



An
Bord
Pleanála

Inspector's Report PL29S.249055.

Development

Demolition of vacant structure including part of boundary wall. Relocation of office floor space over gym building, modification of gym building, external staircase and associated site works.

Location

Mill Street and Blackpitts, D8.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2449/17.

Applicant(s)

Bam Property Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party.

Appellant(s)

An Taisce.

Observer(s)

Maria O Reilly.

Date of Site Inspection

13th & 21st of November 2017.

Inspector

Karen Hamilton.

1.0 Site Location and Description

- 1.1. The site is located at Blackpitts, south of Newmarket and Cork Street and west of Clanbrassil Street, Dublin 8. The site contains a small vacant stone structure along and abutting the corner west of the site and is a small portion (c. 38m²) of an overall redevelopment site (5,519m²) granted permission for a mixed-use development (Reg. Ref. 2768/09), including a hotel, student accommodation and office units and subsequently amended (Reg. Ref. 2182/16). The site is currently under construction.
- 1.2. To the south west of the site is Warrenmount Convent, a protected structure. The convent is accessed by Warrenmount Lane, along the front of the site, and the vacant structure abuts part of the boundary wall and entrance gates.

2.0 Proposed Development

- 2.1. The proposed development includes modification to previous permission 2182/16 (student accommodation scheme with ancillary office) to include;
 - Demolition of a vacant structure (c.38m²) and part of boundary wall previously granted for conversion of a two storey office building (c.95m²)
 - Relocation of proposed office space to a first floor area (c.66m²) over a permitted single storey gym area,
 - Modification of permitted gym including increase in height from 5.25m to 6.9m and move 500m away from western boundary wall.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission and conditions of note include:

- C 3: Control of noise levels,
- C 6: Compliance with the terms and conditions of Reg. Ref. 2182/16

3.1.1. Planning Reports

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

- Methodology for the removal of the boundary wall which abuts another structure including a letter of support from the adjoining Warrenmount Community Education Centre.
- Submission of plans and elevations (RFI- PE- L- 100) to illustrate the adjoining building and part of the wall to be removed with the erection of a small boundary wall along the contiguous development with a render finish to match the existing wall.
- Noise information in relation to the impact of the gymnasium on the proposed office use includes confirmation that a high- performance floor structure will minimise noise.

The planners report also refers to the information contained in the Architectural Heritage Assessment and the polices of the development plan.

3.1.2. Other Technical Reports

Drainage Division- No objection subject to conditions.

Roads and Traffic Department- No objection subject to conditions.

3.2. **Prescribed Bodies**

An Taisce- Recommend refusal as the loss of the historic building would have a significant impact on the area and would be contrary to policy of the development plan.

3.3. **Third Party Observations**

One third party submission was submitted by the observer and is summarised below:

- The unnecessary demolition of a stone structure which forms part of a wall and part of a laneway to the entrance of Warrenmount House
- The stone walls as a feature of the area.
- Confusion in the planning report assessment in relation to the building blocks on the new street.

4.0 Planning History

2182/16

Permission granted to construct a new student accommodation with ancillary facilities including two business incubation units along the south west of the site.

3755/15

Permission granted for modifications to the original 2768/09 (extended until 2019) to include internal reconfiguration of hotel along the north end of the site and minor adjustments outside. There were no proposals to amend the façade of Tenter's Pub.

2768/09

Permission granted for the redevelopment of the site including a hotel for Block A, an office/ science building at Block B, retention, upgrade and internal modifications of Tenter's Pub at Block C, retention of façade at Craftworks building and internal modifications at Block D, linked to Block C and associated facilities.

Relevant permission adjoining the site

PL244805 (Reg. Ref 3475/14)

Permission granted for demolition of existing structures on the site with the exception of No 10 Mill Street (protected structure), adjoining former Mission structure and contiguous sections of historic walls and historic boundary walls to the southern site of the site.

5.0 Policy Context

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

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

The site is zoned as land use objective **Z10** for – “*Inner Suburban and Inner City Sustainable Mixed-Use*”

It is an objective to consolidate and facilitate the development of inner city and inner suburban sites for mixed uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant uses in inner city areas.

5.3. **Built Heritage**

CHC2: To ensure that the special interest of protected structures is protected.

Section 11.1.5.8: Demolition of Protected Structures and Buildings in Architectural Conservation Areas. The demolition of structures which make a positive contribution to protection structure or conservation area will be restricted.

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.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted from An Taisce and the issues may be summarised as follows:

- The subject site forms part of a complex of malhouses which has significant industrial history.
- The proposed development has an impact on the setting of an adjacent protected structure (Warrenmount House).
- The proposal is contrary to permission Reg. Ref 2768/09 and 4085/05 which includes the retention and incorporation as a historic element into the overall development

- A previous Conservation Report from Shaffrey Associates (copy included, 2005) identified the building as worthy of repair and retention. It is noted in the report that the retention of the building provides an important thread between the historic and new architecture.
- The proposal is contrary to Policy CH1 of the development plan and Section 15.1.1.19 of the Liberties Local Area Plan (2009).
- Concern is raised over the approach and end management of remaining historic buildings on the site and indeed the Tenters pub and Craftworks building along the east of the site has been partially demolished to the rear.

6.2. Applicant Response

A response has been received from an agent on behalf of the applicant and the issues raised are summarised below:

- The main issue in the grounds of appeal is the demolition of a structure which was included in a previous conservation assessment as worthy for retention. A report from a Grade 1 Conservation Architect states that the building is in a poor state of disrepair.
- The Shaffrey report was undertaken in 2005, prior to the development of the adjoining site and the planners report noted that the new development altered the context of the setting of the structure.
- The structural report notes the building in a poor state as it has been abandoned for some time.
- The demolition will improve the visibility of Warrenmount House.
- The inclusion of new public realm will add to the area.
- The Liberties LAP does not extend as far as the site.

6.3. Planning Authority Response

None received.

6.4. Observations

One observation was received in support of the appeal by An Taise and may be summarised as follows:

- The information submitted in the Architectural Heritage Assessment Report are contradictory in relation to the boundary as part of the historic landscape and the 18th century character. It is the last malting's building in the vicinity.
- This last building has a powerful link to the industrial past of the area as it was previously owned by John Busby a brewer.
- A photograph of the stone building is submitted and the quality of the stone works can be still seen today on the building and is an important part of the built heritage of this laneway.

7.0 Assessment

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

- Planning History
- Impact on the Built Heritage
- Appropriate Assessment

Planning History

- 7.1. The proposed development of the site and vacant building is linked to Reg. Ref. 2768/09, extended to 2019, which was further modified under Reg. Ref 3755/15 and 2182/16. The grounds of appeal argue that the proposed development is contrary to previous planning permissions as they all included the retention of the structure. The subject site was part of a permission for student accommodation (Reg. Ref. 2182/16), and included retention and repair and use of the building as office use. The area around the subject building is part of a new street permitted which runs between the hotel, to the north, and the student accommodation, to the south, and links Blackpitts and Warrenmount Lane. There are no specific conditions in Reg. Ref 3755/15 or 2182/16 which relate to the subject building.
- 7.2. The gymnasium building, as permitted, is a new stand-alone building located along the west of the site, overlooked by the student accommodation to the north, west and

south and fronts onto a courtyard garden. It is proposed to alter the scale of the building to accommodate an additional floor for the office use (increase in height from 5.25 to 6.9m). Following a submission for further information the applicant confirmed that the gymnasium would include a high-performance floor structure to minimise the impact of noise on the proposed office use.

- 7.3. I note the planning history on the site, the design and location of the proposed development and I consider the proposal is in keeping with the overall development scheme. The accompanying Conservation Report and the information contained is addressed below in relation to the impact on the built heritage.

Impact on the Built Heritage

- 7.4. The subject site is located along Warrenmount Lane and within a scheme currently being developed for a mix of hotel, student accommodation, office and gymnasium. The structure to be demolished directly adjoins the lane which separates the site from Warrenmount Preservation Convent, a protected structure and is at the end of a new lane which is integral to the overall scheme, linking Warrenmount Lane with Blackpitts to the east of the site. The site is not located within any conservation area and is outside the Liberties Local Area Plan 2009. The grounds of appeal argue the proposed development has a negative impact on the setting of the protected structure and deleterious loss of historic fabric as the building to be demolished is linked to a complex of buildings which form part of the malshouses. The loss of an original façade was also raised as an issue by an observer. I will assess the impact on the protected structure in the first instance.
- 7.5. Warrenmount Convent entrance and boundary wall abuts the building to be demolished, it is proposed to retain the boundary wall (c. 6m in height) and following a request for further information the applicant confirmed that a smaller new wall (c.3 m in height) would be erected at the front of the site to match the taller wall within the convent boundary, both rendered. The new paved area will replace the building to be removed and form part of the new street permitted under Reg. Ref. 2182/16. A letter of support is submitted from Warrenmount Community Education Centre which states, should the building not be replaced, the proposed development will increase views into the Convent, therefore creating a positive impact on the protected structure. Section 11.1.5.8 and Policy CH1 of the development plan provides

guidance for the appropriate development or demolition of buildings which impact on protected structures. The building to be demolished does not form part of, or compliment the setting of Warrenmount Convent, therefore I do not consider the removal of the building would have any impact of the features of interest of the protected structure.

- 7.6. An Architectural Heritage Assessment submitted used the national guidelines *Architectural Heritage Guidelines for Planning Authorities* and a condition survey undertaken by an engineer, to assess the importance of the structure to be demolished. The report states that the building is in a poor structural condition and the intermediate floor has been removed. Consequently, it has been the subject of works to secure its structural stability and to ensure that it is supported.
- 7.7. The heritage assessment uses three parameters to assess the impact of the proposed development which is summarised as follows:
- Streetscape/setting: The proposed development is part of an overall new build site and no longer forms part of a historic streetscape.
 - Statement of cultural significance: The building is not on the NIAH and if assessed would only be on regional importance.
 - Protection: The building is not listed on the Record of Protected Structures or in an Architectural Conservation Area.
- 7.8. The grounds of appeal state that this architectural assessment contradicts the original Conservation Report (2005) which accompanied the original permission. I note the submitted architectural assessment surveys, the current state of the building and the deterioration which has occurred and I consider it reasonable to demolish the building.
- 7.9. A submission from an observer notes the importance of the external brick on the façade of the building to be demolished. The proposal includes the reuse and integration of the reclaimed stone wall along the south west adjoining the new gymnasium building which I consider reasonable.
- 7.10. Having regard to the condition survey and the information contained in the architectural assessment, I consider it reasonable to demolish the existing vacant building and reuse the external stone within the overall development. Based on the

current development on the site and the inclusion of the new street and the design of the new boundary wall and the use of high quality materials for the new street, I consider the removal of the building will not have a detrimental impact on the setting of the adjoining protected structure and the character of the area.

Appropriate Assessment

- 7.11. Having regard to the nature and scale of the proposed development within a serviced urban area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on the conservation objectives of any European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the Z10 zoning objective, planning history and the design and layout of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area and would not adversely affect the setting or appearance of the neighbouring Protected Structure. 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 to An Bord Pleanála, 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 out in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The terms and conditions of the permission for the original development, which was issued under Reg. Ref. 2182/16 shall be fully complied with, except where modified by this permission.

Reason: To provide for an acceptable standard of development.

- 3 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.

- 4 Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the

planning authority for such works and services.

Reason: In the interest of public health.

Karen Hamilton
Planning Inspector

21st of November 2017