6 of the Development Plan sets out indicative site coverage standards for each land use zoning. The indicative site coverage standard for Z5 lands is 90%, while the site coverage of the proposed development is 93.7%. Section 16.6 states

that in certain circumstances increased site coverage may be permitted. The circumstances are similar to the criteria for increased Plot Ratio above, and I am therefore satisfied that the proposed development is a suitable location for increased site coverage.

7.6. Conservation and Built Heritage

- 7.6.1. Notwithstanding the issue of height and design together with residential impact I consider that the main issue to be considered in this appeal is the impact of the proposed scheme on the adjoining Four Courts, a Protected Structure and a designated Conservation Area (Z8) where the objective is *to protect the special interest and character of all Dublin's Conservation Areas*.
- 7.6.2. The Four Courts was designed by James Gandon and is considered to be one of the most splendid and majestic of Dublin's landmarks that affords a striking visual setting along the Liffey quays. It is stated in previous Inspectors Reports relating to the appeal site that the main features of the Four Courts complex is the large drum, shallow dome and main portico. The height and scale the Four Courts building dominates its environs and is a major element of the city's skyline, which is visible to a greater or lesser extent from much of the length of the River Liffey in the city centre. The Four Courts also has an iconic status in the architectural identity of both the city of Dublin and Ireland. Accordingly, the importance of the Four Courts by reason of its character and setting should not in any way be compromised through inter alia the inappropriate design response to the redevelopment of adjoining sites. This approach to development works outside the curtilage and attendant grounds of Protected Structures which have the potential to impact upon their character is set out in the Architectural Heritage Protection Guidelines for Planning Authorities (Chapter 13.8) where it states that such *proposals should not have an adverse effect on the special interest of the protected structure*.
- 7.6.3. I have considered the Landscape and Visual Impact assessment submitted with the application and I agree with the conclusion of the applicant that the only significant view along the Liffey corridor from which the proposed development will be visible within the context of the Four Courts is the view taken from Winetavern Street across the O'Donovan Rossa Bridge and down Chancery Place. This view illustrates that the existing building occupies an important site as it terminates the vista from

Christchurch. Having regard to the Visual Assessment, to the scale, height and contemporary design of the proposed development and to the upper height limits set out in the Dublin City Development Plan for this area, I am satisfied that the proposed structure will not detract from the visual character, setting and historic identity of the Four Courts, and that it will sit in the backdrop to the Four Courts and quays and create an appropriate termination along this vista.

7.7. Residential Amenity

- 7.7.1. In terms of the impact of the proposed scheme on the residential amenities of adjoining properties I note the concerns of the third party appellant in relation to St Michans House and Greek Street Flats whereby the design, height and proximity of any redevelopment on this appeal site could result in an adverse impact on the residential amenities of adjoining properties by reason of overlooking, overshadowing and loss of daylight.
- 7.7.2. The northern façade of the proposed building is c. 5.5 metres from the blank gable end of St Michans House, the closest residential property. The applicant points out that the scheme has been designed to reduce potential impacts, with the upper floor set back along Greek Street and the elevation set back to the north east to minimise potential overlooking or overshadowing. With regard to loss of daylight and overshadowing I am satisfied that the scheme would provide for a building of a similar height on a similar position to the existing River House and on the basis of the Shadow Analysis submitted with the application and the east – west aspect of residential units in St. Michans House, that the proposed development would not give rise to any discernable increase in overshadowing or significant loss of daylight to these dual aspect residential units. On the basis of the foregoing it is considered that the proposed development would not impact unduly on the residential amenity of adjacent residential properties to the north in terms of overshadowing, loss of sunlight and daylight and overlooking.
- 7.7.3. With regard to the noise impact of the proposed development the third party appellant argues that noise from the air conditioning units would impact the amenities of Blocks A and B of St. Michan's House and that there is potential disturbance associated with the hotel use, drop off and collections and refuse collection. I would note that the Noise Impact Assessment submitted with the

application uses baseline data contained in Dublin City Council's noise mapping and establishes that the ambient noise level is relatively high throughout the day and night time periods due to a combination of road and Luas traffic, which dominate the noise climate from early morning until after mid-night and the noise associated with the Fruit and Vegetable Market which commences during the night. The applicant's response to the appeal states that the noise levels from the air conditioning units at the closest residential development would be 29 dB(A) which would not increase the day or night-time ambient noise level. I consider that the noise and disturbance associated with a development of this nature is typical of noise sources in an urban environment and that the proposed development will not result in any undue impacts on residential properties in the vicinity.

7.8. Other Issues

7.8.1. Archaeology

Having regard to the archaeological and heritage potential of the site by reason of the sites location within the zone of archaeological interest and in line with the approach of the planning authority (Condition No 9 of the notification of decision to grant permission refers) it is recommended that a condition be attached to any grant of permission requiring that archaeological monitoring is undertaken on all ground works at this location.

7.8.2. Traffic Impact

The proposed development incorporates 25 no. bicycle parking spaces with access from Greek Street and no car parking. A Travel Plan has been submitted indicating that mobility management initiatives will be put in place during the operational stage of the development and that public transport, walking and cycling will be encouraged. The site is located approx. 0.86 km from O'Connell Street, is adjacent to the Four Courts LUAS stop and Dublin Bikes station, in addition to Dublin Bus stops on the quays to the south and is midway between Heuston Station, Connolly Station and Busaras. The site is highly accessible by all transport modes and does not make provision for car based access. I therefore, consider that the traffic impact of the development would be minimal.

7.8.3. Construction Works & Associated Noise

It is acknowledged that there are significant excavation and construction works required to facilitate the development. It is considered that there will be general disruption to adjoining properties during the construction phase in terms of construction related noise and general disturbance. I am satisfied that impacts arising principally from the construction phase of the proposal are short-term in nature and that issues relating to hours of construction, traffic management, noise impacts and air quality can be adequately addressed through best practice construction management. I would recommend that permission should be subject to a condition that requires the applicant to agree a construction management plan to address these issues prior to the commencement of development.

7.9. Appropriate Assessment

- 7.9.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular the brownfield nature of the site and its location in a serviced urban area, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

Arising from my assessment above, I consider the proposed development to be generally in accordance with the proper planning and sustainable development of the area and I therefore recommend that planning permission be **GRANTED** for the proposed development for the reasons and considerations set out below

9.0 Reasons and Considerations

Having regard to the zoning objective for the area and the provisions of the Dublin City Development Plan 2016-2022; the central Dublin location and pattern, character and appearance of existing and permitted development in the area and the proximity to significant public transport facilities it is considered that the proposed development, subject to compliance with the conditions set out below, would constitute an appropriate development at this location which would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable

in terms of its urban design and impact on protected structures and designated conservation areas that are proximate to the appeal site. 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 9th day of June 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. Prior to commencement of development, the applicant shall liaise with both the Railway Procurement Agency and the tram operators. In this regard a method statement shall be agreed with the Planning Authority in consultation with the RPA prior to any works taking place on site.

Reason: In the interest of orderly development and traffic and pedestrian safety and convenience.

3. Details of all external finishes to the proposed development together with external lighting, landscaping and public realm finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area/visual amenity.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which may exist within the site and comply with the following requirements:
- (a) The developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.
 - (b) An archaeological excavation shall be carried out across the site by a suitably qualified archaeologist following the demolition of the existing structure and prior to the commencement of construction of the hotel building.
 - (c) Satisfactory arrangements for the execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works, shall be agreed with the planning authority.

In default of agreement between the parties regarding compliance with any of the requirements of this condition, the matter shall be referred to An Bord Pleanála for determination.

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

6. Prior to commencement of development, details of all plant, machinery, chimneys, ducting, filters or extraction vents to be used in connection with the development (including any such items used in conjunction with the commercial uses hereby permitted) shall be submitted to, and agreed in writing by, the planning authority. These shall include details of any proposed sound attenuation measures to be incorporated within such plant, machinery, chimneys, ducting, filters or extraction vents.

Reason: To safeguard the amenities of property in the vicinity.

7. 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.

8. No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorized by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To enable the planning authority to assess the impacts of any such changes on the amenities of the area.

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services details of which shall have submitted to, and agreed in writing by the Planning Authority prior to commencement of development.

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

11. Prior to commencement of development, a Construction Management Plan shall be submitted to, and agreed in writing by, the Planning Authority. This shall include a construction programme for the works, car parking, a traffic management plan, noise and dust mitigation measures, groundwater

monitoring, wheel washing facilities and details of construction lighting. The Construction Management Plan shall indicate the measures proposed to mitigate the impact of the construction activities (and associated activities including vehicle movements) on the amenities and operation of premises in the vicinity at all times during each phase of the construction of the proposed development.

Reason: In the interests of the amenities of the area and of property in the vicinity.

12. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of wastes to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimization, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan covering the Dublin Region.

Reason: In the interests of orderly development and sustainable waste management.

13. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the Planning Authority, to a plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on this site at any time except within such buildings or storage areas as may have been approved beforehand in writing by the Planning Authority

Reason: To provide for the appropriate management of waste and, in

particular recyclable materials, in the interests of protecting the environment and in the interests of the amenities of the area.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

15. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.

Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

16. 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 and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

17. 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.

18. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (St. Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Karen Kenny,
Senior Planning Inspector

6th November 2017