



An
Bord
Pleanála

Inspector's Report ABP-301468-18

Development	Extension and alteration of office development in the Marine House Building.
Location	Marine House, Clanwilliam Court, Clanwilliam Place, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2234/18
Applicant(s)	Hibernia REIT plc
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Ray Mc Kiernan.
Observer(s)	None.
Date of Site Inspection	29 th of August 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The subject site includes a large six storey over basement office building which forms part of the Clanwilliam Court Office complex which spans from Lower Grand Canal Street to the north to Lower Mount Street to the south, Dublin 2. The site fronts directly onto Clanwilliam Place and there is a recently developed seven storey office building to the north, Velasco House. There are number of similar sized buildings within the overall complex including a six storey apartment building to the rear, separated from the site by a communal courtyard which is primarily accessed from Love Lane.

2.0 Proposed Development

2.1. Extension (1,056m² GFA) of the Marine House Building would comprise of:

- Removal and replacement of facade treatments;
- Construction of 3.5m extension to the south east elevation, façade, and a newly fully glazed facade;
- Demolition of existing plant at the sixth floor and the construction of a new set back office floor;
- Reconfiguration of internal layout including the removal of own-door office to create open plan office space at each floor level and provision of shared centralised lobby space access from enlarged entrance on Clanwilliam Place;
- Provision of a new pedestrian route to the north eastern side of the building for dedicated secure access to existing residential block to the rear;
- New landscape treatment and Provision of cycle ramp and lift;
- Reconfiguration of basement underneath Marine House to include extension to accommodate additional plant areas and reconfiguration of existing car parking spaces, new cycle storage and associated cycle facilities,
- All other associated site works.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission subject to 11 no. condition of which the following are of note:

C 3- Archaeological monitoring.

C 4- Submission of a Construction Management Plan , a car parking plan, compliance with the cycle and parking requirements, Mobility Management Plan, details and management plan of pedestrian access route to the north west of the building and other ancillary roads requirements.

C 6- No additional advertising on site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the following:

- Impact on the residential amenity including the submission of sunlight analysis and the location from any residential properties.
- Roads and traffic issues including carparking, cycle parking and access, mobility management, and pedestrian access.

3.2.2. Other Technical Reports

Drainage Division- Request for additional information.

Roads Department- No objection subject to conditions

Archaeology Department- No objection subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. **Third Party Observations**

A submission was received from the appellant and the issues raised have been summarised in the grounds of appeal.

4.0 **Planning History**

On the site

Reg Ref 0460/00

Permission granted for 3 no windows at first floor level to the side of the site.

Relevant permissions on the site directly to the north, Velasco (Kestrel) House.

Reg Ref 3338/15

Permission granted for modification of permitted redevelopment to include increase in gross floor area of 472m² and internal and external alterations.

Reg Ref 2768/12

Permission granted for redevelopment of the site including demolition of building and construction of 7 storey over basement with screened planting on top and all ancillary works.

PL29S.229659 (Reg Ref 1034/08)

Permission refused for a building directly to the north of the site for the demolition of an existing office and erection of an 8.5 storey retail/commercial office building for reasons of the poor visual treatment to the surrounding area, inconsistent design to the adjoining building and the impact of the overall height and scale on the adjoining residential properties.

5.0 **Policy Context**

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

The site is located on lands zoned, Z6 Employment/ Enterprise, where it is an objective *“To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.”*

Section 16.5- Plot ratio

Z6 Inner- Employment 2.0-3.0

Section 16.7 - Building Height

Low Rise – Inner City Area- Max 28m for commercial.

The site is located within the **Grand Canal Conservation Area** therefore the following policies apply:

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development will contribute positively the character and distinctiveness of the appearance and setting.

5.2. Natural Heritage Designations

The site is located c. 1.8km to the west of South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal is submitted from a resident of an apartment block which is located to the rear, west of the site and the issues raised are summarised below.

- There are serious concerns over the right to light, overshadowing, overburden, massing and plot density.
- Right to light- The engineering report has been modelled on a four storey apartment (actually 5 storeys) and is not reflective of the residents of Clanwilliam Court and the error is not referenced in the planners report.
- In addition, other errors include the lack of reference to the apartment block, no inclusion of the plant and lack of time reference.
- The right to light is required under Civil Law.
- A grant of permission cannot be based on incorrect information and drawings submitted by the applicant

- The overshadowing drawings cannot be relied upon as they are based on inaccurate drawings and do not reference the impact in the mornings.
- The additional floor will create a monolithic box which will have a negative impact on residential amenity by overbearing and will create a wind tunnel effect.
- There has been no consultation with the residents of the adjoining apartments.
- The additional glazing will have a negative impact on the rear internal courtyard used by residents.
- The use of the entire building for office is not acceptable and the plot ratio is excessive. The site should include mixed use development.

6.2. Applicant Response

An agent on behalf of the applicant has submitted a response which is summarised below:

- The current building includes a poor façade and low energy rating.
- A response to an appeal which was subsequently withdrawn includes a redesign of the north-east façade on the top floor for non-transparent/ blank panels to act as a “back painted glass panels”. This will prevent any overlooking into the newly renovated Velasco building directly adjacent to the north.
- Proposed extension to the front of the site will bring the building in line with the street level similar to the Velasco building.
- In relation to the access between Clanwilliam Place and the rear of the proposed development, it is proposed to incorporate door access control to the potential residential use to the rear of the site.
- There may be a small discrepancy on the site layout drawings in relation to distance from the adjoining Velasco building although all legal boundaries will be adhered to.

- An amended shadow and sunlight assessed is submitted and there will be no percentile increase in any shadows from the alterations to the existing building.
- The amended shadow drawings includes an update to the five storey apartment building to increase the number of windows. The plant was not included in the original drawings as it will not have a significant impact on any shadow projections although has been included in the amendment.
- The new plant will be an improvement to the existing situation.
- The increase in additional floor space represents a 23% increase.
- The materials of the façade facing the apartment development will include a high quality curtain walling system to replace the existing brick cladding.
- Low energy lighting will be used at night to prevent light spill.
- There will be no wind tunnel effect from the addition floor as the overall design of the building is retained.
- There is no requirement for a mixed use scheme on the site and the proposed upgrade of the building will enhance the immediate vicinity and regenerate existing building stock.

6.3. **Planning Authority Response**

None received.

6.4. **Observations**

None received.

7.0 **Assessment**

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

- Principle of development
- Visual and Residential Amenity
- Built Heritage

- Access and Parking
- Surface water
- Archaeology
- Appropriate Assessment

Principle of development

- 7.1. The subject site contains an existing office building and is located within the Clanwilliam Court Office complex, south of the Docklands. The grounds of appeal raise concern over the failure of the scheme to include a mix of uses and consider the proposal would lead to overdevelopment of the site. The site is located on lands zoned Z6, Employment/ Enterprise, in the development plan, where office is a permissible use.
- 7.2. Plot ratio/ site coverage- The proposed development includes an increase in floor space by 1,056m² which represents an increase of 23%. Section 16.5 and 16.6 of the development plan includes standards for plot ratio between 2.0- 3.0 and site coverage 60% for development located on lands zoned Z6. The subject site is part of an overall office complex. The plot ratio and the site coverage on the site, in isolation of the remaining site, is currently above the development plan standards and Section 16.5 and 16.6 permits a higher ratio and coverage where the site already has the benefit of greater standards, therefore I do not consider the extension will lead to overdevelopment on the site.
- 7.3. Building Height- The inclusion of the additional floor will increase the height of the building to c. 26m. Section 16.7 of the development plan permits up to 28m for commercial development on Inner City sites, therefore the proposed development complies with the standards for building heights.
- 7.4. Planning history- Planning permission was granted for the redevelopment of the adjoining site to the north east and included the demolition of a four storey building and erection of a 7 storey over basement office development. The proposed development is similar to this recently constructed building, therefore in keeping with the pattern of development in the vicinity.
- 7.5. Having regard to the landuse zoning, policies of the development plan and recent planning history in the vicinity and subject to complying with other planning

requirements as addressed in the following sections, the principle of the proposal is acceptable.

Visual and Residential Amenity

- 7.6. The subject site is located along the Grand Canal Conservation Area and to the rear of an apartment development. The proposed development includes an extension along the front, south east of the site fronting the canal, an additional floor and elevation changes. The grounds of appeal are submitted from a resident of the apartment development who is concerned the proposed development will have a negative on the character of the surrounding area and amenities of the residents. I have assessed the impact on both separately below.

Visual

- 7.7. Policy CHC4 of the development plan requires development to positively contribute to the character and distinctiveness of the area. The proposal to alter the façade from brick to glazing and increase the building line forward, 3.5m, will change the character of the building, similar style to the recently developed Velasco building to the north east of the site, which I do not consider has a negative impact on the character of the area. The proposal also includes a change in the elevation treatment of the rear façade, facing onto the rear courtyard and having regard to the location directly opposite the apartment units I have addressed this below in regard to the impact on the residential amenity.
- 7.8. The proposal includes the removal of the c. 50m² of the existing open space area and trees along the front of the site for the provision of a dedicated cycle ramp to the basement. A small open space area retained includes a semi mature tree. It is of note the redeveloped Velasco site included a portion of the site along the front for soft landscaping which I consider appropriate for the successful treatment along an important thoroughfare of the City and along the Grand Canal Conservation Area. I consider it reasonable to include a condition requiring the submission of semi mature tree within the soft landscaping similar to the species to be removed.
- 7.9. Therefore having regard to the scale and nature of the proposed changes, the recent development in the vicinity and overall pattern of development within the site, I do not consider the proposed development would have a negative visual impact on the surrounding area including the Grand Canal Conservation Area.

Residential

- 7.10. Entrance- There is currently a gated access to the rear of the site. The proposed development incorporates a door access control, solely for use by the residents to the rear and maintenance purposes. I consider this is an acceptable form of access through the site for the residents in the rear apartments.
- 7.11. Overlooking- The proposal includes the removal of the existing brick treatment to the rear and replacement with an anodised aluminium curtain walling system, majority glazing, similar to the adjoining building. The grounds of appeal are concerned the additional glazing will cause overlooking on the rear courtyard. The applicant's response to the grounds of appeal makes reference to the existing use on the site, number of windows and use of low level lighting in the offices in the evening. Following a response to a grounds of appeal submission from the adjoining landowners in the Velasco building which was subsequently withdrawn, the applicant amended the materials for the additional sixth floor to include a redesign of the north-east façade on the top floor for non-transparent/ blank panels which act as a "back painted glass panels. The application was accompanied by an Architectural Design Statement which illustrates the proposed elevation in comparison to the existing and I consider the alterations are not significant. I do not consider the proposed alterations would increase any overlooking on adjoining properties or have a negative impact of the residential amenity in the vicinity and therefore I do not consider it necessary to require the inclusion of any further screening within the materials along the rear elevation. The proposed additional floor is located c. 24m from the nearest residential property and having regard to the distance and office use I do not consider there would be any overlooking.
- 7.12. Overshadowing- The subject site is located to the southeast of the adjoining residential apartment development and is currently of a similar height. A shadow projection analysis was submitted with the planning application. The grounds of appeal raised concern in relation to a number of discrepancies in the illustrations including an incorrect number and location of windows on the eastern elevation of the residential properties and the absence of the proposed plant on the top of the building. An amended Daylight and Sunlight analysis was submitted by the applicant in response to the grounds of appeal which included the plant and windows and a number of Vertical Sky Components (VSC) and test rooms and concluded that the

results remained the same as the initial analysis and there would be minimal impact of overshadowing on the adjoining residential property from the proposed development. I have assessed the shadow analysis submitted and I note the location and height of the existing Marine House which currently overshadows the rear of the apartment. I do not consider the additional works will cause any significant additional shadow projection on the residential properties.

- 7.13. Overbearing- The additional floor space is in the most part included along the front, south east and on the seventh floor, which will replace and integrate a number of plant. The proposed works along the front façade are not visible from the adjoining residential properties and therefore will not have any impact. As stated above the additional floor is located c. 24m from the residential properties and having regard to the six storey residential apartment, will be above the line of sight. Therefore, having regard to the location and scale of the proposed extensions I do not consider there would have any overbearing impact on the residential properties.
- 7.14. Having regard to the scale and nature of the proposed alterations and extension and the distance of the additional floorspace from the residential properties, I do not consider the proposed development would have a significant impact on the visual or residential amenity in the vicinity.

Access and Parking

- 7.15. The proposed development utilises an existing access from Love Lane and includes the provision of 72 car parking spaces, 3 disabled spaces and c. 70 cycle spaces which represents a reduction of 38 car parking spaces and an increase of 40 cycle spaces. The proposed development includes the provision of a dedicated cycle ramp along the front of the site at Clanwilliam Place. The site is located within Zone 1 of Map J of the development plan. Table 16.1 of the development plan requires the provision of 1 car parking space per 400m² GFA whilst Table 16.2 requires the provision of 1 cycle space per 100m² within the basement and upper basement. The overall floor space provision on the site is 5, 649m² whilst the extension is 1,056m². The quantum of spaces submitted complies with the requirements of the development plan although there has been no clarity as to the allocation of spaces for the proposed site and the wider Clanwilliam complex. Condition No 4 requires the submission of a car parking strategy, which I consider reasonable.

- 7.16. An Access and Parking Report accompanied the planning application which referred to the access, location and layout of the spaces provided and concluded that a Mobility Management Plan was not required as the development would not generate greater than 500 vehicle trips per day or 100 at peak period. A report from the Roads and Traffic Department refers to the number of parking spaces and notes that Appendix 2 of the development plan allows the Council to require the submission of a travel plan where a development employs more than 100 persons. Condition No 4 included the submission of a Mobility Management Plan which I consider reasonable to support the provision of sustainable transportation for a major employment centre in the City Centre.
- 7.17. Having regard to the scale of the proposed development and the provision of cycle and parking spaces, I do not consider the proposal will have a negative impact on the flow of traffic in the vicinity.

Water and Surface Water

- 7.18. The office building is currently serviced and the drawings submitted illustrate connection to a pumping station in the adjoining Velasco Site. The proposed development includes the removal of c. 50m² of permeable surface to the front of Clanwilliam Place and includes a new sedum roof on the roof. The proposed development includes additional storm water attenuation and the engineers report submitted with the application states that having regard to the provision of a sedum roof there will be a net reduction of storm water discharge to the public sewer.
- 7.19. A report from the drainage section recommended a request for additional information on the accurate location of surface water drainage and all combined public and private sewers and connection details, information on the restriction of surface water flow to 2l/s, submission of a surface water management plan and a revised flood risk assessment referencing the impact of 20% Climate Change. The report of the planner failed to refer to the report from the drainage section.
- 7.20. The accompanying Engineers Report includes reference to a Flood Risk Assessment and refers to the potential for flooding on the site as very low. I note the flood risk assessment and the scale of the proposal and I do not consider it necessary to require the submission of an additional flood risk assessment.

7.21. I note the information submitted on DWG no CLO2 and reference to connections outside the subject, Marine House, although having regard to the location of the site within an overall developed complex and the existing connections for the existing building I consider the inclusion of a condition requiring the submission of information on the upgrade of these connection and I consider an agreement with the planning authority would be sufficient for the satisfactory treatment of the surface and foul water.

Archaeology

7.22. The site is located within a zone of archaeological potential for Recorded Monument and Place DU018-52 (Graveslab) and within a Zone of Archaeological Interest in the development plan. Policy CHC9 of the development plan requires the protection of all archaeological material and compliance with best practice guidance on sites located within these zones of interest. A report from the City Archaeologist refers to the protection on site and recommends a condition for archaeological monitoring. Having regard to the location of the site and the nature of the works I consider the inclusion of a condition requiring archaeological monitoring reasonable.

Appropriate Assessment

7.23. Having regard to the nature and scale of the proposed development within a serviced 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 location of the site within the Z6 land use zoning, Employment/Enterprise, the scale of the proposed development and pattern of development in the surrounding area of the site, and the polices of the current Dublin City Development

Plan 2016-2022, it is considered that subject to compliance with the conditions below, the proposed development would positively contribute to the employment and enterprise use in the area and would not seriously injure the residential or visual amenity of the area, have an adverse effect on the character and setting of the conservation area or endanger public safety by reason of traffic hazard. 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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, walking and car pooling 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 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.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Provision of parking for existing properties at [specify locations] during the construction period;
 - (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety

4. 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

5. 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

6. A landscaping scheme for the open space along Clanwilliam Place and the sedum roof shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of

proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

7. 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.

8. 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.

9. 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.

Karen Hamilton
Planning Inspector

31st of August 2018