



An
Bord
Pleanála

Inspector's Report ABP-302584-18

Development

The development will consist of the part extension of the Camden Court Hotel by 2 additional floors to make a total of 8 stories within the existing spine block to the rear and the further extension of the hotel with an additional 8 storey block within the existing courtyard to the rear. The proposed development will comprise 71 additional bedrooms (to provide a total of 322 bedrooms) 4 conference rooms, one lift and ancillary accommodation.

Location

Lands at Camden Court Hotel,
Camden Street Upper & Charlottes
Way, Dublin 2

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

2656/18

Applicant(s)

Brondsway Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant Permission subject to conditions

Type of Appeal	Third Party
Appellant(s)	Green Liffey Ltd.
Observer(s)	Transport Infrastructure Ireland. TII
Date of Site Inspection	14 th January 2019.
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site comprises the Camden Court Hotel property located at the junction of Camden Street Upper and Charlotte Way. The site, which has a stated area of 4,476m², is occupied by a five storey hotel with six storey courtyard block. The hotel forms the northwest corner and western boundary of a city block defined by Camden Street Upper, Harcourt Street and Charlotte Way. The hotel surrounds *The Bleeding Horse* Public House which is the focus of the junction between Charlotte Way and Camden Street Upper.
- 1.2. The site is well served by public transport and pedestrian links including the Luas green line running along Harcourt Street and a pedestrian walkway runs through the Camden Court Hotel lining Camden Street Upper and Harcourt Road.
- 1.3. The form of the site and surrounding roads were reformed in the 1990s and the area has also undergone significant change in recent years. As a result, the area is characterised by an eclectic mix in terms of use, height and architectural form with stark contrasts between newer 6 & 7 storey commercial with maximum heights 9/10 stories development and the more established three storey buildings.
- 1.4. The northern side of Harcourt Road is predominantly large-scale office buildings and smaller 3 and 4 storey residential buildings with ground floor shop local. Charlotte Way exhibits a mix of medium scale residential and ground floor shopping and larger scale office accommodation. The Garda Station site located across Charlotte Way to the north which is located behind a tall blank wall is intended for redevelopment¹ for mixed use retail and office. Camden Street Upper is divided east and west in terms of scale and use. The western side is characterised by traditional 2 storey town houses which are protected structures in various states of occupancy repair and usage. The eastern side is fronted by the Hotel and Central Bar also has a secondary entrance, on this elevation. The main hotel entrance to is from the inner courtyard.

¹ DCC Ref 2527/15, 3987/15 & ABP Ref PL29S246119 refer.

2.0 Proposed Development

- 2.1. The proposal as set out in public notices involves part extension of the Camden Court Hotel by 2 additional floors to make a total of 8 stories within the existing spine block to the rear (c906 sq.m) the further extension of the hotel with an additional 8 storey block (c2,706 sq.m) within the existing courtyard to the rear (including replacement rooftop plant), all in external finishes of glass and powder coated aluminium. The proposed development will comprise 71 additional bedrooms to provide a total of 322 bedrooms, 4 conference rooms, one lift and ancillary accommodation totalling c 3,612 sq.m.
- 2.2. The development will include new plant at roof level, modifications to existing basement layout, the reduction in hotel car parking provision from 79 to 58 spaces at ground and basement level and all associated site development including demolition works and site excavation works above and below ground, 30 existing car parking spaces for adjoining uses will be maintained at basement level to give a total of 88 car parking spaces at this level. The development will include public realm upgrades to the pedestrian route from Charlotte Way through the site including resurfacing works and planting.
- 2.3. Documentation submitted with the application notes that the hotel currently has planning permission (4370/08 extended to March 2019) for a two storey upward extension fronting onto Camden Street and Charlotte Way and a one storey expansion of its "Spine Block". This permission would add 75 rooms to the existing capacity. The proposal instead provides a new courtyard wing on pilotti above the existing southern courtyard access and spanning over the existing ground floor conference suite facilities. The design seeks to maintain the existing hotel operation during construction and will facilitate the renewal of water tanks and servicing to the existing and proposed hotel. This is achieved by placing new water tanks, combined heat and power plant, boiler rooms and solar collectors on the top floor and roof of the proposal. There is no ground floor proposed for this new wing in order to maintain neighbouring means of escape and facilitate delivery access within the existing shared surface. The proposal employs a framed construction to be completed with modular wall and façade construction. A faceted plane forms the main east west facades of the new courtyard wing. The faceted surface is clad in

glass to reflect light into the courtyards. The geometry is designed to minimise sound reverberation within the courtyard and windows are angled to heighten variation in main wall and to cloche view from and into bedroom suites. The stated intention is to provide contrast with the surrounding predominantly brick buildings with a play of light and shadow on the surface and reflected light placing on the brick surfaces of its surroundings. The proposed extension to the existing six storey spine building by two floors provides for additional plant space on the roof. The overall height of the proposal is 26.077m including rooftop plant.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By Order dated 21st August 2018, Dublin City Council issued notification of its decision to grant permission which was subject to 12 conditions including the following of particular note:

- Condition 2 Development contribution €253,056.72 in accordance with the approved Section 48 Development Contribution Scheme.
- Condition 3 Development Contribution €137,256.00 in respect of the Luas Cross City Scheme.
- Condition 4 Central corridor window at fifth sixth and seventh floors on eastern elevation to Block 1 shall be opaque glazing only.
- Condition 9 Construction management plan. Cycle parking to basement.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Initial Planner's report sought additional information to address potential for negative impact on adjoining properties, encroachment, adverse impact to daylight access, overlooking, construction and implementation rights to escape and ventilation.

3.2.1.2 Final planner's report asserts that the site is within a strategic development and regeneration area where the objective is to allow for the most efficient use of scarce urban land while facilitating and delivering improved pedestrian linkages to create a highly permeable and connected urban quarter. The proposed extension will not be highly visible from the conservation area and while there will be some reduction to daylight / sunlight access of neighbouring office buildings the impact overall is not considered to be significant and such impacts are considered to be expected on tight commercial sites within the city centre. Permission recommended.

3.2.2. Other Technical Reports

3.2.2.1 Environmental Health Report indicates no objection subject to conditions.

3.2.2.2 Engineering Department, Drainage Division. Indicates no objection subject to conditions.

3.2.2.3 Roads Streets and Traffic Division report notes proposal to modify basement layout with the reduction in car parking from 79 to 58 spaces. No objection subject to conditions regarding a construction management plan. Provision to be made for cycle parking. Car parking to be permanently allocated to the proposed use and not sold, rented or otherwise sub-let to other parties. Landscaping should not to impede vehicular access route.

3.3. Prescribed Bodies

3.3.1 Transport Infrastructure Ireland submission notes that the proposal falls within an area set out in a Section 49 Levy scheme for Light Rail. The Section 49 scheme lists several exemptions where the levy does not apply.

3.3.2 Failte Ireland. Notes the acute shortage of hotel bedrooms. Proposal would be a valuable addition to the accommodation stock in the city.

3.4. Third Party Observations

3.4.1 Submissions from John Spain Associates on behalf of Hollandhill Unlimited Company and Oglethorpe Unlimited Company both of whom have an interest within

this city blocks (Blocks 1, 8 and 9) and own land abutting to the eastern boundary of the site and to the basement and parking spaces within the basement. Proposal provides for building to the property boundary without due regard to potential future development of the observer's lands, particularly Block 1. Provision of glazing to this elevation may prevent future development of block 1 due to light considerations notwithstanding the commercial nature of the buildings, as the applicant is providing glazing to the boundary. Request no glazing to boundary. Drawings ambiguous as to treatment of eastern elevation. If permission is granted request a condition requiring no glazed openings at fifth, sixth and seventh floor to the eastern elevation proximate to block 1 and this elevation be solid non-transparent construction.

3.4.3 Submission by John Spain & Associates on behalf of Green Liffey Ltd. owners of blocks 4 and 5 of the Harcourt Business Centre immediately to the south-east note concerns regarding impact on amenity of blocks 4 and 5, and encroachment of 8th storey into landholding. Note minimum space required for ongoing maintenance. Potential impact of micro piling operations on foundations or basement of block 4 or block 5. Major impact on Block 3 in the context of BRE 209. Insufficient detail provided regarding treatment of gable wall. Concerns regarding escape routes and accessibility to those occupants of block 4 owing to the proximity of a new stair core within the proposed new building adjacent to the northern façade on the legal boundary line. This may result in conflicting routes of exit. Impact of ventilation grill to car park arising from escape stair core.

4.0 Planning History

2160/18. Application withdrawn. – Sought permission for extension of existing hotel by 2 additional floors, the further extension with an additional 8 storey block within the courtyard to the rear.

4370/08 Extended to 8 March 2019 by 4370/08/x1. Permission granted to add two extra floors onto the existing hotel along Camden Street and Charlotte Way elevations. The development includes the consolidation of the rooftop plant rooms and addition of one extra floor to the internal courtyard block making a total of 7 storeys including plantroom level. The development would deliver 75 bedrooms.

2393/08 Permission refused to extend upwards with 2 extra floors on Camden Street and Charlotte Way elevations making a total of 7 storeys including mansards, demolition of rooftop plant rooms and addition of 4 extra floors to make a total of 10 stories (including rooftop plant room) internal courtyard block at rear all in external finishes of brickwork natural slate and zinc to match existing/ proposed development to comprise 122 bedrooms, 2 lifts and ancillary accommodation totalling 4,352,52 sq.m . Refusal on grounds of being visually obtrusive and out of character.

Nearby sites

2944/15 Permission granted for development block 5 of Harcourt Centre by way of provision of additional infill office floorspace at fourth floor level (to the western and southern elevation and provision of a new fifth floor sixth storey.

247635 1-5 Upper Camden Street and 49 Lower Camden St and Grantham Place. Change of use of buildings and erect new buildings for hotel with bar / restaurant (Protected Structure)

246119 Mixed use development of retail and offices at current Garda offices on site bounded by Charlotte Way and Harcourt Street.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Dublin City Development Plan 2016-2022 refers. The site is zoned Z4 – District Centres. The relevant objective is “*To provide for and improve mixed service facilities*”.

5.1.2 The site is adjacent to the Camden Street Conservation Area and within a zone of archaeological influence.

5.1.3 SDRA 18 -National Concert Hall Quarter

“The national Concert Hall quarter (NCHQ) is uniquely positioned to develop as a distinct but connected, cultural, commercial and residential urban quarter, with its own character, identity and architecture, and by adopting an urban scale and grain

that can deliver the quality and scale of commercial space required by a contemporary city.

The objectives of the NCHQ SDRA can provide for a number of significant benefits including accessibility and linkages with the Iveagh Gardens, in order to establish the area as a key cultural destination attraction in the city centre. Significant public realm and streetscape improvements, and funding for same can be delivered in an integrated manner through the SDRA designation. The SDRA can also deliver a critical mass of employment generating land uses.

Overall objectives include:

- To promote the development of vacant and under-utilised sites in the character area for high quality commercial development and other uses.
- To promote the development of buildings of up to 9 storeys commercial to ensure critical mass is achieved to support public transport service and ensure the most efficient use of scarce urban land, subject to preparing visual impact assessments and photomontages to verify the appropriateness of any proposed development in its city wide and local context.
- To ensure that the architectural composition and design of buildings and clusters of buildings contribute to the sense of place and identity and character of the area.
- Any proposals for development must have regard to the existing views and vistas from the South Georgian core, while also contributing to the establishment of a distinct form, character and appearance of the National Concert Hall quarter.

5.1.4 The site is within the Zone of Archaeological Constraint for recorded Monument DU018 051 and within zone of archaeological interest.

5.1.5 Policy in relation to Tourism CEE 12.

- 16.2 Design Principles and Standards.

“All development will be expected to incorporate exemplary standards of high quality sustainable and inclusive urban design and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.

In the appropriate context, imaginative contemporary architecture is encouraged provided that it respects Dublin’s heritage and local distinctiveness and enriches its city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance. In particular, development will respond creatively to and respect and enhance its context.”

- 11.1.5.6 Conservation Area – Policy Application

“All new development must have regard to the local context and distinctiveness and the contribution to the local scene of buildings, landmarks, views, open spaces and other features of architectural, historic or topographical interest. The general design principles are set out in a separate policy but it is particularly important within Conservation areas that design is appropriate to the context and based on an understanding of Dublin’s distinctive character areas.”

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by John Spain Associates on behalf of Green Liffey Limited, owner of Blocks 4 and 5 of the Harcourt Business Centre which lies immediately to the southeast of the proposed new block situated within the courtyard to the rear of the Camden Court Hotel, fronting onto Harcourt Road. Grounds of appeal are summarised as follows:

- Concerns relate to the proposed development and its influence and impact on the amenity of blocks 4 and 5 and maintains that the proposal encroaches onto appellant's landholding
- Further information response fails to address issues of amenity and efficient functionality of block 4 and 5 of the Harcourt Business Centre. This relates particularly to the gable wall facing onto blocks 4 and 5. At present the gable of Block 5 is cleaned by abseil and block 4 via high reach cleaning from ground level. Proposal should take account of minimum space required for ongoing maintenance and cleaning of the existing building.
- Concerns arise in relation to practical issues of construction management.
- Clarity required with regard to the redline boundary of the site and apparent convergence and conflicts with lands associated with block 4.
- No detailed information provided on micro piling operations associated with the proposed development to ascertain potential impacts on foundations or basement of block 4 or block 5.
- Traffic management during the construction phase is not adequately addressed.
- Noise dust and other issues.
- Applicant fails to address major adverse impact to Block 4 in the context of BRE 209.
- Façade treatment in terms of the quality of materials on elevations is not addressed. South elevation drawing required.
- Concerns arise regarding escape routes accessibility to the occupants of block 4 owing to the proximity of new stair core to the legal boundary line. This may result in conflicting route of exit.
- Implementation of the escape stair core at ground floor level of the proposed new 8 storey building will directly conflict with and require the removal of a section of an existing car parking ventilation grills. This will incur significant issues from an operational perspective to the basement in respect of ventilation.
- No objection to the principle of development and the appropriate intensification of the adjoining lands. Significant concerns arise with regard to impact on amenity and functionality of blocks 4 and 5 of Harcourt Business Centre.

6.2. Applicant Response

6.2.1 The response on behalf of the first party comprises a cover document from Brock McClure, Planning and Development Consultants with accompanying submissions from ACH Architects and Axiseng, Consulting Engineers with regard to daylight & sunlight and submission by Hanley Pepper, Consulting Engineers with regard to construction management plan. The response is summarised as follows:

- Boundary of the site was agreed between the applicant and previous owners of Block 4 & 5 Harcourt Business Centre. Discrepancies regarding the boundary were identified at further information stage in relation to outer wall thickness. These have now been rectified. Boundary issues lie outside the planning remit.
- Siting has sought to address existing stairwells of the adjoining blocks 4 and 5 of the Harcourt Business centre to avoid adverse impacts in relation to access to sunlight and daylight. Any windows minimally impacted on Blocks 4 & 5 are north facing and adjacent to stair core with minimal exposure to direct sunlight. The open plan layout of these buildings will allow sufficient sunlight to be gained from the south façade on Harcourt Road.
- Design and materials. High quality facade systems and deliberate siting to provide 22m separation distances between opposing windows. Bedroom windows angled to further reduce instances of overlooking. Siting design and materials contribute to the upgrade of the public realm at this location.
- Rippling effect allows for reflections of light within the hotel and onto the internal courtyard and pedestrian route. The feeling of space within the hotel bedrooms and articulations in the façade allow for reflections of light and shadow effects that will animate the internal courtyard.
- Extensive pre-planning consultation undertaken with Dublin City Council to agree an appropriate design and siting.
- Proposed block extension is appropriately screened from external street view to minimise visual impacts and the high-quality materials proposed will add visual interest to this city block.
- Appropriate means of escape for Block 4 & 5 will not be compromised.

- Construction methodology demonstrates that framed and panelled construction facilitates construction within the site boundary.
- Proposal is well designed with regard to impact on sunlight and daylight. Concerns raised by the third party are not supported by technical analysis.
- Vents are within the car park in the ownership of the applicant and the proposal will not impact negatively on the overall ventilation system.
- In respect of the south gable elevation the proposed wall construction is a prefabricated steel framed panel with integral insulation board and white smoothcast render finish to be site fixed to the steel frame.
- No alteration proposed to fire escape routes from the adjoining properties.
- Proposal will cover 8.7m² of the existing basement car parking ventilation. The basement is ventilated with the assistance of a mechanical system which shall be adjusted to address the reduction in natural ventilation and comply with relevant building standards.
- Micro piling is proposed based on the restricted head heights of the basement car park areas. The process will require coring through the existing basement slab. followed by rotary core drilling through the subsoil to allow the insertion of Bolton driven steel tubes to the required formation followed by pumped concrete filling of the steel tubes.
- On the issue of light, the impact is negligible and minor adverse in respect of the overall development, 64 out of 109 windows on surrounding buildings experience less than 20% reduction in skylight represent negligible to minor beneficial impacts. Notably Environmental Impact assessment in BRE 209 would classify building 4 as an office building type not having a strong requirement for sunlight or daylight in rooms types such as living room in a dwelling.

6.3 Planning Authority Response

6.3.1 The Planning Authority did not respond to the grounds of appeal.

6.4 Observations

6.4.1 Submission from Transport Infrastructure Ireland TII notes that the proposed development falls within area set out for Section 49 Levy Scheme Luas Cross City (St Stephen's Green to Broombridge Line) Contribution Scheme.

7 Assessment

7.1 I propose to assess the appeal under the following broad headings.

- Principle of Development
- Design and Visual Impact
- Impact on adjacent amenity
- Other Matters

7.2 Principle of development

7.2.1 The appeal site is located on lands zoned Objective Z4; *"to provide for and improve mixed service facilities"* under the provisions of the Dublin City Development Plan 2016-2022. The proposed extension of the existing hotel use on the site is consistent with this zoning objectives. The Development Plan includes a number of provisions and policies which set out strong support for the tourism industry including Policy CEE12 in particular which seeks to promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, apart hotels, tourist hostels, cafes, and restaurants, visitor attractions, including those for children. The ongoing demand and bedroom shortage in Dublin City is well documented and a justification for the development is set out in detail within the application and accompanying documentation.

7.2.2 As regards the requirements for the development of SDRA 18 National Concert Hall Quarter as set out at 15.1.1.21, of the Dublin City Development Plan 2016-2022, I

have noted that the development plan sets out guiding principles for strategic development and regeneration areas (SDRAs). In relation to SDRA 18, I note a number of overall objectives which are particularly pertinent in terms of the assessment of this appeal

- to create a critical mass of employment generation lands uses to utilise the investment in public transport in the area and to facilitate the delivery of additional planned public transport services.
- to promote the development of vacant and under-utilised sites in the character area for high quality commercial development and other uses.
- to facilitate and deliver improved pedestrian linkages between the areas key open spaces and streets, creating a highly permeable and connected urban quarter that ensures vibrancy.
- to create significant improvements to the public realm through the character area through economic development and investment, creating lively streets and passive surveillance, contributing to a vibrant and attractive urban area. Development in the National Concert Hall quarter should create pedestrian linkages through the Iveagh Gardens to the National Concert Hall, and the development of high quality public space on Hatch Street Upper to signal a new public entrance to Iveagh Gardens from Hatch Street.
- to promote the development of buildings of up to 9 storeys commercial to ensure critical mass is achieved to support public transport services and ensure the most efficient use of scarce urban land, subject to preparing visual impact assessments and photomontages to verify the appropriateness of any proposed development in its city wide and local context.
- to ensure that the architectural composition and design of building and clusters of buildings contribute to the sense of place and identity and character of the area.

7.2.3 The proposed development delivers a number of significant benefits in terms of improved accessibility, linkages and public realm improvements in line with the Development Plan aspirations for the National Concert Hall Quarter. On the basis of the foregoing I consider that there is a strong policy support in the development plan for the nature of development proposed and indeed I note that the principle of

development is supported by the third-party appellant. Thus, it is appropriate to advance the assessment to the detail of the proposed development.

7.3 Design and Visual Impact

7.3.1 On the issue of site plot ratio the proposal is 4.4 which exceeds the 2.0 plot ratio standard indicated within the development plan for Z4 lands. However, I note that the Development Plan provides for a degree of flexibility where a higher plot ratio may be considered more appropriate adjoining public transport corridors or where an appropriate mix of residential and commercial uses is proposed, or to facilitate comprehensive redevelopment in areas in need of urban renewal or where a site already has the benefit of a higher plot ratio. Notably the permitted development provides for a plot ratio of 3.0 which also exceeds the standard. As regards site coverage the proposal equates to 59.52% which is in accordance with the development plan indicative standard 60%.

7.3.2 As regards the siting, design and form of the proposed extension in the context of the location of the site within a conservation area, the documentation submitted with the application indicates that in terms of alternatives the permitted extension to the perimeter block (4370/08) of the hotel would have a significantly greater impact on the conservation environment. Instead the internal courtyard location and format of the proposed extension seeks to enliven the existing internal blocks and will be largely invisible from the surrounding streets. The design approach is based on a glazed panel format with vertical coloured fins and angled projecting bays which seek to reflect sunlight, and is in keeping with the glazed systems incorporated within more recent development in the vicinity. The overall height of the extension 26.07m is under the height limits as set out within the development plan.

7.3.3 I consider that having regard to the characteristics of the site, and location within the National Concert Hall Quarter, the opportunity for innovation in terms of format exists. Having reviewed the design statement and the details of the proposed development I consider that the approach in terms of siting and design has been

justified. I note the detail of evolution of the design and I consider that the proposal, in terms of its presentation to established adjacent development appropriately mitigates impacts arising. The resulting visual impact which is innovative and contemporary provides for a fresh sense of identity to the inner courtyard which is in tune with the objectives of the development plan and policy goals for this area. In my opinion the design and scale of the development is appropriate to the site and is successful from an urban design perspective.

7.4 Boundary Issues. Overshadowing & Impact on established amenity.

7.4.1 The specific issues raised within the grounds of appeal relate to the impact of the proposal on the amenity and efficient functionality of blocks 4 and 5 of the Harcourt Centre. Concerns are expressed with regard to alleged encroachment beyond the site boundary and potential issues with regard to construction impact and ongoing maintenance of the existing Harcourt Centre building.

7.4.2 On the issue of alleged boundary encroachment, I note that matters of ownership are essentially civil matters between the parties and are not strictly matters for determination within the scope of planning legislation. In this regard I would refer the parties to Section 34 (13) of the Planning and Development Act 2000, as amended as follows: "A person shall not be entitled solely by reason of a permission under this section to carry out any development".

7.4.3 On the issue of construction impacts the construction methodology statement outlines that the proposed framed panelled construction will facilitate the construction from within the site boundary.

7.4.4 As regards design mitigation the proposal presents a minimal gable profile and is aligned to approach the existing stairwell of Block 4 and 5 of the Harcourt Centre thereby avoiding office space. In respect of the south gable elevation the proposed wall construction is a prefabricated steel framed panel with integral insulation Board and white smoothcast render finish to be site fixed to the steel frame. In relation to emergency escape, submissions on behalf of the first party clarify that the existing

arrangement is not affected. As regards impact on ventilation to underground car park I note that the first party has confirmed that the existing mechanical system shall be appropriately adjusted to address the reduction in natural ventilation.

7.4.5 On the issue of overshadowing, sunlight and daylight these issues are addressed in the context of the BRE Site Layout Planning for Daylight and Sunlight within the report Daylight and Sunlight Impact by Axiseng Consulting Engineers, submitted in response to the request for additional information. The proposal will give rise to increased shadowing of block 1 and block 8. As regard daylight skylight a significant reduction in Vertical Sky Component VSC ranging between 20-40% was identified on ground, first and second floor of block 1. In relation to block 4 a number of windows experience a reduction of over 40% in vertical sky component representing substantial adverse impacts. Notably VSC calculations do not include the effect of reflected light from the proposed extension which, based on the proposed light coloured finish, will aid mitigation of any perceived loss of visual amenity. With regard to sunlight availability a number of windows will experience substantial adverse reduction. Blocks 4 and 5 currently receive less than 25% of annual probable sunlight hours and the proposal will result in a further diminution. The overall conclusion of the Axiseng report is that the impact in terms of daylight and sunlight is negligible and minor adverse based on the fact that 64 out of 109 windows on surrounding buildings experience less than 20% reduction in skylight. The report further notes that as acknowledged within BRE 209 an office building does not have a strong requirement for skylight or sunlight in room types such as living room in a dwelling.

7.4.6 The submission on behalf of the appellant is critical of the conclusions drawn with regard to an overall minor adverse impact in terms of vertical sky component values and annual probable sunlight hours. The appellant asserts that the impact of the proposed development on Block 4 is major adverse based on the fact that all windows in block 4 façade experience some level of reduction in skylight availability, and the loss of light in a large number of the windows is substantially outside the BRE Guidelines. Approximately 65% of the windows tested experience a reduction below 80% of their former value, with 13% of the windows tested experiencing a reduction to below 60% of their former value. I note that the proposal will result in a

perceptible impact however I consider that the impact having regard to the location of the site and the zoning objectives with regard to the National Concert Hall Quarter, the impact arising is outweighed by the potential benefits arising to the city of additional hotel accommodation and improvements to the public realm.

7.5 Other Matters Appropriate Assessment & Environmental Impact Assessment Screening

7.5.1 The site is not located within or directly adjacent to any Natura 2000 sites. In relation to the identification of the sites which would be potentially affected using the source pathway receptor model there are 24 Natura 2000 sites (16 SACs and 8 SPAs) within 15km of the proposed development. The nearest Natura 2000 sites are the South Dublin Bay cSAC (Site Code 000210) 3.1km and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) 3.4km. The site is not of importance to the qualifying interests of either Natura 2000 site.

7.5.2 Having regard to the nature and scale of the development and nature of the receiving environment and proximity 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 and projects on a European Site.

7.5.3 It is reasonable to conclude that on the basis of the information on the file, which I considered 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 any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

7.5.4 the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) "*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*". Having regard to

the size of the development site (.3148ha) and scale of the development, it is sub threshold and does not the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an EIAR is not required.

Recommendation

Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

Reasons and Considerations

Having regard to the city centre location of the development, the planning history on the site and pattern of development in the area, to the provisions of the Dublin City Development Plan 2016-2022 and to the nature, scale, layout and design of the proposed development, it is considered that the proposed development would provide for a vibrant form of development which is likely to assist in the achievement of the wider objectives for the National Concert Hall Quarter. Subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or other amenities of the area or of adjoining property, would be acceptable in terms of impact on architectural and cultural heritage of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions.

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and submitted on the 6th day of July 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 corridor window to fifth, sixth and seventh floors to the eastern elevation shall be glazed with obscure glass.

Reason: To mitigate impact on established amenity.

- 3 Seven additional no bicycle parking spaces shall be provided within the site. The layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Car parking spaces shall be permanently allocated to hotel use and shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development in the interest of sustainable transportation.

4. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roofs of any of the building;

height shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

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

Reason: To protect the visual amenities of the area.

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

Reason: In the interest of public health.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

9. Prior to the commencement of development, the developer shall submit and agree in writing with the planning authority a landscaping and amenity scheme. The scheme shall include details of the materials/planting for all hard and soft areas. The approved scheme shall be completed prior to occupation of the development. On completion of the landscaping/amenity scheme for the development, the developer shall submit to the planning authority a certificate of completion from a suitably qualified landscape designer confirming that the landscaping works have been satisfactorily carried out in accordance with the approved landscaping/amenity scheme. The developer shall be responsible for full maintenance of the landscaping and for the replacement of all failed stock. A copy of the maintenance agreement with a suitably qualified person shall be submitted with the required certification.

Reason: In the interests of visual amenity.

10. 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.

11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. The construction of the development shall be managed in accordance with a construction and demolition 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 area 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 parking / transport facilities for site workers during the course of construction
- (e) Details of timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) measures to obviate queuing of construction traffic on the adjoining road network
- (g) Measures to prevent the spillage or deposit of clay rubble or other debris on the public road network;
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of 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 specifically 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.

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

13. 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 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.

14. 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.

- 15 The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning Authority under Section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Bríd Maxwell
Planning Inspector

18th January 2019