



An  
Bord  
Pleanála

## Inspector's Report ABP-301700-18

### Development

Construction of a 10-storey aparthotel on the corner of Parkgate Street and Temple Street West. Demolition of the following buildings at 6 Parkgate Street, 4-5 Parkgate Street, 12 Temple Street West and 11 Temple Street West.

### Location

Ashling Hotel, 4-6, 9-13 Parkgate Street, Dublin 8 & 11 & 12 Temple Street West Dublin 7.

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

4160/17

### Applicant(s)

Foxfield Inns Ltd.

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party

### Appellant(s)

Foxfield Inns Ltd.

### Observer(s)

Mark Mulvey; Mary Bowe and Michael

O'Hagan; TII

**Date of Site Inspection**

22<sup>nd</sup> September 2018

**Inspector**

Una O'Neill

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## 1.0 Site Location and Description

- 1.1. The appeal site is located north of the River Liffey at the junction of Parkgate Street and Temple Street West, west of Dublin City Centre. The subject site faces southwards onto Parkgate Street and towards the River Liffey/Croppies Acre Memorial Park, with the Luas traversing along the front of the site and Heuston Train Station approx. 140m to the west. The site is bounded by Montpelier Hill to the north, where there are a variety of buildings, ranging from single storey to four-and-a-half storeys in height. Temple Street West is to the east of the site and comprises, on the opposite side of the site, a four-storey building with a public house at ground floor level (vacant) and four-to five-storey block of apartments. Adjoining these buildings is Collins Barracks National Museum. The site slopes upwards from Parkgate Street to Montpelier Hill, resulting in a difference in levels. The site is located in an area which comprises a mix of commercial, residential and institutional uses.
- 1.2. The site, which is 0.429ha in area, is a rectangular block of development accommodating primarily the existing Ashling Hotel, with frontages onto Parkgate Street, Montpelier Hill and Temple Street West. The south eastern corner of the block is not in hotel use and comprises six traditional three storey buildings. Two of the buildings, no. 7 and no. 8, are not in the ownership of the applicants. No. 8 is located directly adjoining the existing Ashling Hotel and no. 7 directly adjoins the new development area.
- 1.3. The Ashling Hotel is a six-eight storey hotel building with the top two storeys set back at the Parkgate Street elevation. The back of the hotel block fronts onto Montpelier Hill and is three-four storeys along this elevation. The site goes around the rear of no. 7 and no. 8 Parkgate Street. No. 7 is an existing guesthouse (the Tipperary House) while No. 8 is stated to be in use as a residence. The two adjoining buildings at the corner with Temple Street West, namely no. 6 and no. 4-5 Parkgate Street, are three storey buildings, one residential (vacant) and the other a mixed use building with an existing pub at ground level (vacant). Around the corner from 4-5 Parkgate Street and also part of the site is a four storey residential building at 12 Temple Street West and a two storey residential building at 11 Temple Street West, both of which are unoccupied. It is proposed to develop the southeastern section of

the overall block, with the exception of the two adjoining buildings which are not in the ownership of the Ashling Hotel, as an aparthotel.

## 2.0 Proposed Development

2.1. The proposed development, which was amended by further information, comprises the following:

- Aparthotel development, which originally proposed a 10 storey building (30m high) with 31 no. short stay executive suites. This was amended following Further Information to comprise a 9-storey aparthotel building (28m high), comprising 27 no. short stay executive suites. The site for the new building is positioned on the corner of Parkgate Street and Temple Street West. The revised proposal comprises the following on each floor:
  - At ground level, the proposal provides for a reception/entrance lobby, lift and stair core and plant room, with separate staff access from the existing hotel car park to the rear.
  - Level 1 comprises three aparthotel units (one x two-bed suite and two x one-bed suites).
  - Levels 2-6 comprise four x one-bed suites on each floor. Balconies are located on the southern facade.
  - Level 7 floor is set back on the western side and comprises two x two bed suites with balcony to the south.
  - Level 8 comprises two x one bed suites, with a terrace to the south and north serving each suite.
  - The roof level comprises a screened plant area, rising above Level 8.
- The proposal includes demolition of the following buildings to facilitate the proposed development:

Three-storey residential building at 6 Parkgate Street

Three-storey mixed use building at 4-5 Parkgate Street

Four-storey residential terraced building at 12 Temple Street West

Two-storey residential terraced building at 11 Temple Street West.

- 2.2. The application is accompanied by a number of documents, including an Architectural Design Statement by O'Dwyer and Associates Architects, Photomontages, Report on Heritage by Chris Ryan Conservation Architect, Construction Management Plan, Demolition Management Plan, Traffic and Pedestrian Management Plan, Engineering Report on Structural Stability by DHD Construction Ltd., and a Flood Risk Assessment Report.
- 2.3. The floor area of the proposed new aparthotel is stated to be 4060sqm. The existing hotel is 15,971sqm. The size of each aparthotel unit varies from 75sqm-78sqm.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission REFUSED for the following reason:

Having regard to the prominent location of the site in a conservation area facing the Liffey quays, and to the provisions of the current Dublin City Development Plan (2016-22), including policy CHC4 in relation to development in conservation areas and policy SC25 in relation to the design and the need to make a positive contribution to the city's built and natural environments, it is considered that the proposal does not provide for a sufficiently high quality building to justify the demolition of the existing buildings on the site, all of which are of streetscape value and which include No. 6 Parkgate Street, which is identified in the National Inventory of Architectural Heritage (NIAH) as having a regional rating. It is considered that the proposed new building, by reason of its scale and elevational treatment, does not contribute positively to its character and distinctiveness or protect and enhance the character and appearance of the area and its setting. The proposal would therefore be contrary to development plan provisions and to the proper planning and sustainable development of the area.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The first planning officer's report recommended further information (FI) be sought in relation to the following:

1. Justification for the demolition of the existing buildings on the site. The applicant should note that the demolition of the buildings will not be permitted unless it is clear that they are of no historical, architectural, cultural, streetscape or other significance. Details of alternatives considered, including the retention and reuse of the buildings on the site, should also be submitted.
2. Building height to be reconsidered given it is above the maximum permitted height of 28m for non-residential developments in inner city areas.
3. Structural stability of adjoining buildings.
4. Drainage and climate change.
5. Consultation required with TII and requirement for Construction Management Plan and Demolition Plan.

The second planner's report recommended refusal and the following is of note from the second report:

- The height of the proposed new building has been reduced to a total of 27.73m and the building has also been stepped down on the corners with both Parkgate Street and Temple Street West. The number of apart hotel units has been reduced from 31 to 27.
- Revised contextual elevational drawings have been submitted and these show that the proposed height is still above that of the existing hotel building. The top floors of the existing building are also set back, resulting in a six-storey (c.20m) parapet height to Parkgate Street, while the proposal provides for a parapet height of up to 25m onto Parkgate Street.

- Temple Street West is a narrow street with a four-storey building on the opposite side, and it is considered that the street is not sufficiently wide to justify the proposed additional height on the corner.
- There is concern regarding the scale and visual impact of the proposed building, including its impact on the streetscape when viewed from locations along the quays and from Heuston Station. It is not considered that a further reduction in height would, in itself, address this concern. Having regard to the prominent location in a conservation area, facing the Liffey quays, it is considered that the proposal would not be in keeping with development plan provisions, including policy CHC4 in relation to conservation areas and policy SC25 in relation to design quality.
- An engineer's report has been submitted in relation to the structural stability of the adjoining buildings, which includes details of measures to stabilise the buildings. Revised drainage drawings have also been submitted and these show the ground floor raised by 320mm as recommended by Drainage Division.
- A revised construction management plan, and construction and demolition waste management plan, has been submitted, which is considered acceptable.
- It is stated that the applicants met with Transport Infrastructure Ireland and have addressed any issues of concern identified by them.

### 3.2.2. **Other Technical Reports**

Drainage: Following receipt of further information, no objection, subject to condition.

Roads and Traffic Division: Following receipt of further information, no objection, subject to condition.

Waste Management: No objection, subject to condition.

### 3.3. **Prescribed Bodies**

Transport Infrastructure Ireland: No objection, subject to condition.



An Taisce: The proposal involves demolition of a group of non-protected historic buildings in a prominent location adjacent to Collins Barracks, the Croppies' Acre and the city quays. No. 6 is one of a group of three buildings dating from the first half of the eighteenth century; No. 4-5 Parkgate Street is a typical Dublin corner public house, probably dating from c.1900 and makes a strong contribution to the junction and should be retained and reused; No. 12 Temple Street West is a curious building with a historic structure behind a c.1970 façade; Rocque's map shows a warehouse in this location; No. 11 is also worthy of investigation. It is considered that the proposed demolition of reusable historic buildings is not justified. Section 16.10.17 of the development plan encourages the retention and reuse of older buildings of significance; note policy CHC1 of the plan seeking preservation of buildings of streetscape value, and policy CHC4 to protect the special interest and character of conservation areas. Refusal of permission is recommended.

### 3.4. **Third Party Observations**

A number of observations were received, the grounds of which are largely covered in the observations to the grounds of appeal, as set out hereunder.

## 4.0 **Planning History**

**5772/06:** Permission GRANTED to demolish four storey part of existing hotel facing onto Parkgate Street and Park Avenue West, and to replace the front block with a six to eight storey building fronting onto Parkgate Street and Park Avenue West (top two floors to be set back from Parkgate Street to create a terrace at sixth floor level) broken down comprising 134 bedrooms and 20 bedroom suites over seven floors; redesign of the entrance from Parkgate Street and the egress point onto Temple Street West.

**6001/07** – Permission GRANTED to demolish 11 Temple Street West, the purpose of the demolition would be to facilitate the continued operation of the Ashling Hotel during its reconstruction under reg Ref 5772/06. A condition of the permission was as follows: Within a period of 12 months following the completion of the works to the hotel carried out under Reg Ref 5772/06, the existing dwelling at 11 Temple Street West shall be completely rebuilt. [This permission was not enacted].

## 5.0 Policy Context

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

- **Zoning objective Z5**, 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Hotel is a permissible use within this zone.
- The plan seeks to strengthen and consolidate the robust city centre mixed use zoning (Z5) with active promotion of the inner city as an attractive place for urban living, working and visiting...It is part of this settlement strategy to fully regenerate...Heuston and Environs...
- **Plot ratio** in this zoning is between 2.5 and 3.0.
- **Site coverage** recommended is 90%.
- **SDRA 7, Heuston and Environs**: This SDRA area includes The Croppy's Acre Memorial Park to the front of the appeal site, on the southern side of Parkgate Street. It does not include the appeal site on the north side of this street.
- **Section 11.1.5.6**: Conservation Areas. The site is situated in a conservation area which includes the Liffey quays, Croppies' Acre, Collins Barracks and Heuston Station.
- **Section 16.7**: Building Height in a Sustainable City
- **Section 16.10.17**: Retention and Re-Use of Older Buildings of Significance which are not Protected
- **Appendix 16**: Guidance on Aparthotels.

The following policies are of note:

- **Policy 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.

- **Policy 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.
- **Policy SC17:** To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city...In particular, all new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays... and to established residential areas...
- **Policy 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.
- **Policy CEE12 (i):** To promote and facilitate tourism ... and to support the provision of necessary significant increase in facilities such as hotels, apart hotels...
- **Policy CEE13 (iii):** To promote and support the development of additional tourism accommodation at appropriate locations throughout the City.
- **Policy RD15:** To require a high quality of design and finish for new and replacement shopfronts, signage and advertising...as set out in Dublin City Council's Shopfront Design Guidelines.

## 5.2. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The first party grounds of appeal is summarised as follows:

- The site is in a strategic location suitable to the type of development proposed, next to a major transportation hub and in an area in need of regeneration with a shortage of tourist accommodation.
- The proposed development is supported by national policy and local policy.
- The site is on the edge of the Heuston Strategic Development and Regeneration Area. Buildings over 50m are acceptable in the Heuston SDRA. A low rise building at this location should therefore be acceptable.
- The vision and consolidation of the Heuston SDRA is applicable to the appeal site, which is at the edge of this area.
- The importance of the location in terms of serving the tourist and business accommodation needs cannot be underestimated and in many way overrides most other land use and planning considerations.
- As per the assessment of the Conservation Architect, who was employed by the applicant to address the issue of the existing buildings following a FI request, it is noted that the existing buildings are of poor quality and neglect, with significant loss of historic fabric over the years. The buildings are not on the RPS. While no 6 is identified on the NIAH, it is of regional importance. The streetscape is dominated by the existing hotel. The proposal will not result in the loss of any historically important building forms, nor impact on negatively on the quality of the conservation area.
- While the building has a view of the Liffey, it is separated from the Quays and does not form part of the architecture of the Quays. Liffey Street West, 350m from the site, marks the start of the architecture of the Quays which finishes at Liberty Hall.

- Parkgate Street is made up of a multiplicity of building styles, heights and scales with no unifying height, scale or streetscape. The site on the south site will in time be redeveloped. The area is changing.
- The width of Temple Street was raised in the planner's report. The building, following an FI request, will be stepped down at this corner and the opposing buildings are 5 storeys over basement. The proposed building is appropriate in height and scale.
- The proposed aparthotel building is only 2.55m higher than the existing Ashling Hotel, as per the revised design submitted at FI stage to the planning authority and at 28m is in accordance with development plan policy height.
- The elevational treatment reflects the use and commercial nature of the building. The shape and form is a consequence of the internal layout. The living areas are to the front and rear to maximise on views and the bedrooms overlook the inner courtyards. It is not a cellular building as per the existing hotel. The building has a strong vertical emphasis provided by a vertical stone frame around half the building from the front. This will contrast with the glazing.
- Two additional alternative design solutions, with photomontages, are hereby proposed for consideration by the Bord, although the applicant is satisfied with the existing design.
- There are a range of office/commercial designs across the city and included in report are images from new buildings on Molesworth Street, Warrington Place, The Harcourt Building, no. 1 Ballsbridge. The design is a subjective evaluation.
- The proposal is considered to be in accordance with policy SC25.

## 6.2. Planning Authority Response

None.

## 6.3. Observations

Three observations were received and are summarised as follows:

## 7 Parkgate Street, Tipperary House B&B:

- Observer is supportive of DCC decision to refuse.
- Should the Board decide to permit a modified version of the development, it is requested that conditions be included to ensure the structural stability of no. 7 Parkgate Street and surrounding buildings and to ensure access to the business at no. 7 is maintained during demolition and construction.
- Serious concerns are raised in relation to the overbearing impact of the 10 storey building, which is contrary to Dublin City Development Plan 2016-2022.
- Serious concerns in relation to the lack of any detailed demolition and construction methods as related to the River Liffey alluvial plain and to the party wall at no.s 6 and 7. No. 6, 7 and 8 share the same plaster work, eaves and walls. The three buildings are structurally held together.
- Past damage due to piling works at the Ashling Hotel resulted in a high court award for damages to no. 7.
- The physical structure of no. 7 and no. 8 needs to be protected.
- Proposed development will negatively impact on the residential amenity of the apartments on the east side of Temple Street West.
- The conservation area comprising the Collins Barracks complex would be negatively affected.
- The Heuston Station and Environs Strategic Development and Regeneration Area (SDRA) excludes the site, but runs along the roadway at Parkgate Street and Benburb Street where cones of vision are identified running along Parkgate Street linking the Quays and the Wellington Monument.
- This is an historic part of the city and the proposed development by reason of design, height and overbearing relationship to existing buildings and effect on existing residential amenity and streetscape would materially contravene the development plan.
- The nearby Stoneybatter has not demolished its historic buildings but inhabits them.

## 8 Parkgate Street

- Height and scale of the proposal will impact negatively on this residential property and result in a deterioration of the quality of life of the occupant.
- There are a lack of cad images showing the development from Temple Street West and Montpelier Hill. The overwhelming height and bulk of the proposal is of concern.
- DCC planners did not take into account concerns raised in relation to light, shadowing and the wind tunnel effect on no. 8.
- No. 8 will be greatly impacted upon in terms of loss of sunlight and daylight.
- The existing Ashling Hotel results in a wind tunnel. After the most recent extension to the Hotel, the chimneys in no. 8 are no longer useable due to a down draught resulting from the wind tunnel effect.
- The proposed development will result in a further deterioration in the quality of enjoyment of the residents of no. 8. This will particularly impact the resident, who is confined to his home due to illness.

#### Transport Infrastructure Ireland

- Report as originally submitted to DCC sets out requirements in relation to construction in close proximity to the Luas line.

## 7.0 Assessment

I consider that the key issues in determining the current appeal before the Board are as follows:

- Policy
- Demolition and Impact on the Historic Character of the Area
- Height and Impact on Amenities of the Area
- Design

### Policy

- 7.1. The subject site is located within zoning objective Z5, the objective for which is 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Hotel is a

permissible use within this zone. The provision of an aparthotel development is considered acceptable in principle within the zoning objective for the area, subject to assessment in relation to impact on the character and amenity of the area, as explored further in the assessment hereunder.

- 7.2. A plot ratio of 4.67 and a site coverage of 82% applies to the site. The development plan identifies an indicative plot ratio for this area of 2.5-3.0 and an indicative site coverage of 90%. Under Section 16.5 of the plan, a higher plot ratio may be permitted in certain circumstances. I am of the view that the higher plot ratio is in this instance acceptable in principle, given the location of the site in proximity to high quality public transport routes.

### **Demolition and Impact on the Historic Character of the Area**

- 7.3. The Dublin City Development Plan 2016-2022 states that there is a recognised need to protect conservation areas and the architectural character of existing buildings and streets, and any new proposal must be sensitive to the historic city centre, the river Liffey and quays. The development plan also seeks to ensure development along high quality public transport lines, in particular rail lines, is maximised to ensure the sustainable and consolidated growth of the city. This is further supported by the policies of the National Planning Framework, which highlights the need to renew and develop brownfield and infill sites within existing urban areas in a more sustainable and efficient manner. There is therefore a constant challenge to balance the need for growth and consolidation of the city versus protecting the existing character of an area.
- 7.4. Section 16.10.17 of the development plan specifically addresses the issue of the character of existing built environment under the heading 'Retention and Re-Use of Older Buildings of Significance which are not Protected'. It states that 'in assessing applications to demolish older buildings which are not protected, the planning authority will actively seek the retention and re-use of buildings/ structures of historic, architectural, cultural, artistic and/or local interest or buildings which make a positive contribution to the character and identity of streetscapes and the sustainable development of the city. Where the planning authority accepts the principle of demolition a detailed written and photographic inventory of the building shall be required for record purposes'.



- 7.5. The applicant employed a conservation architect to survey the buildings to be demolished as part of the development. It is contended that there is little merit in retaining the buildings, which date from the early to mid 1800s with the pub rebuilt in the early 1900s, as they have been subject to a significant loss of historic fabric over the years and are of poor quality and neglect. The buildings rated low in terms of overall significance, with the exception of no. 6 which is rated as medium. The applicant contends that the streetscape is limited at this location, dominated by views of the existing hotel which makes up the wider block, with limited views of the site from the Quays conservation area.
- 7.6. The observers contend that this is an historic area and the buildings should be retained. It is contended that the proposed development by reason of design, height and overbearing relationship to existing buildings and effect on existing residential amenity and streetscape would materially contravene the development plan.
- 7.7. The subject site comprises four buildings to be demolished, which present themselves on to Parkgate Street and around the corner to Temple Street West. As noted in the planner's report, the buildings contribute to the streetscape, however, it is also implied that the demolition of the buildings in question would be acceptable if a building of a higher quality design and finish was presented. I note a previous permission was granted on the site of no. 11 allowing for its demolition. I also note the planning officers report relating to the rebuilding/extension of the existing hotel fronting Parkgate Street (ref 5772/06) noted that the scale of 6 storeys and additional 2 setback, was appropriate as a backdrop to Croppys Acre Park and that the buildings on either side were likely to be redeveloped.
- 7.8. I appreciate that there is a constant challenge in the city to balance the need for growth in highly accessible locations, such as this, against the protection of the built heritage of the city. However, given the context of the site, I do not consider the contribution to the streetscape of these buildings is so significant nor is their social value of such strength to warrant their retention. The buildings are not identified as protected structures nor are they part of an architectural conservation area. I note the limited section of street frontage to which these buildings relate and the dominance of the existing hotel within this larger block. I further note the scale of modern interventions in the immediate environs resulting in the overall mixed character of this area.

- 7.9. The street is separated from the Quays by the Croppies Acre Park, with vehicular traffic directed away from this street which is primarily dedicated to the Luas line. The set back and location of the park in my view limits the contribution that these existing low rise buildings make to the Quays and wider conservation area.
- 7.10. The applicant has submitted a justification as to why the buildings cannot be reused and states other uses which they have considered. I accept the information submitted and, overall, I consider the principle of demolition to be acceptable.
- 7.11. The written and photographic inventory of the buildings, as submitted at FI stage to the planning authority, is acceptable for record purposes and is in accordance with the requirements of section 16.10.17 in this regard.

### **Height and Impact on the Amenities of the Area**

- 7.12. The applicant argues Parkgate Street is made up of a multiplicity of building styles, heights and scales with no unifying height, scale or streetscape. It is stated that the building, following an FI request and concern in relation to the width of Temple Street West, was stepped down at the corner with Temple Street West and the opposing buildings are 5 storeys over basement. The applicant furthermore considers the height appropriate in the context of the existing Heuston Station SDRA where tall buildings are supported and given the separation distance from the Quays.
- 7.13. Observations have been submitted raising concerns in relation to the proposed development by reason of design, height and overbearing relationship to existing buildings and effect on existing residential amenity and streetscape. It is noted the Heuston Station and Environs Strategic Development and Regeneration Area (SDRA) excludes the site and the visual impact would be significant.
- 7.14. The subject site adjoins the Luas line with two stops within 230m/240m of the site. Heuston Station, which is a significant transport hub, is also within close proximity. The site is in a highly accessible location and is appropriate for a higher density of development. While development of the quantum proposed is justified at this location, the impact of the height and design of the proposal must be further considered. I consider hereunder the impact of the increased height with regard to Temple Street West; impact on the residential building at no. 8 and guesthouse at no. 7 Parkgate Street West; and the visual impact of the proposed building when viewed from the wider conservation area.

### Impact on Temple Street West

- 7.15. The proposed aparthotel block has a street frontage/width onto Parkgate Street of 19m and a depth/frontage onto Temple Street West of 34m. The building line on Temple Street West follows the existing building line, with a set-back of 900mm at ground level in the middle of the block with the floors above this set back 3.4m. The width of Temple Street West is 8.32m-8.36m between the facades of the existing buildings/hotel and the pub/apartments opposite, at their closest points.
- 7.16. The height of the proposed aparthotel at the corner of Parkgate Street/Temple Street West is approx. 22m to parapet height (7 storeys), with the top two floors (8 and 9) set back approx. 3.2m, the building having an overall height of just under 28m (9 storeys).
- 7.17. The existing hotel building to the rear at the higher level on Montpelier Hill has an overall height of approx. 16.5m when measured from Temple Street West, with the highest point of this building equating to approx. the seventh floor level of the aparthotel. The buildings on the opposite side of Parkgate Street range from approx. 11.5m for the pub (4 storeys) to 13.5m high (5 storeys) for the apartments.
- 7.18. I consider the site can cater for additional height above the existing buildings to be demolished, given its strategic location and the context of the existing hotel, however, I am of the view that the overall nine storey height is excessive relative to the width of Temple Street West and the step up in height would in my view be incongruous, particularly when viewed from Montpelier Hill which is at a higher level. Overall the proposed 9 storey building would have an overbearing impact on the existing apartments opposite, on the street and would result in increased overshadowing. Should the Board be minded to grant permission, I am of the view that the top two floors of the proposal should be omitted by way of condition to mitigate the visual and overbearing impact on Temple Street West and to ensure a more reasonable transition in terms of height with the surrounding properties. The proposed aparthotel with the top two floors removed would be approx. 3 storeys higher to parapet level than the building on the opposite corner and approx. 2 storeys higher to parapet level than the opposing apartments. I consider this transition in scale would be reasonable in the context of the character of the area.

### Impact on 7 & 8 Parkgate Street

- 7.19. The existing hotel building is of a different scale to nos. 7 and 8, being six storeys, (with an additional two storey set back) directly adjoining no. 8, which is three storeys. The existing amenity areas serving no. 7 and no. 8 are limited, this appearing to have diminished over time with the development of the hotel. No. 8 (adjoining the existing hotel) is stated to be in residential use and no. 7 (adjoining the proposed aparthotel) is a guesthouse. The observations submitted note that the redevelopment of the existing hotel (permitted under planning ref 5772/06) had a significant impact structurally on no. 7 and 8 and also impacted negatively on residential amenity of no. 8 due to overbearance and creation of a wind tunnel effect. Past damage occurred due to piling works at the Ashling Hotel with concerns raised that this could occur again. It is contended that the proposed aparthotel will compound existing issues for both properties and result in a loss of business during construction to the guesthouse at no. 7.
- 7.20. While the proposed aparthotel will inevitably have an impact in terms of its visual dominance, I consider that the existing level of amenity to no. 7 and no. 8 has already been severely altered given the context and scale of the increasingly commercial context in which they are situated and given the scale and extent of the buildings on these plots, with limited space to the rear of the properties. Given the location of the site along an extremely well served public transport corridor and the proximity and height of the existing development relative to no. 8 in particular, I consider the increase in height adjoining no. 7 to be justified at this location and the additional impact in terms of amenity and overshadowing of no. 7 and no. 8 would not be so significant in terms of what already exists as to warrant a further reduction in height to below what has been suggested above. I consider the removal of the upper two floors, as suggested previously, will mitigate the level of dominance of the building given the lack of a set back at those levels on the western edge and furthermore the reduced depth of the aparthotel in comparison to the existing hotel with the set back of the core area, will mitigate to a degree the increased height to seven storeys.
- 7.21. Concerns raised in relation to the right for no. 8, which is an existing guesthouse, to operate and have access during the construction works is noted and also concerns raised in relation to impact on the structural stability of the works on the existing buildings. I consider these issues can be adequately addressed by way of condition.

### Impact on the Quays and Conservation Area

- 7.22. The proposed building would have a much greater presence when viewed from the wider area than what currently exists and therefore the impact of the proposal must be considered in the context of the conservation area.
- 7.23. The site is visible from Heuston Station and different points of the south side of the Quays. At present the site is not clearly visible given the height of the existing structures. The increased height of the aparthotel will however be visible. I am of the view that the height (with the top two floors omitted) would not be incongruous at this location, being of a level that ties in with the existing hotel. Given the separation distance from other landmark buildings in the area, including Collins Barracks Museum, Heuston Station, the Criminal Courts, and the separation distance from the Quays including Croppies Acre Park, the proposed building would not in my view impact negatively on the status of the Conservation Area.

### **Design**

- 7.24. Part of the reason for refusal by Dublin City Council relates to the proposal failing to comply with policy SC25 which relates to quality of design and architecture. It is stated that the proposed building by reason of its scale and elevational treatment does not contribute positively to its character or distinctiveness or protect and enhance the character and appearance of the area and its setting.
- 7.25. The applicant has submitted two alternative options for the treatment of the elevation in response to concerns raised in the planner's report in relation to the horizontal emphasis of the development in comparison to the existing hotel.
- 7.26. The proposed building comprises a primarily glazed façade to Parkgate Street, with a band of stone cladding proposed to frame the western section of the front elevation, breaking up the width of the glazed façade. Balconies are proposed fronting Parkgate Street, with the upper levels set back so that the balconies are in line with the ground floor building line. A polished black lima stone is proposed at ground level. The central body of the building comprises the lift/stair core with the front and rear sections (approx. 10m deep each) comprising the aparthotel units, offering views to the north and to the south. The proposed design differs from that of the existing hotel in its layout and form. I consider this appropriate. While I have concerns in relation to elements of the design, which are discussed hereunder,

overall I consider the proposal to be acceptable and do not consider it detracts significantly from the character and appearance of the area and its setting. I do not consider the two alternative design proposals submitted with the grounds of appeal, which locate the stone cladding panels in alternative sections, are a significant improvement on the existing proposal. I am satisfied that the design, and use of the cladding as proposed by way of Further Information, is acceptable.

#### Elevation to Temple Street West

7.27. As noted above, the stairs and lifts serving the aparthotel are positioned in the centre of the block, with large glazed sections onto Temple Street West and the western elevation. The front and rear sections of the building comprise the aparthotel units. At ground level the building presents a largely blank elevation to Temple Street West. At present the elevation of the existing hotel, which comprises approx. half of the western side of Temple Street West, is largely blank at ground level, with only the existing buildings of no. 11, 12 and 4-5 providing for street level activity. To remove the existing buildings and replace them with a largely blank ground level presence is to the detriment of the street as a whole and would further detract from the existing situation. The proposed ground level use comprises a lobby to the hotel with a 10m section onto Temple Street West, with only two limited size windows along this 10m section. There is no reason that this elevation could not comprise additional larger opes to enable passive surveillance and an active elevation to the street. Should the Board be minded to grant permission a condition in this regard is recommended.

7.28. The core of the building onto Temple Street West is to comprise a large section of frosted glazing, approx. 9m wide to the full height of the building. This is presumably to mitigate potential for overlooking of the apartments on the opposite site of the street, 11.5m from this section of the proposed façade. This is in my view unnecessary as the activity from people using the lift/lobby area will be transient and given the number of units involved, will not be so significant as to result in serious overlooking. It would be far more beneficial in my view to maintain this elevation with clear glazing to enable a more visible presence to the street. Should the Board be minded to grant permission, a condition to address this issue is recommended.

#### Materials

- 7.29. With regard to materials, it is proposed to utilise cream stone and black limestone with tinted glazing as per the existing hotel. I have serious concerns in relation to the use of dark tinted glazing as per the existing hotel. In my view the use of dark glazing would detract from the proposed building and result in a poor active frontage, resulting in a lack of intervisibility between the hotel and the street, and overall presenting as a barrier to/from the street. Tinted glazing as per the existing hotel is not considered acceptable.
- 7.30. The detail of finishes to this building given its height and dominance on this block will be critical in terms of its visual impact and samples and details should therefore be submitted to and agreed in writing with the planning authority prior to the commencement of development. A condition in relation to the glazing is recommended, should permission be granted.

### **Conclusion**

- 7.31. The subject site is located adjoining Parkgate Street and set back from Croppies Acre Park, in proximity to Heuston Station and adjoining a Luas line. The site is also within a Conservation Area, within the historic core of Dublin City. The site is an appropriate site for a high-density development. I am satisfied that the development, overall, is acceptable, subject to issues in relation to height and finishes, being addressed by way of condition.

### **Appropriate Assessment**

- 7.32. North Dublin Bay SAC (0210), North Bull Island SPA, South Dublin Bay SAC (0206), South Dublin Bay and Tolka Estuary SPA (04024) are considered to fall within the zone of influence of the project and have been considered.
- 7.33. The appeal site is a serviced site within Dublin City Centre, comprising hard surfaces within a built up area. The site is not located within or adjacent a Natura 2000 site. There are limited relevant pathways between the development and the aforementioned sites. I am satisfied that standard construction management practices would be sufficient to avoid an indirect effect on water quality during construction. I consider the potential for impact on the water quality within the designated sites is remote. In addition, the proposal for connection to the public foul network would ensure no impacts from wastewater.

7.34. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No.0210 (North Dublin Bay SAC), 0206 (South Dublin Bay SAC) and 04204 (South Dublin Bay and Tolka Estuary SPA), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### **Environmental Impact Assessment**

7.35. Having regard to the nature and scale of the proposed development and its location in a serviced built up urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **8.0 Recommendation**

8.1. It is recommended that permission be granted.

## **9.0 Reasons and Considerations**

Having regard to the Z5 zoning objective which seeks to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity, it is considered that the proposed development, subject to conditions set out below would not seriously impact on the visual amenities of the area or negatively impact on the context and setting of the quays. The proposed development therefore would be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the



further plans and particulars submitted on the 5th day of April 2018, 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. The proposed development shall be amended as follows:
  - (a) The top two floors of the development, the eight and ninth floors, shall be omitted.
  - (b) The glazed elevation to the lift/lobby area facing Temple Street West and as proposed on the western facade shall comprise clear glazing and frosted glazing shall not be permitted.
  - (c) The ground level elevation serving the lobby onto Temple Street West shall be amended to facilitate a greater number of/scale of opes to facilitate an active street frontage.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. The proposed aparthotel development shall be used only as a short-stay tourist accommodation facility with a maximum occupancy period of two months and shall not be used for permanent occupation or for use as a student residence.

**Reason:** In the interest of orderly development and to protect residential amenities.

4. Prior to the commencement of development, details of the materials, colours and textures of all external finishes, including samples, shall be submitted to, and agreed in writing with the planning authority. Dark tinted

glazing or reflective glazing shall not be permitted on the elevations of the proposed building.

**Reason:** In the interest of visual amenity.

5. Prior to the commencement of development, details in relation to signage, including positioning, materials and scale of lettering, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development

6. No additional development shall take place above roof level including the incorporation of additional plant and equipment such as lift motors, air handling equipment, storage tanks or any other external plant other than those shown on the drawings which are the subject of the current approval or unless authorised by a prior grant of planning permission.

**Reason:** In the interest of visual amenities of the area.

7. All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interest of the proper planning and sustainable development of the area.

8. Water supply and drainage arrangements, including the disposal and attenuation 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. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

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

**Reason:** To protect the visual amenities of the area.

11. 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.

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. Detailed proposals for the protection of structures and property adjacent the application site, in particular no. 7 and no. 8 Parkgate Street, shall be submitted to, and agreed in writing with, the planning authority and shall include, inter alia, proposals regarding pre and post construction condition surveys and structural surveys, detailed survey works, and comprehensive monitoring proposals.

**Reason:** In the interest of the proper planning and sustainable development of the area.

14. 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 including areas 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, and accesses to businesses, in the case of the closure of

any public road or footpath during the course of site development works

- (i) details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels
- (j) 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
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil
- (l) 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 available for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

15. The developer shall comply with the following requirements of Transport Infrastructure Ireland in relation to working in proximity to the Luas line.
- (a) The details of the final design involving Luas infrastructure and method of works impacting Luas operations shall form part of a legal agreement between the developer and TII which must be in place prior to commencement of works and granting of any permits.
  - (b) The developer shall ensure that there is no adverse impact on Luas operation and safety. The development shall comply with the “Code of Engineering Practice for Works on, near or adjacent the Luas Light Rail System”.
  - (c) Works are proposed to be carried out in close proximity to the Luas overhead conductor system (OCS) and an OCS Building Fixing. The developer or contractor shall apply for a works permit from the Luas Operator required under the Light Railway (Regulation of Works) Bye-laws 2004 (S.I. No. 101 of 2004) which regulates works

occurring close to LRT infrastructure. The permit application will require prior consultation facilitated by the Luas operator, Transdev.

**Reason:** In the interest of public safety and the operation of the Luas trams system.

16. 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.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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Una O'Neill  
Senior Planning Inspector

3<sup>rd</sup> October 2018