



An
Bord
Pleanála

Inspector's Report ABP-301289-18

Development	The development will consist of: the provision of a contemporary office extension (265sq m)
Location	19-27, Exchequer Street, Dublin 2
Planning Authority	Dublin City Council Sth
Planning Authority Reg. Ref.	3319/17
Applicant(s)	Tullington Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Eircom Ltd.
Observer(s)	None.
Date of Site Inspection	27 th of June 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The site fronts onto Exchequer Street, Dublin 2 and consists of a 5 storey over basement red brick building, split into 4 buildings and used as retail/cafe on the ground floor and office use on the upper floors. The area subject to the application is located to the rear of the most eastern building which runs along the St Andrew's Lane. There is a large carpark to the rear of the site which is associated with the Eir business.

2.0 Proposed Development

2.1. The proposed development would comprise of:

- Office extension (265m²) over an existing rear return, increasing the height from part single storey to part 2 storey and 4 storey.
- Modifications to the existing rear return to allow for reconfiguration including a lift and screened terrace (15m²).
- Provision of a new external ground floor shop window on the eastern elevation of the existing restaurant to St. Andrews lane.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 12 no conditions of which the following are of note:

C 3- Section 49 development contribution for the LUAS works.

C 4- Use of cladding material on the extension.

C 8- Archaeological Monitoring.

3.2. Planning Authority Reports

3.2.1. Planning Reports

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

- Change in the emphasis of the window design along the rear of the building from horizontal to vertical.
- In relation to the potential for overlooking, a response detailing the amount of glazing currently on the rear and noted the change of emphasis would reduce the amount of glazing by 30%.

The report of the planner referenced Section 16.2.2.3 of the development plan, in relation to alterations and extensions within the City Centre.

The application is accompanied by the following supplementary documentation:

- Conservation Assessment
- Screening Report for Appropriate Assessment
- Engineering Technical Statement
- Design Statement.

3.2.2. Other Technical Reports

Archaeology Section- No objection subject to condition.

Roads & Traffic Planning Division- No objection subject to condition.

Drainage Division- No objection subject to condition.

3.3. Prescribed Bodies

Transport Infrastructure Ireland- No objection subject to the inclusion of S 49 Luas Cross City (St Stephens Green to Broombridge Line) Contribution Scheme Levy.

3.4. **Third Party Observations**

Two third party appeals were received. The grounds of appeal includes the substantive issues raised and a submission from a lease holder of one of the commercial premises is concerned the impact will have on their business.

4.0 **Planning History**

Reg Ref 3406/17

Permission granted for a concurrent application for a change of use of the basement from ancillary storage to restaurant use (81m²), change of use of the ground floor from retail to restaurant (83m²) and ancillary works.

Adjacent Site on St Andrews Lane

PL29S.248844 (Reg Ref 4342/16)

Permission granted for demolition of a two storey building and replacement with a nine storey building for a hotel development.

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 Z5 City Centre where is it 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”

Mix of Uses in Z5

- Hotel, café, public house are all permissible uses.

While a general mix of uses e.g. retail, commercial, residential etc. will be desirable throughout the area, retail will be the predominant use at ground floor on the principal shopping streets.

- Plot ratio is 2.5 – 3.0

- Site coverage is 90%.

Section 16.2.2.3, Alterations and extensions

There is substantial pressure for works to building in the city centre and these should be undertaken to a high environmental standard, in particular the retrofitting of the existing buildings. The extensions should respect the uniformity of the existing buildings, retain existing characteristics and no interfere, infill, enclose or cause harmful alterations to light wells.

Car and Cycle parking

The site is located in Zone 1 of Map J.

Table 16.1- Max car parking space 1 per 400 m² for office use.

Table 16.2- Min bicycle parking space 1 per 100m² for office use.

Archaeology

The site is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City) and also the Zone of Archaeological Interest in the plan, therefore the following policy applies:

Section 11.1.5.13 Preservation of Zones of Archaeological Interest and Industrial Heritage

Policy CHC9: To protect and preserve National Monuments.

ACA and Protected Structure

The main part of the building is within The South City Retail Quarter Architectural Conservation Area, the rear extension lies on the boundary and outside the ACA although having regard to the location the following polices apply:

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.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

5.3. **Natural Heritage Designations**

The site is located c.3.5km to the west of South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal are submitted from the owners of the property to the north of the site which consists of a large carpark directly abutting the site and large commercial buildings around the carpark. The issues raised are summarised below:

- The proposed development, in particular the location of the windows along the northern elevation will have a negative impact on the amenity of the adjoining brownfield site to the north.
- The permission should either be refused as it would detract from the future development of an adjoining site or a condition should be included requiring the redesign of the extension with the windows along the north removed.
- Eir currently uses the site as a carpark associated with the telephone exchange along Dame Court. The redevelopment of this site would make a significant contribution to the Z5 city centre zoning.
- A further information request required the overlooking and impact on the potential on future development rights to be addressed. A response to this FI by the applicant referred to the existing level of glazing and did not refer to the development rights.
- The windows are located on a common boundary and an appropriate design response to the FI request would include a terraced proposal, normal for city centre sites.

6.2. **Applicant Response**

A response was received by the agent on behalf of the applicant as summarised below:

- The future development of the Eir site would need to take into consideration the existing residential development on the upper floors of the Exchequer Chambers and the historic properties of the site.
- The design of the northern elevation will not cause any increase in overlooking onto the adjoining Eir site as there has always been glazing (60.67m²) on this aspect of the building and the proposed development includes a reduction in the glazing to 52.62m²
- The Eir building (No 11- 17 Exchequer St, to the west of the site) includes a large scale rear extension with windows along the northern elevation and sets a clear precedent for similar type developments.
- The future development of the Eir site is welcome although the development of an 8 storey building may have serious negative impact on the residential properties within the applicant's site (daylight analysis submitted on the possible redevelopment of the site to indicate non-compliance with BRE standards)
- The omission of the windows along the northern elevation and redesign would not allow a feasible extension and the eastern elevation would not allow daylight.

6.3. **Planning Authority Response**

None received

6.4. **Observations**

None received

6.5. **Further Responses**

A further response was received from the appellant in relation to the applicant's response to the grounds of appeal as summarised below:

- The proposed design submitted by the applicant for the adjoining site is impractical and does not include any proper fenestration to the northern elevation of the site.
- The proposed windows along the north of the site would still frustrate a terracing design, as submitted by the applicant, irrelevant to the massing/ height of the overall proposal.
- The submitted design and accompanying visual impact assessment and daylight assessment is of limited value it fails to acknowledge the impact on the proposed development on the adjoining site and there are limited number of significant windows (residential) on the applicants site which would be impacted by the development of the Eir site.
- A blank northern flank wall would provide a greater opportunity for urban consolidation to allow a comprehensive design of a brownfield site.

7.0 **Assessment**

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

- Principle of development
- Impact on adjoining lands
- Built Heritage
- Appropriate Assessment

Principle of development

7.2. The proposed development is for an office extension to the rear of No 23-27 Exchequer Street and elevation changes along Andrews Lane. The subject site is located on lands zoned as Z5, Dublin City Centre, where it is an objective to facilitate the development of the central area and a mix of uses are permitted. This application is supported by a concurrent application which has been granted by the Planning Authority (Reg Ref 3406/17) for change of use of the ground floor of part of No 25 Exchequer Street from retail to restaurant on the ground floor and the basement to ancillary storage.

- 7.3. The site area is 439m², floor area of current building 1,740m² and proposed extension is 258m². Section 16.5 and 16.6 of the development plan recommends standards for plot ratios and site coverage for proposed development where the standard for Z5, city centre site is 2.5 – 3.0 and the site coverage is 90%, respectively. The plot ratio will increase from 3.06 to 3.6 and the site coverage will remain the same at 86%. Section 16.5 of the development plan states that a higher plot ratio may be permitted where the site adjoins major transport corridors and already has the benefit of a higher plot ratio. I note the existing plot ratio and the location of the site within the city centre and close to the main LUAS line and I consider the proposed plot ratio acceptable.
- 7.4. Table 16.1 of the development plan includes the car parking and bicycle parking requirements for new developments. The proposed development requires a maximum of 0.66 carpark spaces and 2.6 cycle spaces. The applicant states that having regard to the restricted nature of the site and the city centre location no provision of car or bicycle spaces has been included. The report of the Roads Division of the local authority has no objection subject to the inclusion of a mobility management plan for the proposed development to encourage staff to use public transport, cycling and walking, which I consider reasonable.
- 7.5. Therefore, having regard to the Z5 zoning objective, the proposed plot ratio and existing site coverage and the city centre location, it is considered that subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Impact on the adjoining property

- 7.6. The additional office development on the second and third floor includes an additional three windows along the northern elevation and two on the eastern elevation on both floors. The existing offices on the first floor will have no windows along the northern elevation and three along the eastern elevation facing onto Andrews Lane. The grounds of appeal are concerned the proposed windows along the northern elevation will cause overlooking and prevent the redevelopment of the Eir site to the north of the site. I will deal with each of these separately below.
- 7.7. Overlooking: The proposed development faces north onto the existing Eir car park, the appellant, which the northern windows face. The elevation treatment along the

northern façade was amended following a further information request to provide a design which complimented the surrounding area. The emphasis of the proposed windows changed from horizontal to vertical. The applicant argues this included a reduction in glazing facing the north of the site (Eir) site and having regard to the amount of glazing currently facing the site (60.67m²) and the glazing on the proposed windows (52.62m²), which represents a 33% reduction there will be no significant increase in overlooking onto the adjoining property. Appendix 17 of the development plan only provides guidance for overlooking on residential properties. I note the current windows to the rear of the existing building, the proposed use of the extension as an office and current use of the site along the north as a carpark and I do not consider the proposed extension will cause any significant overlooking on the surrounding properties.

- 7.8. Overbearing: The proposed extension will protrude c. 6m to the north from the existing building line, connecting over the rear of the existing ground floor extension and as stated above, windows are located along the north of the site. The grounds of appeal consider the location of these windows along a common boundary will prevent the development of the site as a major city centre brownfield site and the development should be either refused or conditioned to remove those windows along the northern façade, as discussed below.
- 7.9. A further information request referred to concerns with regard the impact on the future development potential of directly adjoining sites, no specific response was submitted from the applicant. In response to the grounds of appeal concerns over the development of the adjoining site, the applicant submitted a proposed design for the terracing of any proposed building is staggered from 2 storeys to 8 storeys. The appellant does not consider the proposal or the supporting shadow analysis reasonable for the development of their site and consider that any window on the northern wall will preclude from the appropriate development of their site. Section 16.2.2.3 of the development plan provides guidance for alterations and extensions to city centre buildings where the extension should respect the form and characteristics of the existing buildings and not cause and disturbance to existing light wells. I consider the overall design of the proposed extension acceptable and complies with the development plan guidance. I note there is no evidence of any application or development proposals submitted to the planning authority for preplanning enquiry

and I consider the development of the site to the north is purely speculative. In addition, it is of note the size of the appellants site c 4,000m² would allow for a variety of design proposals, therefore I do not consider the proposed development would preclude from the future development of sites in the surrounding area.

- 7.10. Andrews Lane- The design of the second, third and roof elevation onto and facing Andrews Lane is tapered, set back from the street edge by 1m at the widest point. The Conservation Assessment states that this will reduce the sense of enclosure onto Andrews Land.
- 7.11. Having regard to the location and design of the extension and the characteristics of the surrounding area, it is not considered that the proposed development would cause a significant increase in overlooking on the surrounding area or have a significant negative impact on the future development of the adjoining sites.

Built Heritage

- 7.12. The main part of the building is within The South City Retail Quarter Architectural Conservation Area, the rear extension lies on the boundary and outside the ACA. The proposed development includes alterations to the ground floor façade of the existing ground floor of No 27 Exchequer Street, along Andrews Lane. A Conservation Assessment accompanied the application which refers to history of the vicinity and states that the proposed development would not have a negative impact on the character and setting of the ACA.
- 7.13. The proposed extension is contemporary in nature and Condition No.4 requires the cladding material for the extension to be “Rheinzink Graphite Grey Pre-weathered” as discussed with the area planner during pre-application. The proposed works along Andrew’s Lane include the removal of part of the brickwork and inclusion of two new glazed shop fronts (c. 8m² & c. 23m²). Policy CHC4 of the development plan provides appropriate guidance on proposals and the impact on the special interest of the ACA, where the character and appearance of the area and its setting should be enhanced when possible. The proposed extension will not be visible from the front of the building, within the ACA, and I consider the contemporary design of the extension will complement the existing building. In addition, I note the proposed shop front along Andrew’s Lane has been designed to respect the character of the

existing shop front, using similar materials and proportions. I do not consider the proposal would have a negative impact on the character and setting of the ACA.

- 7.14. The site is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City) and within a Zone of Archaeological Interest in the Dublin City Development Plan. The proposed development does not include any significant ground works and I note the report of the Archaeological Division refers to the relatively small scale of works and recommends that the City Archaeologist is notified should any archaeological material found during the construction works, which I consider reasonable.
- 7.15. Having regard to the scale of the works, the nature and design of the office extension and the shop front along Andrews Lane, I do not consider the proposed development would have a significant negative impact on the character or setting of the ACA.

Appropriate Assessment

- 7.16. A Screening for Appropriate Assessment was submitted to state the site is not located within or directly adjacent to any Natura 2000 and is in a built-up retail and commercial zone. I note there is no potential for any pathway-source or any hydrological connections to any Natura 2000 sites. 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 Z5 zoning objective, the policies and objectives of the Dublin City Development Plan 2016-2022, in particular Section 16.2.2.3 extensions and alterations in the city centre 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 amenity of property in the vicinity or have a negative impact on the character and setting of the Architectural Conservation Area. 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 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 developer shall pay to the planning authority a financial contribution of in respect of LUAS Cross City Scheme 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. The application of any indexation required by this condition 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.

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.

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 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

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and

geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, 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 and protection of any remains that may exist within the site.

6. 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

7. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

8. 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.

9. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the office development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

Karen Hamilton
Planning Inspector

09th of July 2018