



An
Bord
Pleanála

Inspector's Report ABP-303553-19

Development	Provision of an additional 9 bedrooms at Lower Ground Floor Level in lieu of four previously permitted meeting rooms (increasing the total number of bedrooms from 132 permitted to 141)
Location	17-18 and 19 Moore Lane, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4352/18
Applicant(s)	QMK Dublin Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	QMK Dublin Ltd.
Observer(s)	TII
Date of Site Inspection	29 th April 2019
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located in Dublin City Centre on the western side of Moore Lane, at the junction of Parnell Street and Moore Lane.
- 1.2. The site, which has a stated area of 603sqm, is approx. triangular in shape, with a short axis along Parnell Street (approx. 22m) and a long axis along Moore Lane (approx. 47m). The subject site is currently in use as a surface car park with access from Moore Lane. The boundaries along Moore Lane and Parnell Street comprise a wall with hoarding along sections of Moore Lane and Parnell Street. The western boundary is formed by the gable of the Jury's Inn Hotel building. Conways Pub, a protected structure, is located on the eastern side of Moore Lane on the opposite corner to the site. Moore Lane, to the south/rear of Conway's Pub comprises the rear of buildings which have frontage to O'Connell Street Upper. A small laneway, O'Rahilly Parade, runs to the south of the site linking Moore Street and Moore Lane. Moore Lane and O'Rahilly Parade are currently service lanes serving the rear of buildings fronting onto main thoroughfares as well as accommodating some warehousing and small scale offices.

2.0 Proposed Development

- 2.1. The proposed development comprises the following
 - Revision of planning permission, DCC Reg Ref 3303/18, to provide for 9 bedrooms at lower ground level in place of 4 previously permitted meeting rooms; amendments to the permitted internal layout; and all ancillary development above and below ground.

3.0 Planning Authority Decision

3.1. Decision

Permission REFUSED for the following reasons:

R1: The proposed provision of hotel bedrooms below street level would not provide for an acceptable quality of development in this marginal location fronting a service laneway which is in need of regeneration, and would set an

undesirable precedent in this regard, which would be contrary to the zoning objective for the site, i.e. Z5 -'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity', and to the proper planning and sustainable development of the area.

R2: The proposed development would materially contravene a condition attached to a previous grant of permission (i.e. condition 10, Reg. Ref. 3303/18) which states that the meeting rooms permitted at lower ground floor level are not to be used as hotel bedrooms or overnight accommodation. It is considered that the proposed use of the rooms at lower ground floor level as bedrooms would detract from activity at street level and from the interface between the site and Moore Lane, thus militating against the regeneration of Moore Lane and being contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority. The following is noted:

- While the planning authority does not normally permit apartments at basement level, they have been permitted in certain cases, including the conversion of protected structures, subject to acceptable natural light being provided to habitable rooms. In the case of hotels, there would be a general presumption against bedrooms at basement level although there are cases where these have been considered acceptable, again including in the case of conversion of buildings on Georgian streets or squares, some of which are protected structures.

3.2.2. Other Technical Reports

Drainage Division: No objection subject to conditions.

Archaeology: No objection subject to conditions.

Roads and Traffic Division: No objection. There is an existing CPO agreement for a road widening scheme on Moore Lane. It is noted that the proposal does not appear to impact on the line of the CPO. A 1.8m wide footpath is proposed along the Moore Lane frontage while the building line will fronting onto Parnell Street will be in line with Jury's Hotel on the adjoining site.

3.3. Prescribed Bodies

TII: No objection subject to condition.

3.4. Third Party Observations

None.

4.0 Planning History

Reg. Ref. 3303/18 – Permission GRANTED for a seven-storey over basement 132-bed hotel, with reception area, bar and restaurant at ground floor level, four meeting rooms at basement level and 132 bedrooms at first to sixth floor level.

Condition 10: The meeting rooms hereby approved shall not be used as hotel bedrooms or for overnight accommodation.

Reason: To ensure a satisfactory standard of development.

PL29N.245235 – Permission GRANTED for two hotels, retail units, and public bar/restaurant at 17, 18, 19 Moore Lane and at 30 Moore Street.

The development on that part of the site at Moore Lane (subject of the current appeal) comprises a 102 bed hotel over seven storeys plus basement.

Condition 7: The meeting rooms hereby approved shall not be used as hotel bedrooms or for overnight accommodation.

Reason: To ensure an adequate standard of development.

The following is of relevance on an adjacent site:

Reg. Ref. 3304/18: Permission granted for development on site of c. 48m² at No. 30 Moore Street, to consist of provision of a seven-storey over basement level building comprising five aparthotel/serviced apartment units (measuring 298m² gfa in total

across all floor levels) and a retail unit (measuring 12m² gfa at ground floor level) with a terrace at sixth floor level on the Moore Lane elevation; building to have a total gfa of 310m²; development to also consist of lighting, associated site servicing (foul and surface water drainage and water supply), provision of SUDs measures, including a sedum roof, hard and soft landscaping, changes in level and all other associated site excavation and site development works above and below ground.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

- **Zoning Objective Z5:** to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity. Hotel is a permissible use within this zone. The strategy is to provide a dynamic mix of uses which interact with each other, help create a sense of community, and which sustain the vitality of the inner city both by day and night.
- Site adjoins an Architectural Conservation Area.
- Site is in proximity to Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City), which is listed on the Record of Monuments and Places (RMP).
- **Policy CHC4:** To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness.
- **Policy CEE12 (i):** To promote and facilitate tourism ... and to support the provision of necessary significant increase in facilities such as hotels, apart hotels...
- **Policy CEE13 (iii):** To promote and support the development of additional tourism accommodation at appropriate locations throughout the City.

5.2. Natural Heritage Designations

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

5.3. EIA Screening

The proposed development is not of a class for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted by the applicant and the issues raised are summarised below:

- The proposal complies with Dublin City Development Plan 2016-2022.
- The site is highly accessible by multiple modes of public transport.
- There is no material difference in the quality of the level of amenity enjoyed by the residents of the permitted guest bedrooms on the upper floor and the proposed lower ground floor bedrooms. The rooms are of greater size than some other bedrooms proposed on the upper levels and are of equal internal quality.
- The proposed bedrooms would be in accordance with building regulations and Failte Irelands Hotel Classification Scheme.
- The proposal should not be assessed against residential or aparthotel standards. The primary expectations of residents residing in the hotel are the requirement for comfort and a good night's sleep.
- The site's plot ratio and site coverage are irrelevant to the subject proposal, which proposes no amendments to the permitted scheme's floor areas.
- Precedent has been set already for basement hotel rooms at Belvedere Hotel and no. 25 Upper Pembroke Street.
- The nature and character of use proposed is consistent with the Z5 zoning and thus complies with the development plan's aim to promote active uses in the city.
- Had the condition of the previous permission relating to the use of the basement not been applied, the meeting rooms could have been converted to bedroom use in accordance with section 4(1)(h) of the planning and

development act as the proposal does not result in significant intensification of use on site.

- The application has no bearing on the regeneration of Moore Lane.
- Having regard to the width of the lightwell, it will not be possible to view the bedrooms internally from Moore Lane. The use at this level is irrelevant to the issue of street activity or animation.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

TII: No objection subject to conditions.

6.4. **Further Responses**

None.

7.0 **Assessment**

Zoning

- 7.1. The subject site is located within zoning objective Z5 -‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’. Hotel is a permissible use within the zoning objective for the area.
- 7.2. The primary issue for assessment relates to the layout and design of the proposed basement for use as bedrooms.

Layout and Design

- 7.3. I note the previous history on the site whereby the previous two applications (Reg. Ref. 3303/18 and PL29N.245235) permitted a hotel. Both permissions comprised a condition requiring that the meeting rooms at the lower level/basement be utilised as such and specifying the rooms should not be used as hotel bedrooms or for overnight accommodation in order to ensure an adequate standard of development.

The applicant is currently proposing nine bedrooms in lieu of the four meeting rooms permitted at basement level. The proposed bedrooms at basement level each comprise a window which face onto a blank wall/proposed greenery 1m from the windows, with this 1m wide external space acting as a lightwell from the street level above.

- 7.4. The applicant argues that the daylight report submitted indicates the level of daylight would be sufficient if measured as a bedroom in an apartment and the applicant also highlights that current Failte Ireland hotel classification standards have no requirements in relation to the quantum of daylight bedrooms should receive. Furthermore two applications are quoted whereby bedrooms in hotels at basement level have been permitted.
- 7.5. Notwithstanding the daylight report received, I note that Moore Lane is narrow and is in effect a service laneway. The level of daylight and sunlight entering the basement rooms via the lightwell would be limited, given the narrow width of the lightwell at 1m and the narrow width of the street above. The applicant identifies 27 other bedrooms within the scheme served by internal lightwells. I note that one of the identified lightwells is significantly larger than proposed in this application, albeit one lightwell is in my view quite limited with the internal arrangement resulting in a compromised element to the design of a limited number of bedrooms. This proposal is for an additional floor of bedrooms with clear limitations at the outset by virtue of the design and location of the floor at basement level with an extremely poor outlook onto a wall 1m from the proposed windows, which would impact on the amenity of future occupants. Overall, I am in agreement with the two previous permissions on this site by DCC and ABP, which specified the basement level not be utilised for hotel bedroom or overnight accommodation use due to the impact on the standard of development being provided for future occupants.
- 7.6. The applicant quotes two examples where bedrooms have been permitted in Dublin City at basement level, one on Belvedere Street and one on Upper Pembroke Street. These sites contained protected structures which were being redeveloped and I am of the view that their context cannot be fully compared to this site. That being said, I would note with regard to 25 Upper Pembroke Street (Reg. Ref. 3104/15), the site comprises a traditionally designed basement level to a historic building, which had external steps from the basement to the street. The width of the external basement

level was approx. 2.3m. I note the width of the 'lightwell' from the street to the basement level bedroom windows in the proposed development is 1m and the building is along a narrower street than the examples referenced, therefore the level of light and outlook from those hotel bedrooms is different to that proposed in this application. Similarly, I note that the development relating to Belvedere Hotel (Reg. Ref. 2480/15) relates to a traditional Georgian building, also comprising a basement with a wider external area.

- 7.7. Overall I am of the view that the proposed bedrooms at this basement level would result in a poor level of accommodation for visitors/tourists to Dublin with limited natural light and no outlook, which would overall be detrimental to the amenity of future occupants and would in my view constitute overdevelopment of bedroom provision on what is a constrained site.

Appropriate Assessment

- 7.8. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any 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 a European site

8.0 Recommendation

- 8.1. It is recommended that permission be refused.

9.0 Reasons and Considerations

Having regard to the location and design of the proposed bedrooms at basement level, along a narrow laneway, served by a restricted lightwell, with no street level windows, it is considered that the proposed hotel bedroom use at basement level would result in a poor standard of development on a restricted site, which would seriously injure the amenities of the area, and would overall be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

1st May 2019