



An
Bord
Pleanála

Inspector's Report

ABP-305470-19

Development	Construction of two-storey extension amending a previously permitted hotel development (Reg. Ref. 3303/18, subsequently amended by Reg. Ref. 4352/18; ABP Ref. 303553-19).
Location	Nos. 17, 18 and 19, Moore Lane, Dublin 1
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3393/19
Applicant(s)	QMK Dublin Ltd.
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	QMK Dublin Ltd.
Observer(s)	TII.
Date of Site Inspection	07/01/2020.

Inspector

Sarah Lynch

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.
- 1.2. 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.
- 1.3. 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. It is proposed to amend a previously permitted hotel ref: 3303/18. The proposal will include the following:
 - 2 additional recessed floors to the permitted 7 storey building,
 - 33 no. additional bedrooms,
 - Internal layout alterations,
 - Provision of SUD's measures.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to refuse permission for the following reason:

1. Having regard to the scale and height of the development already permitted on this site, the surrounding context which includes a Georgian conservation area at Parnell Square and protected structures including Conway's public house and the Rotunda Hospital, and the proximity to the O'Connell Street and Environs Architectural Conservation Area (ACA), it is considered that the proposed increase in height would be visually incongruous and would detract from the streetscape and character of this architecturally sensitive location. The proposed development would therefore be contrary to the provisions of the Dublin City Development Plan (2016-22), to the Urban Development and Building Height Guidelines set down by the Department of Housing, Planning and Local Government and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report was consistent with the decision of the planning authority.

3.2.2. Other Technical Reports

- Drainage Division – no objections subject to conditions.
- Archaeology – no objection subject to compliance with condition no. 13 of parent permission ref: 3303/18.

3.3. Prescribed Bodies

- TII –
 - Developer to submit a Construction Management Plan,
 - Vibration and monitoring settlement scheme for Luas track infrastructure.
 - Site is in area of Section 49 Luas cross city levy scheme.
 - Works permit is required due to proximity to overhead conductor system.

- No adverse effects to Luas Line should arise and development should have regard to TII code of engineering practice for works on, near or adjacent the Luas light rail system (available on <https://www.luas.ie/work-safety-permits.html>).
- Should the appeal be successful relevant conditions are proposed.
- An Taisce – the site faces up to Parnell square which is a Georgian square. A transition in scale between the Jury’s Inn and Conway’s Pub is required, a 7 storey has been permitted.
 - Concerns regarding the approach to this sensitive location. Being right at the core of one of Dublin’s 5 Georgian Squares.
 - The site is adjacent to an Architectural Conservation area.
 - In proximity to a Palladian 18th Century city landmark – the Rotunda Hospital.
 - Shares a junction with a four storey Victorian Pub which is a Protected Structure.
 - In proximity to a registered monument at No’s 14-17 Moore Street and the wider battlefield site associated with the 1916 rising.
 - Height guideline are intended to increase densities in areas where needed not to facilitate more bulk and height to already large buildings or permitted buildings in constrained and contextually sensitive sites.
 - The proposed height and bulk would not protect the Georgian Setting and views along Parnell Square. The proposal should be refused.

3.4. Third Party Observations

- TII – no new issues raised to those set out within Section 3.3 above.

4.0 Planning History

ABP-303553-19 permission was **granted** for the provision of an additional nine 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).

P/P 3303/18: Permission **granted** for development on a site of c. 603m², to consist of provision of a seven-storey (with setback at sixth floor level along the Parnell Street and Moore Lane elevations) over basement level (with water storage tank and lift pits below) hotel comprising 141 bedrooms (reduced to 132 following a request for additional information) and ancillary hotel facilities including public bar/licence restaurant, reception/foyer area, laundry room, storage, staff facilities, plant, etc; total gfa of proposed building is 4,053m², which includes a basement level of 517m².

ABP 245235: Permission **granted** for construction of two new hotels at Nos, 17, 18 and 19 Moore Lane and No. 30 Moore Street; development to comprise a 107-bedroom hotel, retail unit and public bar/licensed restaurant with a total gfa of 4,381m² over the two sites (4,094m² on Moore Lane and 287m² on Moore Street; the Moore Lane development to consist of a seven-storey building over basement level comprising a 102-bedroom hotel.

P/P 2567/08: Permission **refused** for a 16-storey over basement development totalling 6657.1m², comprising 542.6m² nett of retail use within ground and basement level.

P/P 5343/07: Permission **granted** for a seven-storey over basement development totalling 4193.8m², comprising 758m² of retail use within ground and basement level, 2578.5m² of office space on first to sixth floor.

Adjacent site:

P/P 3304/18: Permission **granted** for development 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.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

The appeal site is located within an area zoned Z5 in the Dublin City Development Plan 2016-2022 which seeks 'to consolidate and facilitate the development of the

central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’.

- Site adjoins the O’Connell Street Architectural Conservation Area and abuts lands zoned Z8 which seeks to protect the existing architectural and civic design character, to allow for only limited expansion consistent with the conservation objective.
- 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).

The following policies and objectives are more generally relevant:

- Policy CHC9: seeks to protect and preserve National Monuments:
- Objective CHCO10 – seeks to promote archaeological best practice.
- Policy CHC12: seeks to promote tourism in the medieval city and suburbs.
- Policy CEE12 (i): promote & facilitate tourism as one of the key economic pillars of the city’s economy.
- Policy CEE13 (iii): to promote and support the development of additional tourism accommodation at appropriate locations.
- Policy CEE22: to promote and facilitate the crucial economic and employment potential of regeneration areas in the city such as Dublin 1, 7 & 8.

Urban Development and Building Height Guidelines for Planning Authorities 2018

- Section 3.0 - Building Height and Development Management
- Section 3.1 - Development Management Principles 3.1

Project Ireland National Planning Framework 2040

- Section 1.2 Making the vision a reality
- Section 4.5 Achieving urban infill / brownfield development

5.2. Natural Heritage Designations

South Dublin Bay and Tolka Estuary SPA – 2.4km east of site.

South Dublin Bay SAC – 3.85km south east of site.

South Dublin Bay and river Tolka Estuary SPA – 3.85km south east of site.

North Bull Island SPA – 6km north east of site.

North Dublin Bay SAC - 6km north east of site

5.3. EIA Screening

5.4. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been prepared by Tom Philips & Associates on behalf of the applicant. The issues raised can be summarised as follows:

- Site is highly accessible by multiple modes of transport making it an attractive location to hotel residents.
- Development conforms with zoning objective.
- Proposal will not adversely impact the area's amenity and will provide high quality tourist accommodation in the city centre.
- Conforms with the policies and objectives of the Development Plan.
- Development will create more jobs and provide for more sustainable travel patterns for tourists being located proximate to many tourist attractions.
- Development is located in close proximity to multiple sustainable transport hubs.

- Proposal will provide a bookend to the junction of Moore Lane and Parnell Street.
- The proposal will tidy up the street scene.
- The site is not within an architecturally sensitive site.
- Design seeks to reflect the brick facades of buildings in the area.
- Proposal does not impact on protected structures in the area.
- Proposed additional floors will be set back from Moore Lane to respect the height of neighbouring buildings.
- Previous permission on the site for 29 and 25.5 m buildings. The surrounding context has not changed since the time of these previous approvals.
- The planner's report fails to address the points made in the original conservation assessment and does not contain any fully reasoned justification for the reason for refusal.
- The building blends into the streetscape when viewed from the junction of Parnell St and O'Connell St upper.
- There are few areas from the O'Connell St. ACA where the building can be seen.
- The proposal is not considered to be a significant structure in the streetscape.
- View from east along Parnell St is softened by trees.
- Character of Rotunda Hospital would not be affected.
- Whilst the original 2 storeys are considered to be appropriate, it is proposed that a revised proposal of 1 additional floor should be considered if necessary.
- The scale and height of the development should have no bearing on whether the proposal is granted or refused.
- The proposal terminates the vista from Parnell Square West with a strong statement that is wholly in keeping with the Georgian idiom of Parnell Square.
- The view of Conways is in no way obstructed, the provision of 2 additional floors in no way impacts the setting of this Protected Structure.

- There will be no impact on the Rotunda Hospital.
- Additional floors will be seen from O’Connell St ACA but from limited areas.
- The proposal would not have any significant impact on the O’Connell Street ACA as the building blends into the streetscape and is set back significantly behind the street frontage of Parnell Street.
- The planners report fails to address the points made in the conservation assessment and does not contain any fully reasoned justification for the reason for refusal.
- Reason for refusal is based on the proximity to Protected Structures and ACA rather than on actual impact of the proposal.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- TII – no issues, details are set out in Section 3.3 above.

7.0 **Assessment**

7.1. The proposed development is located within an area zoned Z5 under which hotel developments are accepted. The principle of the proposal is therefore in accordance with the zoning objective for the site. The issues before the Board are solely in relation to the additional floors proposed and the refusal of these floors by the local authority. The remainder of the development has obtained permission. It is important to note at the outset that the applicant has submitted revised proposals which proposes the omission of the final floor. In the event that the Board considers the original proposal to be unacceptable it is requested that these plans are considered as an alternative.

7.2. The issues pertaining to the appeal can be summarised as follows:

- Building height & Impact on streetscape.
- Appropriate Assessment

Building height & Impact on streetscape

- 7.3. It is contended by Dublin City Council within the reason for refusal that the proposed additional floors would be visually incongruous and would detract from the streetscape and character of the surrounding architecturally sensitive location. The Council outlines that the site is located proximate to the Georgian Conservation Area of Parnell Square and O'Connell Street ACA and is also proximate to a number of Protected Structures.
- 7.4. The applicant has raised concerns within the grounds of appeal that the proposed development has not been appropriately assessed in relation to the impacts on the ACA, it is contended that the planner's report merely states that the increase in height would not enhance the urban design context, it is further stated that the proposed floors would project up above the existing buildings and whilst the site is within a corner site, it is not a major corner which can justify additional height. The planners report also states that the additional height can be seen from the corner with O'Connell Street and the reduction of a floor would not alleviate this impact. It is further stated that the development as previously permitted does not have any undue adverse impacts on the views from Parnell Square or on the setting of the adjacent Protected Structures and as such is appropriate to the site.
- 7.5. A Conservation Assessment has been prepared by Historic Building Consultants on behalf of the applicant and was submitted with the planning application. This assessment examines the potential effect of the proposed building on the character of the historic buildings and conservation areas in the vicinity of the site. In relation to the Rotunda Hospital the assessment states that the proposed development would not be read in terms of the street context with that of the Rotunda given the position of the Rotunda significantly removed from the appeal site. It is further stated that the extension to the Rotunda which is visible from Moore Lane was not developed in a manner to form an eye catcher along a vista, furthermore Moore Lane is a service lane and therefore does not form part of an important view.
- 7.6. Conways Pub which is a Protected Structure is located on the opposite side of Moore Lane to the proposed development, it is contended within the Conservation Assessment submitted that the building line of Conway's is forward of the appeal

site. A new building line was established in the late twentieth century which also established a different height along this stretch. It is further contended that the significant width of the road can accommodate the increase in height. Given the set back of the new building line at the appeal site, it is stated that the broader view of the side elevation which is most visible is not its best aspect and the shopfront within the front elevation which is the feature of interest for this building would not be affected by the development. It is therefore concluded within the Conservation Assessment that the proposed development would not have any adverse effect on the character of this Protected Structure.

- 7.7. The view southwards from Parnell Square West is currently of the former Dublin County Council offices, it is contended within the Conservation Assessment that the proposed development will terminate the view southwards from Parnell Square West in a strong manner and the use of fenestration and brick will be reflective of the Georgian buildings around Parnell Square.
- 7.8. The applicant rebuts the concerns raised by the Council and states within the grounds of appeal that the proposal makes a negligible change to the streetscape and such increases in height and density are supported by national policy and guidance. It is also contended by the applicant that the proposed development would not significantly increase overshadowing and would have no impact on accessibility to daylight for adjacent buildings.
- 7.9. The Architectural Heritage Protection Guidelines for Planning Authorities, 2011, are of relevance to the assessment of effects on Protected Structures and ACAs. Section 13.8.3 states that large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.
- 7.10. Whilst I acknowledge the Council's concerns about the impact on both Conway's Public house and the Rotunda, I note that both buildings are removed from the appeal site. The Rotunda is set within Parnell Square on the opposite side of the street. The significance of this Palladian structure is both its architectural style inclusive of its arcade features at ground floor and its setting within a Georgian Square. Given that the proposed development is located on the opposite side of a

wide junction and does not interfere with any of the views or vistas associated with this Protected Structure and does not impinge on the character of this structure in any way, I consider that the the integrity of the Rotunda building will remain unchanged and unaffected by the proposal.

- 7.11. With regard to Conway's Public House, this building is of significance for the ground floor shopfront and its overall Georgian architecture. These buildings were set within urban streetscapes and were not standalone individual structures historically. As mentioned above the appeal site and the block that it adjoins is a modern development with a different building line and is separated from Conway's by a service road which serves to sever the setting of the Georgian terrace from the newer buildings along this side of Parnell Street. It is of note that Conway's is in a more forward position to the appeal site and as such occupies a more prominent position within the streetscape and at this corner.
- 7.12. The proposed building by virtue of its location set back from the Conway's building will not block any views of this Protected Structure and will not impact upon the features of special interest of the structure, namely the shopfront and red brick upper floors. Thus, having regard to the forgoing I do not consider that the proposed development would impact the integrity of this Protected Structure and as such I consider the proposal to be acceptable in this regard.
- 7.13. Whilst I consider that the integrity of the existing Protected Structures within the vicinity of the site will be unaffected, I have concerns regarding the impact of the proposed additional height on the integrity of Parnell Square, in particular the views and vistas afforded southwards from Parnell Square West and westwards from the junction of Parnell Square and O'Connell Street. The proposed additional height when viewed from these positions becomes the dominant feature which ultimately alters the setting of this ACA.
- 7.14. It is of note that Section 4.5.4.1 of the Dublin City Development Plan acknowledges the intrinsic quality of Dublin as a low-rise city and considers that it should remain predominantly so. The vast majority of the city area is identified as not being suitable for mid-rise or taller buildings.
- 7.15. The plan requires that in all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards

section, to ensure that taller buildings achieve high standards in relation to design, sustainability, amenity, impacts on the receiving environment, and the protection or framing of important views.

- 7.16. In this context I have reviewed the revised plans submitted with the appeal and consider the reduction in height and the reduction in the glazing panels within the front elevation serves to reduce the dominance of this building within the visual context of Parnell Square. Whilst I acknowledge that the appeal site is not within the ACA and adjoins buildings of little architectural merit, a sharp increase in height at this location will result in an overly dominant form of development which would impact the setting of the square.
- 7.17. The revised proposals whilst being a modest change in height over the original proposal, is a subtle but effective improvement to the scheme. I consider the revised proposal successfully provides for additional height at this location whilst not appearing overly dominant within the setting of Parnell Square. The roof level of the revised proposal will generally accord with the plant level of Jury's Inn and therefore provides for a more stepped increase in height rather than a sharp increase as proposed within the original plans.
- 7.18. Whilst I consider the permitted scheme to be neutral in terms of impact, I consider the block form provides little to the overall design of the streetscape. The revised stepped back scheme provides for a more interesting building which integrates more effectively within Parnell Street.
- 7.19. I note that the permitted scheme has a parapet height of 28.5 metres which exceeds the upper limits specified within Section 16.7.2 of the Dublin City Development Plan 2016-2022. The revised scheme as submitted with the appeal will have a parapet height of 32.7 metres. It is important to note at this juncture, the contents of the Urban Development and Building Height Guidelines for Planning Authorities 2018, in which it is stated within Section 1.14 that where SPPRs are stated, they take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.
- 7.20. Whilst the guidelines advocate for additional height to be permitted in areas served by a high frequency multimodal public transport system. I have had regard to Section 2.8 which recognises that historic environments can be sensitive to large scale and

tall buildings. When considering additional height in such areas Section 3.2 of the guidelines requires that proposals respond to the overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape. In this regard I consider that the revised scheme, whilst providing for a more intensive use of this inner city well serviced site, has also had regard to and responded to, the context of the surrounding historic environment.

- 7.21. As such I consider that the proposed development conforms with the design tests set out within the Urban Development and Building Height Guidelines for Planning Authorities 2018 and is acceptable in this regard.
- 7.22. In conclusion I consider the revised proposal as submitted with the appeal, in terms of its overall design, massing, height and scale to be appropriate at this location. The overall design of the proposal integrates effectively with neighbouring buildings in the vicinity and as such does not appear overly dominant when viewed in conjunction with the properties within Parnell Square.

Appropriate Assessment

- 7.23. I have assessed the information provided by the applicant in the form of a screening document and carried out a site inspection and note that no pathway exists between the appeal site and these sites and as such in the absence of any pathway connecting the development site with the sites above and having regard to the 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. I recommend that permission is granted subject to the following conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the Z5 zoning provision of the Dublin City Development Plan 2016-2022, the site's planning history, the Urban Development and Building Height Guidelines for Planning Authorities 2018, the pattern of development and recent

permissions in the area and to the nature and scale of the additional accommodation proposed, it is considered that subject the compliance with the conditions as set out below, the proposed development would not seriously injure the visual amenities of the area, would respect the character and pattern development of the area and would not seriously injure the character of the adjoining Georgian buildings and Georgian Square and considered that the revised elevational treatment on Parnell Street would make a positive contribution to the streetscape. 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 appeal and dated 19th September /2019, 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 terms and conditions of permission P/P 3303/18 for the original development shall be fully complied with except where modified by this permission.

Reason: In the interest of proper planning and development.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

Reason: In the interest of public health

5. 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.

6. 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. The developer shall liaise with Transport Infrastructure Ireland in this regard, prior to the submission of this statement. 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.

7. Prior to the commencement of development, the developer shall Liaise with both Transport Infrastructure Ireland and the tram operators. In this regard a Construction Traffic Management Plan shall be submitted which shall identify mitigation measures to protect operational Luas Infrastructure, for the written agreement of the planning authority.

Reason: In order to safeguard public transport infrastructure.

8. Prior to the commencement of development, the developer shall Liaise with both Transport Infrastructure Ireland and the tram operators. In this regard, the applicant shall submit full plans and details of all servicing access arrangements for the development including construction, for the written agreement of the planning authority.

Reason: In order to safeguard public transport infrastructure.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

10. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City 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, 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 Supplementary Development Contribution Scheme made under section 49 of the

Act be applied to the permission.

Sarah Lynch
Planning Inspector

03/01/2020