



An
Bord
Pleanála

Inspector's Report PL29N.249037

Development	Demolition of three-storey building and construction of a nine-storey tourist hostel over basement and comprising 144 rooms, café and bar areas
Location	35/36 Abbey Street Upper & 1-8 Abbey Cottages, Abbey Street Upper, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2971/17
Applicant(s)	Abbey Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Abbey Ltd.
Observer(s)	None
Date of Site Inspection	7 th November 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site has a stated area of approximately 600sq.m and is located on the northside of Dublin city centre, fronting onto Abbey Street Upper and the Luas redline, and siding onto a narrow laneway, often referred to as Abbey Cottages. The site is adjacent to the Jervis Street Luas stop. The laneway to the side of the site serves as a rear access to properties along Liffey Street Lower including mews apartments. Vehicular access along Abbey Street Upper fronting the appeal site is limited, to prioritise Luas movements.
- 1.2.** Currently on site is a flat-roof three-storey building incorporating red-brick front façade, with a stated gross floor area (GFA) of approximately 320 sq.m and a stated building height of approximately 12.3m. This building is currently unoccupied and in a poor state of repair with both timber and concrete support buttresses extending from the west side wall into the adjoining site. The cottages that once occupied the rear of the site have since been demolished. The site boundaries are formed by a mix of palisade fencing, concrete walls and hoarding.
- 1.3.** The two to five-storey buildings to the immediate east of the adjoining laneway along Abbey Street Upper and Liffey Street Lower, accommodate a mix of retail services at ground floor and residential and commercial uses at upper levels. Two mews buildings onto the laneway accommodate ancillary commercial space at ground floor and residential uses on the upper floors. To the south of the site at the end of the adjoining laneway is a single-storey electricity substation. Adjoining to the west of the site is an open expansive parcel of land, which has been cleared of buildings and is enclosed by palisade fencing. These adjoining lands open onto Abbey Street Upper and Great Strand Street. To the north of the site is a service yard for Jervis Shopping Centre. Reflective of this inner-urban location, the area is characterised by a host of lands uses, including offices, retail, education and residential uses. Ground levels in the vicinity are relatively flat, with only a slight drop moving southwards towards the river Liffey.

2.0 Proposed Development

- 2.1.** The proposed development comprises the following:

- Demolition and removal of a three-storey building;
- Construction of a nine-storey flat-roof tourist hostel building with a maximum height of c.28m and GFA c. 4,406sq.m, comprising 144 bedrooms each with en-suite washroom facilities and providing a total of 560 bedspaces;
- Recessed and chamfered ground-floor entrance off Abbey Street Upper to reception areas with floor to ceiling height of c. 4.08m accommodating bar and ancillary office areas, as well as a cafeteria on lower-ground and mezzanine level;
- Upper floors cantilever over the ground-floor front entrance and the building would be finished predominantly in red and white bricks with projecting box frame windows;
- Basement level accommodating staff, service, storage and plant rooms;
- Provision of c. 100sq.m photovoltaic panels and a green roof to roof level.

2.2. The Application was accompanied by a Planning Report, Energy & Sustainability Report, Civil Engineering Infrastructure Report, Engineering Drawings and a set of computer-generated images (CGIs).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following reason:

R.1 Having regard to the design, height, scale and massing of the proposed development and its relationship with the adjoining four, five and six-storey buildings in the immediate vicinity, it is considered that the proposed development would not assimilate satisfactorily into the streetscape, would be visually obtrusive and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The report of the Planning Officer (July 2017) reflects the decision of the Planning Authority and noted the following:

- Hostel use is a permissible use under the 'Z5-zoning' objective;
- Proposal would meet criteria allowing for a higher plot ratio;
- Serious concerns in relation to how the proposal addresses Abbey Street Upper and its interaction to the street at ground level and impact on the streetscape;
- Proposals accord with Development Plan standards for building heights where the maximum permissible height for commercial buildings within the inner city is 28m, however the rationale for the proposed height of the development has been influenced by the height and scale of the expired permission for the adjoining site rather than the existing street context;
- Concerns also raised regarding the lack of upper floor set back onto Abbey Street Upper, materials, absence of architectural rationale accompanying the application, lack of details regarding service and refuse collection and absence of cycle parking;
- Layout of the hostel accommodation is considered acceptable in principle, but the applicant has not provided a schedule of the accommodation or given any indication as to compliance with the Fáilte Ireland Registration and Renewal of Regulations for Holiday Hostels 2007.

3.2.2. Other Technical Reports

- Engineering Department (Drainage Division) - no objection subject to conditions;
- Waste Regulation Section (Waste Management Division) – recommends conditions to be attached.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) – recommends conditions to be attached.

3.4. Third-Party Submissions

3.4.1. One submission was received during consideration of the application from the neighbouring resident at No. 24 Mellor Court, Liffey Street Lower, neighbouring to the east of the appeal site. The submission raised the following issues:

- Impact on light and privacy;
- Building heights in the area generally three, four and five storeys;
- Construction impacts – excavation works, hours of operation, noise, dirt and traffic;
- Absence of service and refuse collection details;
- Would welcome redevelopment to address anti-social behaviour in the adjoining lane.

4.0 Planning History

4.1. Subject Site

- Dublin City Council (DCC) Ref. 3363/08 – Permission **granted** (September 2008) for demolition of 3-storey building and construction of seven-storey office building with office entrance from side lane and proposed ground-floor retail unit with separate entrance off Abbey Street Upper. Construction works approved for this development were not commenced and the permission has since lapsed.

4.2. Surrounding Sites

4.2.1. There have been numerous recent planning applications on neighbouring properties, including the following:

Liffey Street Lower/Abbey Street Upper

- 38-39 Abbey Street Upper (immediately east of appeal site) – DCC Ref. 4087/17 – Application **lodged** (October 2017) for three-storey extension and change of use of residential and restaurant uses to provide for an 88 bedspace hostel;

Former CIE Lands (31-34 Abbey Street Upper & 42-51 Great Strand Street)

- DCC Ref. 6380/06 – Permission **granted** (December 2007) for a bus interchange facility and hotel development over two levels of basement car parking and incorporating eight to nine storey building blocks;
- DCC Ref. 4328/08 – Permission **granted** (June 2009) for revisions to bus interchange facility and hotel development granted under DCC Ref. 6380/06;
- DCC Ref. 6380/06/x1 – Extension of duration for permission for bus interchange facility and hotel development **refused** (February 2013) on the basis of building height and location not being identified as a transport hub;
- DCC Ref. 4328/08/x1 – Extension of duration for permission for revisions to bus interchange facility and hotel development **refused** (February 2013) on the basis of building height and location not being identified as a transport hub;

Jervis Street Shopping Centre

- Jervis Street Shopping Centre – Ref. 2996/08 – Permission **granted** (August 2008) for extensions and alterations to shopping centre.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site has a zoning objective 'Z5 – City Centre' within the Dublin City Development Plan 2016-2022 with a stated objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Hostel, café and bar uses are 'permitted' on lands zoned 'Z5'. The primary purpose of 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 that interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night.
- 5.1.2. Section 4.5.9 of the Plan includes policies relating to Urban Form and Architecture, including the following:

- 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.

5.1.3. Section 6.5.3 of the Plan refers to 'tourism and visitors', and notes that it is important to continue to develop tourism infrastructure such as visitor accommodation of various types. Relevant policies include:

- CEE12 (i): seeks to promote & facilitate tourism as one of the key economic pillars of the city's economy & a major generator of employment & to support the provision of necessary significant increase in facilities (hotels);
- CEE13 (iii): seeks to promote and support the development of additional tourism accommodation at appropriate locations.

5.1.4. Other relevant sections of the Development Plan include:

- Section 16.2 – Design Principles and Standards;
- Section 16.5 – Plot Ratio;
- Section 16.6 – Site Coverage;
- Section 16.7 – Building Height in a Sustainable City.

5.1.5. Section 16.38 and Table 16.1 outlines that no parking is required for hostels in the city centre.

5.2. Natural Heritage Designations

5.2.1. None.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The principal grounds of the first-party appeal can be summarised as follows:

- Assessment by the Planning Officer is subjective, confused and unsubstantiated, with no detailed description of the surrounding area and several policies of the Development Plan are not referenced;
- Reference to building heights in the area should focus on height in metres, rather than storeys, with building heights to the west of the site ranging from 24m to 36m;
- The likely redevelopment of the CIE lands adjoining should establish the context for redevelopment in this area and the existing context offers wide scope for the design of a new building, with nothing in the area for the proposed development to respond to;
- Character of the immediate area is of low architectural and urban quality and the proposed development has been designed to establish a context for future development;
- Architectural rationale for the development is outlined including building alignment, fenestration and materials;
- Cycle parking is not necessary and if desired by the Board the ground floor can be altered to provide greater interaction at street level, a floor can be omitted and set back can be provided to create a penthouse level.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority responded to the grounds of appeal stating that the Planning Officer's report comprehensively deals with the issues raised and justifies the decision.

6.3. Observations

- 6.3.1. None.

7.0 Assessment

7.1. Introduction

- 7.1.1. I consider the substantive planning issues arising from the grounds of appeal and in assessing the proposed development are as follows:

- Principle of the Development;
- Plot Ratio & Site Coverage;
- Building Height;
- Design & Layout;
- Residential Amenity;
- Parking & Servicing;
- Appropriate Assessment.

7.2. Principle of the Development

- 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 zone is to sustain life within the city centre through intensive mixed-use development. Hostel, café and bar uses are permissible under this zoning objective. Furthermore, the proposed development provides for the redevelopment of a vacant city centre site, located immediately adjacent to a major public transport

corridor. Overall, I consider the principle of the proposed development to be acceptable, subject to assessment of the relevant planning and environmental considerations identified below.

7.3. Plot Ratio & Site Coverage

7.3.1. Plot ratio and site coverage can serve as a guide in assessing the suitability of proposals relative to their urban context.

7.3.2. 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.

7.3.3. The proposed development has a plot ratio of 6:1 and clearly exceeds the indicative standard for Z5 lands. However, I am satisfied that the proposed scheme satisfies two of the identified circumstances where a higher plot ratio may be permitted, due to its location adjacent to Jervis Luas stop and in an area that is in need of urban renewal. On this basis, I consider that the proposed plot ratio is acceptable.

7.3.4. 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 100%. 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, as listed above, and I am therefore satisfied that the proposed development is a suitable location for increased site coverage.

7.4. Building Height

- 7.4.1. The Planning Authority decision to refuse permission was partially based on the height of the proposed nine-storey hostel building and its relationship with the existing neighbouring buildings. The Planning Authority considered that the design had been heavily influenced by the height and scale of the expired permission for the adjoining former CIE site, rather than the existing street context. In response to this, the grounds of appeal assert that the CIE lands would be likely to be redeveloped soon and the proposed development would itself provide a context for this.
- 7.4.2. The existing derelict building on site is a three-storey structure with a stated height of 12.3 metres over street level. Permission was previously granted by Dublin City Council for demolition of this building and construction of a seven-storey office building with parapet height at c. 28.4m and plant room up to c. 32 metres over street level (DCC Ref. 3363/08 refers). Previous proposals for an eight-storey (c. 33m high) bus interchange and hotel development on the adjoining site to the west was granted permission by Dublin City Council (Reg. Ref. 6380/06 and 4328/08 refer). Applications to extend the duration of these permissions were subsequently refused in 2013 by Dublin City Council for reasons including building height exceeding revised standards (28m). Details from these lapsed permissions are included within the planning application drawings and CGIs.
- 7.4.3. Existing building heights within the immediate area vary, with building heights to the east ranging from two to five storeys (approximately 6m to 15m in height), while heights to the west range from three to eleven storeys (approximately 9m to 36m in height) and generally stepping up moving into the urban block. The proposed development is a nine-storey over basement hostel building with additional floor to ceiling height at ground floor. The overall height of the proposed structure would be 28m. 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 28m. The proposed parapet height of 28m meets the upper height limits for this area and is within the definition of a low-rise commercial building in the inner-city area. Section 16.7.2 also sets out that 'notwithstanding the maximum permissible heights specified in this section, proposals will be subject to assessment against standards set out elsewhere in the

Development Plan' and in this regard I note that 16.2.2 of the Development Plan requires infill development 'to respect and complement the prevailing scale, architectural quality and the degree of uniformity in the surrounding townscape'.

- 7.4.4. The impact of building height and scale on the surrounding context is a key consideration in this instance. A visual impact assessment of the proposed development did not accompany the application, but computer-generated images (CGIs) from three locations were provided, including two views from along Abbey Street Upper and one from Aston Quay on the southside of the Ha'penny Bridge. Existing buildings would largely screen views of the building from wider areas, including the Quays. CGI views from west along Abbey Street Upper and from the south along Great Strand Street illustrating the proposals were not provided with the application, but I consider that given the likely redevelopment of the adjoining cleared inner-urban site, the visual impact of the proposals would be temporary. The most sensitive views of the proposed building would be from the immediate street front and from the eastern approach along Abbey Street Middle, as it would be over 11m higher than the highest existing buildings to the east (according to Dwg. No. 1105 – North Street Elevation), and as a result the building would be visible behind the Georgian building at the corner of Liffey Street Lower and Abbey Street Upper.
- 7.4.5. 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. The subject proposals would fail to adequately respect and complement the prevailing character of the area, including the Georgian buildings to the east, and would result in an abrupt transition in existing and proposed building heights which would be highly visible from the immediate areas to the site and the eastern approach along Abbey Street Middle. Accordingly, the proposed development would fail to comply with the requirements for infill development and building heights outlined in Section 16.2.2.2 and Section 16.7.2 of the Development Plan, and would have a significantly negative and unacceptable impact on the character and amenity of the local area.

7.5. Design & Layout

- 7.5.1. In terms of design, the replacement of the existing vacant and derelict building with a new building would have some benefits for the streetscape and the visual context. Part of the Planning Authority's reason for refusing the proposed development related to the design, scale and massing of the proposed development, which they considered would not assimilate satisfactorily into the streetscape. In response to this, the grounds of appeal assert that the existing character should not be used as a basis for assessment of the proposal, and includes a direct quote from Section 16.2.2.2 of the Development Plan referring to proposals for 'infill developments', which states that 'in areas of low quality, varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest and have regard to the form and materials of adjoining buildings, where these make a contribution to the area'. While context can be created by a building itself, this clearly must have sufficient regard to the form and scale of surrounding buildings.
- 7.5.2. As noted above, the upper levels of the proposed building would be visible sitting behind Georgian buildings along the approach from Abbey Street Upper, and while I note that these are not Protected Structures or within an Architectural Conservation Area, there is merit in the development being informed and influenced by the design of these buildings, as is required for infill developments in Section 16.2.2.2 of the Development Plan. A brief outline of how the proposed design responds to the site's context is provided in the grounds of appeal, noting that the design of the hostel draws from the simple brick-faced flat façade of Georgian buildings in the vicinity. The façade lacks the definition and depth characteristic of Georgian architecture and is out of proportion with a clear and discernible need for the upper levels to be set back.
- 7.5.3. The ground-floor treatment, with café and bar areas set away from the primary street frontage and with escape stairs and administration office occupying almost half the frontage, would be an inappropriate and oppressive layout, and would do little to create animation along the street. Six-storey Chapter House further along the street to the west adjoining the Luas stop comprises a recessed ground floor and the subject proposals would not follow this as the positioning nine-storey building would

be built onto the back edge of a narrow footpath (c.2m). Given the proximity and height of the building, a double-height recess would be necessary to give some space back to the street, which was historically designed to accommodate four to five storey buildings. A chamfered edge is offered as a means to address the public realm, but I would suggest that this merely provides space for the revolving door.

7.5.4. In conclusion, the existing quality of the immediate cityscape and the need to regenerate the area does not negate the responsibility for delivering high-quality design solutions. The proposed building falls short of the quality of building which would be required to create a new context for the site and the proposed scale, mass and design approach is such that it would have a detrimental impact on the character and setting of this area. While it is accepted that the proposed redevelopment of the site would make some contribution to the regeneration of the area, the proposed layout of the building would not make a significant positive contribution to the public realm along Abbey Street Upper. According, the proposed development would not comply with policies SC25 and SC28 of the Development Plan, which seek to support new development that makes a positive contribution in harmony with the character of an area.

7.5.5. I note that the grounds of appeal set out that if desired the applicant would be willing to alter the layout to provide greater interaction at street level, a floor could be omitted and set back can be provided to create a penthouse level. Given the extent of changes required and my concerns outlined above, I do not believe there is scope to address such shortcomings in the proposed development via attachment of conditions, nor should the appeals process be used to address such an extent of material changes to the development.

7.6. Residential Amenity

7.6.1. A third-party resident at Mellor Court, Liffey Street Lower made a submission to the planning application. The Planning Authority assessment did not address the impact of the proposals on residential amenity. The nearest residential properties to the appeal site are those located to the east over properties along Liffey Street Lower, including Mellor Court. The vast majority of apartments within the complex are over 20m from the proposed development and given this separation distance and the intervening, albeit narrow laneway, I consider the impact of the proposals on the

amenities of these residential mews apartments would be typical for an inner-urban location. However, there are also residential apartments only 4m from the appeal site on the upper floors of two mews buildings backing onto the side laneway. Direct overlooking from the proposed hostel to these residential units would lead to loss of privacy for residents of these apartments and undue impact on residential amenities. There are no measures employed in the proposed design of the building to address this and I consider some mitigation would be required in the event of a permission, such as, obscure glazing to all proposed windows facing directly onto the mews dwellings.

7.7. Parking & Servicing

The site is highly accessible by all transport modes and does not make provision for car-based access. The proposed development does not provide for bicycle parking and given the nature and scale of the proposed uses within the building, with accommodation for up to 560 persons, I consider it necessary that some provision should be made to accommodate cyclists visiting and working in the hostel. Access and servicing arrangements have not been provided, and given the restricted vehicular access along Abbey Street Upper to accommodate the Luas, I consider that such information is necessary to assess the potential impact of servicing traffic on the area.

7.8. Appropriate Assessment

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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

I recommend that planning permission should be **refused** for the reasons and considerations, as set out below.

9.0 Reasons and Considerations

1. Having regard to the design, height, scale, massing and layout of the proposed development and its relationship with neighbouring buildings in the immediate vicinity and to the provisions of the Dublin City Development Plan 2016-2022, including policies SC25 and SC28 of the Development Plan, which seek to support new development that makes a positive contribution to an area and in harmony with surrounding character and including standards outlined in Section 16.2.2 relating to infill developments and Section 16.7.2 relating to building heights, it is considered that the proposed development would fail to adequately respect and complement the prevailing character and height of Georgian buildings to the east along Abbey Street Upper and Liffey Street Lower, would result in an abrupt transition in building height moving along the street, would fail to appropriately address or make a positive contribution to the street and would fall short in terms of the quality of building required in this context. Therefore, proposed development would be visually obtrusive and would seriously injure the visual amenities of the area and would not comply with the stated policies and standards of the Dublin City Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

9th November 2017