



An
Bord
Pleanála

Inspector's Report ABP-302264-18

Development

PROTECTED STRUCTURE: Change of use of building from public house to a five-floor media-associated uses/enterprise centre and new contemporary third and fourth floor levels above & assoc. site works.

Location

Block N ' 765, South Circular Road, Dublin 8

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3395/17

Applicant(s)

Panacea Ventures LTD

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

1. Harriet & Hannah Stewart
2. Belleuve OMC CLG
3. Brian Donovan & Fiona Fitzsimons

Observer(s)

Tara Sparling

Date of Site Inspection

06th of November 2018

Inspector

Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site includes a large three storey building located along the west side of South Circular Road, south of Sarah Bridge, Dublin 8. The building is a former mill building and was converted for use as public house as part of an overall residential development for the Bellevue complex (Reg Ref 1829/04).
- 1.2. The site fronts onto, east, the South Circular Road and is bound to the north by the River Liffey and south by a car park associated with an apartment development to the west. Fairbairn House a 5 storey apartment block, is located to the west of the site and there are similar apartment blocks further west, part of the overall Bellevue residential development.
- 1.3. The building is a Protected Structure and is located within a designated Conservation Area.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Change of use of building from public house to a five-floor media-associated uses/enterprise centre with terraces.
 - External Alterations including:
 - a) blocking up existing door on the northern elevation and reconfiguration of main entrance door for the creation of a feature lobby on the south-western corner,
 - b) at first floor level, block up 2 no windows on the western elevation and reconstruct non-original glazed extension on the north elevation,
 - c) at ground, first and second floor levels of the existing building, replacement of non-original windows, removal of non-original corner quoining and replacement of non-original plaster finish to external wall.
 - Internal Alterations including:
 - a) Removal of non-original infill extension at second floor including north facing terrace and construction of new replacement contemporary second

floor infill together with a new contemporary third and fourth floor level above (five floor, four above street level along South Circular Road), with east facing terrace at third floor and additional north and south facing terraces at fourth floor level,

- b) Removal of non-original internal partitioning at ground floor level,
- c) Works to expose the remnants of the original mill wheel at ground floor level and provision of glazed screen,
- d) Removal of non-original staircase at ground, first and second floor levels and construction of new staircase and lift shaft from ground to fourth floor,
- e) New internal partitions to provide office space and staff facilities.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission with 14 no conditions of which the following are of note:

C 3- The proposed “media-associated uses/ enterprise centre” shall accord with the definitions provided for a “Enterprise Centre” in Appendix 21 of the Dublin City Development Plan and the development shall not be used for a standard office building.

C 4- All external finishes shall be agreed in writing with the planning authority.

C 5- Prior to any construction and following the removal of internal block partitions, detailing drawing of the original structure shall be submitted to the Conservation section. Works shall be carried out as agreed by the Conservation Officer and any original feature shall be protected. Sample of materials shall be agreed with the Conservation Officer.

C 13- Submission of a Construction Management Plan

C 14- 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 both further information and clarification of further information as summarised below:

Further Information request:

1. Submission of shadow projection drawings to illustrate the impact of the third and fourth floors on the adjoining residential properties which indicated that there would be a slight overshadowing Fairbairn house residential development in early morning of March and September.
2. Submission of additional CGI- Photomontages showing additional views from the north and south illustrating the context adjacent to Fairbarin House south of Sarah Bridge along Southern Circular Road and north of Sarah Bridge.
3. Amendment of the design to ensure the surviving Mill race, water wheel and pit and ancillary features are supported inside, a more appropriate elevation and detail of conservation works to ensure a positive outcome. Alterations included the use of the mill wheel in the lobby as a centre piece, use of different external materials and confirmation that very little of the work would have an impact on the historic fabric.

Clarification of further information:

1. Further submission of drawings on foot of commentary by the Conservation Officer on the impact of the overall design on the protected structure and conservation area including a new external material, Flemish Bond hit and miss brick instead of glazing and lime render for part of façade and proposals for restoration and relocation of toilets.

The report of the area planner also refers to the change of use and the definition of “Enterprise Centre” as per the development plan.

3.2.2. Other Technical Reports

Drainage Division-No objection subject to conditions.

Roads & Traffic Division- No objection subject to conditions

Conservation Officer- No objection subject to conditions.

City Archaeologist Report- Request for additional information.

3.3. **Prescribed Bodies**

None received.

3.4. **Third Party Observations**

6 no third party submissions were received in relation to the application and those issues raised are similar to the issues raised in the grounds of appeal.

4.0 **Planning History**

Reg Ref 2405/08

Permission granted for a change of use from public house to media and associated uses / enterprise facility, incorporating modifications to existing building comprising addition of two windows on southern facade, one window on northern facade, one window on eastern facade, (external window alterations already granted permission by reference to planning 4139/06 (PL29S.219926) for 4 apartments) and ancillary internal modifications at building formerly known as Block N, (a protected structure).

Condition No 2 Compliance with the terms and conditions of permission Reg Ref 1829/04

PL29S.219926 (Reg Ref 4139/06)

Permission granted for internal modifications and change of use from public house to provide 4 no. apartments and all associated works previously granted permission for a public house within a residential development, known as Block N.

C 2- The permission was for only two apartments, one apartment permitted on the upper ground floor level and one at the first floor.

Reg Ref 1829-04

Permission granted for the refurbishment and change of use of three protected structures at 765 South Circular Road, for residential, including the change of use of Block N from office/ warehouse to public house with a new extension at second floor and additional gazed balcony/ conservatory at first floor level and changes to fenestration and façade elevations.

PL29S.203894 (Reg Ref 2317/03)

Permission refused for 68 no. apartments in Blocks L & M and public house in Block N as the public house would by reason of noise, general disturbance and traffic generation, seriously injure the amenity of property in the vicinity.

5.0 Policy Context

5.1. Architectural Heritage Guidelines for Planning Authorities, 2004. Guidelines for the development of Protected Structures and within Architectural Conservation Areas.

5.2. Dublin City Development Plan 2016-2022

The site is located within an area zoned Z1, residential, where it is an objective “*To protect, provide and improve residential amenities*”.

Permitted Uses

- Enterprise Centre is a Permissible Use
- Media-associated uses are Open For Consideration

Development standards.

Building Height: Section 16.7.2 states that proposals for high buildings should be in accordance with the assessment criteria for high buildings and development plan standards.

The site is located within an Outer City (relates to the prevailing local height and context)

Height: 16m (Residential and commercial)

Z1 Inner and Outer City

Site coverage: 45% – 60%

Plot ratio: 0.5 – 2.0

Parking

Table 16.1: Maximum Car parking, Zone 3, Enterprise/ office- 1 per 100m² GFA.

Table 16.2: Cycle space, Zone 3, Enterprise/ office- 1 per 150m².

Policy SC7: Protect important views and corridors in the City.

Policy SC17: Protect the sensitive nature of the River Liffey.

The dwelling is a **Protected Structure** and in a designated conservation area along the River Liffey, therefore the following policy and guidelines apply.

Policy CHC1: Preservation of the built heritage.

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

Policy CHC4 & CH5: Conservation Areas: Development will not harm the features of special interest in the conservation areas or involve harm to loss of traditional fabric.

Appendix 24: Protected Structures and Buildings in Conservation Areas.

Archaeology

The site is located within the **Zone of Archaeological Constraint** for the Recorded Monument DU018-020276 Water Mill and DU018-020277 Mill and also included as an Industrial Heritage Record as DCIHR 19 10 011 Flour Mills (Ice Factory) in the plan, therefore the following policies apply:

- 11.1.5.13 Preservation of Zones of Archaeological Interest and Industrial Heritage
- CHC9: To protect and preserve National Monuments.

5.3. **Natural Heritage Designations**

None relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Three grounds of appeal have been received from residents and residents groups in the vicinity of the site. The issues raised throughout each of the submissions are similar and therefore I have summarised these under similar headings below:

Planning Assessment

- The report of the area planner does not adequately address the impact of the proposal or compliance with the development plan.
- No conditions were included to restrict additional plant on the roof top.
- It is unclear from the proposal as to the storage or disposal of waste on the site.
- The proposal contravenes the zoning objective on the site and the use is not justified.
- Sections 8 & 10 of the planning application are misleading as the reference to new and existing does not match. It states that the existing use for the 1st and 2nd floor are public use and media and associated use/ enterprise which requires clarification.
- Should Reg Ref 2405/08 not have been implemented there is no established enterprise use on the site and the use should be assessed in its entirety.
- The impact of additional overshadowing on Fairbairn House was referenced in the planner's assessment and the impact on No 763 to the south was not addressed.
- No further information request referenced the impact on No 763, only Fairbairn House.

Built Heritage

- The building is located with the Islandbridge Mills complex, it is a protected structure and is surrounded by protected structures and areas of historical interest.
- Those high rise residential properties to east of the site, in Clancy Quay, are not located in a conservation area.
- The objective for conservation areas is to protect the character.
- The scale and bulk of the proposal will damage the character of the conservation area and does not respect the existing building lines or heights.

- The original building of Block N was a four storey, the proposal is for a six storey building.
- The use of the building for media is not consistent with the conservation area and the private commercial does not support the zoning.
- The development plan states that interventions to protected structures should be kept to a minimum.
- The condition requiring only media uses and enterprise centres will not preclude the use of the site for office.
- The proposal will endanger the protected structure.

Residential Zoning and development plan compliance.

- The proposed development does not comply with the zoning on the site.
- The proposal will not “protect, provide or improve residential amenities”
- The proposal does not comply with Section 16.10.12 of the development plan as it is not sub ordinate to the main building.
- The plot ratio for Zone 1 is 0.5- 2.0 and the proposal is 3.37 therefore the proposal is overdevelopment and does not comply with Section 16.5 of the development plan.
- The change of use from public house to media will lead to intensification of development on the site and have a negative impact.
- The proposed site coverage is 88% and does not comply with Section 16.6 of the development plan.
- The applicant’s architect claims the height of the building is only 15.72m tall, this is incorrect. The proposed height is 19m in height and is contrary to the development plan which only permits 16m for commercial in outer-city areas.
- Policy SC7 and SC17 require developments to be sensitive to the location along the River Liffey and respect the setting.

Residential Amenity

- The proposed use has severe impacts on the residents of Bellevue and their available amenity.

- The additional stories will have a significant overbearing impact on Fairbairn House.
- The additional height will have a considerable impact on the overbearing of residents of Fairbairn house, in particular those residents of the upper floors.
- The proposed development will devalue properties in the vicinity which is a valid consideration as per Maher V An Bord Pleanala (1993).
- The main entrance along the western elevation, beside the courtyard, is inappropriate and will increase the impact on the residential amenity and will only be 5 m from the front of door of the residential development.
- The site and surrounding area is overdeveloped at present.
- The roof terrace on the fifth floor is wholly inappropriate.
- A previous application determined by the Board (PL29S.203894) referenced the impact of the proposed development, 68no apartments on the adjoining residential amenity and removed two of these apartments, which is considered less than the proposed development currently before the Board.
- There is no restriction on the hours of operation in the building and it is considered in the event any grant of permission the opening hours would be restricted.
- All glazing along the western elevation should feature opaque glazing.
- Noise should be restricted on site during construction
- Objective SI26 of the development plan requires external lighting proposals to minimise light spillage on residential areas.

Traffic and parking

- The planned entrance located at the junction of Bellevue and the South Circular Road is unacceptable and at the entrance there is both pedestrian and vehicular passing.
- There will be an increase in taxis, cars and commercial vans.
- There is only three spaces available with the development and no loading or unloading bay.

- The South Circular Road is a major arterial route which serves the M50.
- No parking management plan has been submitted.
- 8 spaces are required to comply with the development plan standards.
- 3 spaces is not sufficient to meet the requirements of 60 employees.
- Alternative modes of transport are not supported, e.g. showers for cyclists.
- No additional parking can be accommodated on the site because of the narrowness of the laneway.
- Previous application for 68 no. apartments on the site (PL29S.203894, Reg Ref 2317/03) was refused for three reasons and one included the traffic generation and impact on the amenities of the properties in the vicinity.
- No cycle spaces have been proposed in the development.
- A Mobility Management Plan should have been required to include minimising trips to the site
- The applicant does not own or have control of any other lands to provide additional parking.

6.2. Applicant Response

- 6.3. A response from an agent on behalf of the applicant was received in response to the grounds of appeal which I have summarised under similar headings used in the grounds of appeal.

Planning Authority Assessment

- In requesting further information and clarification of further information it is evident the planner assessed the application.
- The design of the building was altered to take into consideration concerns raised in the third party submissions including reconfiguration of the internal layout, reduction in the proposed glazing, introduction of the hit and miss brick detail, vertically emphasised fenestration and removal of meeting room terraces.

Residential Development

- The application is for the continuation of use of media/ enterprise as permitted under Reg Ref No 2405/08 and it is argued the site already has the benefit of media use.
- The height of the building will return to a similar height to the original building which was 4 stories and a mezzanine floor.
- The enterprise use is permitted in principle under the Z1 zoning on the site and the media use is open for consideration.
- There is currently a mix of commercial and residential uses within the vicinity of the site.
- The development plan polices which support the promotion of an innovative city include CEE1, CEE4, CEE11, CEE16, CEE24.
- In relation to Policy SC7 and SC17 it should be noted that photomontage drawings illustrate that the proposed building will not have a negative impact on the Liffey or the surrounding area.
- A shadow projection analysis was submitted as part of the clarification of information which states that there will be no overshadowing on adjoining properties.
- There is no increase in the footprint of the building and the proposal will not cause an increase in the site coverage.
- In relation to noise, it should be noted that the change of use is from public house to media use/ enterprise centre will not increase any noise and the site is already beside a busy street.
- The applicant included the door along South Circular Road as the main entrance although clarification of information from Dublin City required the use of the entrance at the west so that the mill wheel was preserved.
- The height of the building is measured from the centre line of the building which measures 15.72, under the 16m limit.
- The proposal is not for residential and the planner did not refer to any density.

- The ground floor level has not altered and the site coverage remains the same.
- Block N is a stand-alone building which will reduce the impact on the adjoining residential development.
- The submitted photomontages do not illustrate any additional overbearing impact and Appendix A of the submission includes additional computer generated images of the proposal.
- The grounds of appeal argue the south facing terrace will result in the loss of privacy of adjoining properties. Drawing No 2016-107-FI-100 illustrates 1100mm high glazed screen around the perimeter of the terrace, set back by 500mm from the building parapet which will reduce overlooking.
- There is a separation distance from the building and the rear of 763 South Circular Road of 20m.
- The building does not include habitable space.
- In relation to the windows which face onto the apartments, the applicant is not opposed to a condition requiring opaque glazing as this area relates to a stairwell.
- The proposal will not devalue the property in the vicinity.

Built Heritage

- The proposed use on the site will not have a detrimental impact on the protected structure status.
- The character and appearance of the building relating to the protected structure will remain vastly unchanged with a major change including the removal of the door from the South Circular Road to the west of the site.
- A conservation assessment submitted with the further information reports that the mill was last four stories high.
- The historical remains of the original structure will be retained and the internal fit out will have no impact on the historical structure or wheel.

- The submission of information with the clarification of information includes revised elevations which show a balanced relationship between the penthouse and the remainder of the building.

Traffic Congestion

- The entrance is currently in use.
- The Roads and Traffic Division did not raise any issues with the proposal.
- It is noted that a Mobility Management Plan was requested by the grounds of appeal and should the Board request this the applicant is agreeable to accept a condition.

6.4. Planning Authority Response

None received.

6.5. Observations

One observation was received from a resident of Fairbairn House to the west of the site and the issues raised are summarised below:

- The development will result in a greater detrimental effect upon the local residents.
- The reconfiguration of the main entrance from the east to the west of the building will direct all the traffic to the courtyard outside Fairbairn House. The courtyard as private property and small children play here.
- The building was sold with three car parking spaces and there is no indication as to the location of these.
- The main entrance should remain on the eastern side of the building, adjacent to the South Circular Road.
- The new building height is excessive and will overlook onto the adjoining residential properties.
- A 1.1m high opaque screen will not prevent any overlooking.

- There has been no consultation in relation to the impact of the construction of the residential amenity and there is concern they will cause a significant dangerous impact on the residents and children.

6.6. Further Responses

None received.

7.0 Assessment

7.1. The main issues in this appeal and can be dealt with under the following headings:

- Principle of Development
- Development Plan Compliance
- Impact on the Built Heritage
- Impact on Residential Amenity
- Traffic and Parking
- Appropriate Assessment
- Environmental Impact Assessment

Principle of Development

- 7.2. The subject site currently includes a vacant three storey building which fronts onto South Circular Road and forms part of a residential development referred to as the Bellevue Complex. There are a number of mixed use schemes on the opposite side of the South Circular Road with café/ retail on the ground floor and residential above. The building, Block N of the original permission (Reg Ref 1829-04), included permission for a public house. A subsequent permission (Reg Ref 2405/08) was granted for a change of use from public house to media and associated uses / enterprise facility.
- 7.3. The proposed development includes a change of use from public house to a five-floor media-associated uses/enterprise centre with internal and external works including new contemporary third and fourth floor levels above the existing building. The report of the area planner noted the proposed use as an enterprise centre and

considered it would provide small-scale employment opportunities in the area. Condition No 3 stated that the proposed “media-associated uses/ enterprise centre” shall accord with the definitions provided for a “Enterprise Centre” in Appendix 21 of the Dublin City Development Plan and the development shall not be used for a standard office building.

- 7.4. The grounds of appeal argue that the principle of the media/ enterprise centre has not been established on the site and therefore the use should not be permitted. The inclusion of condition no 3 to restrict the uses in the building has also been raised as an issue and the grounds of appeal do not consider it is sufficient to restrict future inappropriate uses.
- 7.5. The subject site is located on lands zoned Z1, Sustainable Residential Neighbourhoods where enterprise centres are permissible uses and media and associated uses are open for consideration. Appendix 21 of the development plan defines an Enterprise Centre as the “*use if a building, or part therefore, of land for small-scale “starter type” industries and services usually shared grouped service facilities*”. The applicant submits that media use will include for a range of media consultancy, IT services, web design, public relations and marketing which will be operated and accommodated through open plan workspace layout. I consider these uses are reasonable to support the expanse of residential development in the vicinity of the site, are compatible with the surrounding residential use and compliment the vision for development on residential lands as set out in Section 14.8.1 of the development plan which supports a range of uses that have the potential to foster the development of residential communities.
- 7.6. I note the development description includes a change of use from public house to enterprise/ media which I consider falls under the remit of both the original planning permission for the overall residential development and public house (Reg Ref 1829/04) and a subsequent application for a change of use of public house to enterprise/ media centre (Reg Ref 2405/08).
- 7.7. Therefore, having regard to the location, pattern of development in the vicinity and the Z1 land use zoning on the site, the use either permissible or open for consideration and the planning history on the site I have no objection to the principle

of the proposed development subject to complying with other planning requirements as addressed in the following sections.

Development Plan Compliance

- 7.8. The proposed development includes an increase in the height to an existing three storey building located within an overall residential development. The total media associated uses/ enterprise centre will be 794.85m² which includes the additional 362.15m² of new development proposed on the additional fourth and fifth floors. The grounds of appeal note the guidance in the development plan relating to commercial development in the outer city and consider the proposed development does not comply with the standards and is therefore overdevelopment of the site.
- 7.9. Plot ratio/ site coverage: The proposed building is 794.85m² and the site is 228.54m². The development plan standards for Z1 zoned lands include a plot ratio of 0.5-2.0 and site coverage of 90%. The proposed development is 3.37 and 88% respectively. Whilst the proposed development exceeds the development plan standards I consider the extent of the existing building has relevance in this instance, where the ground floor coverage has not been altered by the proposed development. Section 16.5 of the development plan permits a higher plot ratio where the site already has the benefit of a higher plot ratio, is adjacent to major transport corridors, is required for regeneration of an area or in the interest of the streetscape, for example. The overall development of the site includes the reinstatement of features of interest in a protected structure, further detailed below, is accessed directly onto the South Circular Road and adjoining an apartment building which is five stories in height, therefore I consider a higher plot ratio is appropriate at this location.
- 7.10. Building Height and Scale: The site is located in the outer city and Section 16.7.2 of the development plan includes a height restriction of 16m for both commercial and residential development. The current building is located on a sloped site where access into the building, via the first floor, is from the South Circular Road. The building contains a ground floor, set below the South Circular Road, beside the car park which is the location for the new entrance into the building. The proposed height of the building from the South Circular Road is 15.72m whilst the height from the ground floor, western elevation is c. 20m. The grounds of appeal have raised issue with the height of the building which they consider does not comply with the height

standards in the development plan. The response from the applicant states that the height of the building should be taken from the central building line and therefore the 15.72m complies with the development plan. I note Section 16.7.2 of the development plan includes criteria for assessment of higher buildings including the relationship of the building with the surrounding environment, location of public transport and legibility to the surrounding area. I note the height of the adjoining residential apartment block, Fairbairn House to the west and the six storey height of the buildings on the opposite side of South Circular Road and whilst I acknowledge the inclusion of the ground floor leaves the height of the building above 16m, I consider it reasonable to conclude that the majority of the building will be visible from the South Circular Road and considering the criteria set out in Section 16.7.2 I consider the overall design and scale of the building acceptable. I consider a condition restricting any plant or additional structures on the roof of the building appropriate to prevent any further increase in height.

- 7.11. Having regard to the location of the site along the edge of both the River Liffey and the South Circular Road, in the vicinity of six storey mixed use developments along the South Circular Road and adjoining Fairbairn House, I consider the overall scale and bulk of the proposed development acceptable and in general compliance with the development plan standards.

Impact on Built Heritage

- 7.12. The existing building is a Protected Structure and located on lands designated as a conservation area in the development plan. The grounds of appeal refer to the impact of the proposed development on the conservation area and the protected structure and do not consider the design is appropriate for this historic environment. I have assessed the impact of the proposed works on the interior and exterior of the protected structure separately below which includes an assessment of the impact on the conservation area.
- 7.13. External Design: The ground floor of the existing building contains some of the features from the original protected structure including the window smaller opes and location of door. The glazing on the upper floors is a modern addition included as part of the previous permissions on the site. Following a clarification of further information request on the impact of the overall design on the protected structure,

the external design of the building was altered and included a vertical emphasis and linear windows on the new upper three floors with the existing window openings on the ground floor retained at similar locations. In addition, the external materials were altered from an initial glazed finish to a Flemish Bond or Miss brick and include sliding sash windows for the ground and first floors. The existing door fronting onto South Circular Road was removed and replaced with Georgian style traditional timber window. The proposal also includes the removal of non-original plaster to expose the original stone on the ground and first floor and repoint if appropriate and if not then render using a hydraulic lime-based render. The amended design was accompanied by an amended conservation report which states that the proposed works included the restoration of original fabric and removal of inappropriate accretions and will be an improvement to the existing building. The report of the Conservation officer considered the amendment appropriate subject to conditions relating to the inspection of the original stone on the lower floors and the construction methods.

- 7.14. Policies CHC2 and CHC4 of the development plan includes guidance for development to protected structures and within conservation areas where they will not harm the features of special interest or involve harm to loss of traditional fabric. I consider the features of interest include those openings on the ground and first floor, the original walls and internally the mill wheel, further discussed below. I note the proposal to retain and restore those original features and having regard to the high quality design and use of the Flemish Bond or Miss brick for external materials, I consider the overall design will respect the character of the protected structure.
- 7.15. I note the mix and design of buildings along the River Liffey and in the vicinity of the site and having regard to this range and the assessment above in relation to the protected structure, I do not consider the overall design and additional will have a significant negative impact on the character of the Conservation Area.
- 7.16. Internal Design: The interior of the existing building contains a Mill Wheel on north eastern corner of the ground floor, currently contained behind a block wall erected as part of the previous permissions on the site. Following a request for clarification of further information on the treatment of this mill wheel, it is proposed to move the entrance to the building from the existing along South Circular Road, to a new entrance at the west of the ground floor, and present the mill wheel and associated

mill race behind a glass screen/ wall in a reception area. The report of the Conservation Officer considered the glass screen should be omitted and the mill wheel placed on a raised platform and recommended the inclusion of a condition to require the submission of this detail and further agreement for internal works. Condition No 3 required submission of information to comply with best practice conservation guidance and did not require the inclusion of the raised platform, amongst other additional works. I note the proposal to retain and present the mill wheel and mill race within the overall development and I consider the use of glazed screening appropriate to protect and respect this feature of interest of the protected structure.

- 7.17. Archaeology: The subject site is located within the zone of archaeological significance Zone of Archaeological Constraint for the Recorded Monument DU018-020276 Water Mill and DU018-020277 Mill and also included as an Industrial Heritage Record as DCIHR 19 10 011 Flour Mills (Ice Factory). The report of the City Archaeologist noted the potential for subsurface archaeological remains to be exposed during the excavation of the proposed lift shaft and requested the submission of additional information including the submission of an archaeological assessed and where material is shown a detailed impact statement. A note was included with the additional information request requiring contact with the City Archaeologist. Condition No 14 required the submission of the information requested as additional information by the City Archaeologist in relation to archaeological monitoring during excavation. Having regard to the requirement for excavation for the lift shaft and the restricted area which will be affected (c. 5m²) I consider it reasonable to include a condition on any grant of permission requiring archaeology monitoring during ground works.
- 7.18. Therefore, having regard to the overall design of the extension and use of materials on the exterior of the building and the pattern of development in the vicinity, I do not consider the proposed development would have a negative impact on the character or setting of the Protected Structure, Conservation Area or the archaeology on the site.

Impact on Residential Amenity

- 7.19. The current building was originally developed as an ancillary facility for the redevelopment of the site and the surrounding area for residential development. The change of use to enterprise centre/ media was granted permission in Reg Ref 2405/08. The proposed development includes an additional two storeys and the use of the entire building for enterprise/ media and associated use. The grounds of appeal are submitted on behalf of the residents of the penthouse apartment within Fairbairn House, to the west of the site and No 763 South Circular Road, to the south of the site and the Bellevue residents association. It is argued that both the change of use of the building and the additional height onto the current building will have a negative impact on the residential amenities of the existing occupants.
- 7.20. Overbearing: Fairbairn House is located c. 5m to the west of the existing building and c. 15m to the closest dwelling to the south, No 763 South Circular Road. As stated above it is considered the overall design of the building is acceptable in the context of the built heritage and the increase in height is generally in compliance with the pattern of development in the vicinity. Photomontages submitted with the application were updated following a further information request to include additional views which illustrate the visual impact of the proposed development in the context of the scale of buildings around the site, in particular the residential properties in the vicinity. I consider the use of the brick and glazing on the upper floors and the overall design of the building respects the surrounding environment and allows the higher building at this location.
- 7.21. The residents of fifth floor of the Fairbairn House consider the additional floor will block their existing view to the east. I note the increase of height of the proposed building is c. 7m and will extend to meet the fifth floor of Fairbairn House to the west. The additional fifth floor is set back slightly from the building edge and includes a glazed finish. I consider the treatment of the fifth floor reducing any overbearing impact on the penthouse residents.
- 7.22. Having regard to the current height of the building adjacent to Fairbairn House I do not consider any additional residents will be impacted and I consider the distance of c. 20m from the dwelling to the south, No 763 South Circular Road will ensure no significant overbearing impact.

- 7.23. Overlooking: Section 16.10.2 of the development plan refers to a 22m separation distance between opposing rear windows although may be relaxed with appropriate design. As stated above the current building is c. 5m to the east of Fairbairn House and c. 20m north of No 763 South Circular Road. The design of the upper floors was amended following a further information request to include a vertical emphasis on the windows and inclusion of Flemish hit or miss brick. The grounds of appeal consider the proposal will cause overlooking on adjoining properties and the 1.10m high screened wall on the fifth floor terrace will not reduce any overlooking into adjoining properties. The windows along the west of the building serve internal circulation space and a response from the applicant to the grounds of appeal proposed the use of obscure glazing along this elevation should the Board require. Having regard to the location from Fairbairn House I consider the use of obscure glazing along the west elevation necessary to protect the existing resident's amenity.
- 7.24. I note access to a roof terrace is provided on the fifth floor (1.1m) and includes the opaque screen around the perimeter. I note the location of the private amenity space of the adjoining Fairbairn House is c. 5m which I consider will be overlooked from the use of the proposed roof terrace. I note the location of the current building along the River Liffey and the availability of amenity space for the employees of any future use and consider the roof terrace is not an essential requirement for the use and consider it reasonable to include a condition requiring the omission of the fifth floor perimeter screening and lift shaft and use as a roof terrace. In addition, I note the location of the additional fifth floor and the expanse of glazing proposed and I consider the inclusion of obscure glazing along the west appropriate to prevent any overlooking into Fairbairn House.
- 7.25. Overshadowing: The building is located c. 20m north of No 763 and c. 5m east of Fairbairn House. A sunlight and daylight analysis was submitted with the original application and updated on foot of alterations to the design of the building. The shadow projection drawing illustrates a shadow cast over Fairbairn House during the morning at c. 09.00 am. I note the current height of the building is three storeys and consider any additional shadow cast would radiate from the additional two stories. The adjoining Fairbairn House is a similar size where the penthouse suite is slightly elevated. I consider the impact of any additional overshadowing would be retained to

that penthouse suite on the east of Fairbairn House and having regards to the limited amount of overshadowing in the morning I do not consider there would be a significant negative on the adjoining residential amenity.

- 7.26. Entrance: The entrance into the building was changed from the existing entrance at first floor, to the east along South Circular Road, to the grounds floor at the west beside the car park. The grounds of appeal submit that the new entrance will increase the noise and disturbance and have a negative impact on the residential amenity. I note the change of entrance was required to facilitate the protection of the Mill Wheel and Race, features of interest of the protected structure, which I consider reasonable. As stated above, the proposed use as enterprise and media related uses is compatible with the residential uses and I note the existing carpark to the front of the site, which would already generate some noise, and I do not consider the increase movement of c. 60 employees during the day would have a significant negative impact on the adjoining residential amenities.
- 7.27. Hours of operation: The hours of operation have not been specified in the planning application. The grounds of appeal are concerned the proposed use will be permitted over a 24hr period and therefore will have a significant negative impact on the adjoining residential amenity. I note the previous grant of permission did not include any restriction on the hours of operation. I note the use on site is the same as previously permitted and I do not consider any activity generated from the additional floor space would have a significant negative impact on the surrounding area and I do not consider it necessary to restrict any hours of operation.
- 7.28. Therefore, having regard to the proposed use on the site, location of the development and the overall design, and a condition requiring obscure glazing along the west of the site I consider the proposed development would not have a significant negative impact on the residential amenities of those residents in the vicinity of the site.

Traffic and Parking

- 7.29. Access into the site is via the main entrance into the Bellevue residential complex along an existing laneway to the south of No 763 South Circular Road, An Cuarbhothar Theas. The proposed development includes the use of 3 existing car parking spaces on site, previously allocated to the public house in the original

permission. The grounds of appeal argue the number of spaces is insufficient to accommodate the proposed use on the site and the access into the site is insufficient to accommodate additional traffic, therefore the proposed development would have a negative impact on the traffic flow into the site and along the South Circular Road.

The grounds of appeal also note the absence of a Mobility Management Plan

7.30. Access: The grounds of appeal are concerned the access is substandard and having regard to the location on a busy South Circular Road, which includes both vehicular and pedestrian access, the proposed development will cause a traffic hazard. The report of the Traffic Department of the City Council did not raise any concerns in relation to the use of the entrance. As stated above, access into the site via An Cuarbhthar Theas was permitted for the Bellevue residential complex and having regard to the provision of 3 no car parking spaces, detailed below, I do not consider the additional traffic generated along the existing laneway would cause a significant negative impact on the traffic in the vicinity of the site.

7.31. Parking: The site is located in Zone 3 on Map J and Table 16.1 of the development plan requires the provision of a maximum of 1 space per 100m² GFA for enterprise/ office. The proposed development is 794.85m² therefore a maximum of 8 spaces are allowed. The report of the Traffic Department noted the location of the site on the edge of Zone 2 and its proximity to public transport and considered the provision of 3 spaces sufficient. I note the response of the applicant to the grounds of appeal stated that they would be amenable to the submission of a Mobility Management Plan as part of any grant of permission and development plan requirement that parking is provide as a maximum. I consider the inclusion of 3 car parking spaces sufficient subject to the inclusion of cycle provision, detailed below and a condition requiring the submission of a Mobility Management Plan.

7.32. Cycle Parking: The proposed development does not include the provision of any cycle spaces. Table 16.2 of the development plan requires the provision of cycle parking at a rate of 1 space per 150m² for lands within Zone 3, therefore 6 cycle spaces are required. The report of the traffic section notes the absence of any cycle spaces and recommended a condition for the provision of secure cycle parking and associated changing facilities. I consider the provision of cycle parking reasonable and should be facilitated within a Mobility Management Plan.

7.33. Having regard to the use of an existing entrance, the provision of 3 no car parking spaces and the requirement for the provision of cycle parking and a Mobility Management Plan, I consider the proposed development will not have a significant negative impact on the traffic flow into or throughout the site or cause any traffic hazard.

Appropriate Assessment

7.34. 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.

Environmental Impact Assessment

7.35. Having regard to the nature and scale of the proposed development 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. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to pattern of development in the vicinity, the nature, form and design of the proposed development, the Z1, residential zoning on the site and compliance with the provisions of the Dublin City Development Plan 2016-2022, in particular Policy CHC2 and CHC4, Protected Structure and Conservation Areas, it is considered the proposed development would not have a negative impact on the residential amenity of the area, have a negative impact of the character or setting of a Protected Structure or a Conservation Area or cause a 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. The proposed development shall be amended as follows:
 - (a) The proposed screened perimeter around the fifth floor and lift shaft to access the fifth floor shall be removed and the use of the fifth floor as a roof terrace shall not be permitted.
 - (b) The window/windows on the western elevation, including the fifth floor, shall be fitted with glazed with obscure glass.

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. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site, and adjoining lands under the control of the applicant, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

4. Prior to commencement of development, the developer shall provide for the

following:-

(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structure and all building facades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing façade and to retain other existing facades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and

method of construction.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures

6. 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

7. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

8. 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.

9. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any space is made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity

10. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

11. 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

12. 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.

The Mobility Management Plan shall include the provision of cycle parking 6 no cycle spaces.

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.

13. 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

15th of November 2018