



An
Bord
Pleanála

Inspector's Report 305873-19.

Development	Amend parent permission reg. ref. 3996/18 to provide additional floor to include 17 bedrooms.
Location	96-99 Amiens Street, Dublin 1.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3840/19.
Applicant	Sea Strand Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Sea Strand Limited.
Observer	TII.
Date of Site Inspection	20 th March 2020.
Inspector	Mairead Kenny.

1.0 Overview

- 1.1. The proposal relates to an additional floor at a permitted hotel. The issues arising relate mainly to the impact on the streetscape and on a nearby protected structure.

2.0 Site Location and Description

- 2.1. The site is situated at 96-99 Amiens Street, which is on the eastern side of this busy thoroughfare, which has a carriageway width of approximately 20m and hosts a number of bus routes. Connolly station is to the rear (east) of the site and there is a public entrance over 200m to the south-west. To the north is the Five Lamps corner, a well-known local landmark. To the south there is an elevated railway bridge across the street. At the opposite side of the street are terraced townhouses.
- 2.2. There is a vacant plot to the south of the site and further south is the former parcels office, a protected structure. This has a decorative façade and a series of window openings in the northern façade adjoin the vacant plot. To the north of the site is the Failte Ireland building, a three storey modern development. Further north are townhouses which are also protected structures.
- 2.3. The former parcels office and the terrace of houses to the north of the site are given a rating of Regional importance under the NIAH. The parcels office was designed in 1892 as part of the Great Northern Railway Terminus complex. The façade is described as being in decorative Flemish Revival style and a notable feature is the elaborate gables. Important decorative details are retained.
- 2.4. The subject site was formerly in use as a petrol filling station. The site is surrounded by hoarding. The site is of stated area of 1,652 m² and stated to be 2.644m AOD at the street frontage and -0.1m at the rear. The rear of the site is adjacent the elevated railway line / Connolly station. The eastern boundary is marked by Amiens Street.
- 2.5. Photographs which were taken by me at the time of my inspection are attached.

3.0 Proposed Development

- 3.1. Permission is sought for an additional floor at the permitted 4-storey front block with setback 5th and 6th floors to provide a 5-storey building with 6th and 7th setback

storeys and to accommodate 17 no. bedrooms. The stated floor area of the proposed development is 584m² with a site coverage of 80% and a proposed plot ratio of 4.5.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse permission for the reason summarised below:

- Would be unduly dominant, visually incongruous and fail to integrate successfully with the existing streetscape, the built environment and the setting of the former Railway Parcels Office. The proposed increase in height fails to enhance the existing character and built environment of the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The following points are noteworthy:

- Given the central location of the site, the prominent nature of the site and the transport hub, a higher plot ratio is considered acceptable in principle.
- Referencing section 16.7.2 of the development plan and the location of the site close to a major transportation interchange and noting the absence of a Local Area Plan or Planning Scheme, the area is considered to be low rise.
- While the building complies with the height standard it is considered that the impact of increased height, scale and bulk of the building on the streetscape and nearby protected structures needs to be assessed.
- Referencing sections of the Design Statement, which are considered to be met in relation to the permitted building, the additional bulk to the front of the building would not allow for a successful transition between the site, the adjoining vacant site and the protected structure as shown in photomontages.

- In the previous application by way of further information the planning authority highlighted serious concerns relating to the proposed setback floors and in response the overall height was reduced by 0.3m and the design altered to introduce a ribbon glazed element which further reduced the height. The proposed loss of setback at the fifth floor and the additional seventh floor will increase the bulk of the building and its overbearing appearance.

4.2.2. Other Technical Reports

Roads Planning Division indicates no objection subject to conditions including in relation to:

- Liaison with the design team of the Clontarf to City Centre Cycle Route to investigate the potential of a drop off area in front of the hotel.
- Agreement on Servicing Management and Construction Management Plans.

Drainage Division indicates no objections subject to standard conditions including matters relating to flood risk.

4.3. Prescribed Bodies

Iarnrod Eireann sets out a number of observations including:

- Matters related to the protection of railway property.
- Development to be designed to take account of noise and vibrations associated with the railway operation and maintenance.
- Traffic Management Plan for construction phase to ensure construction traffic does not traverse under a nearby height restricted bridge.

TII sets out the requirement for a financial contribution.

4.4. Third Party Observations

None.

5.0 Planning History

5.1. On site

Under **reg. ref. 3996/18** permission was granted for development as follows:

- demolition of existing structures and construction of part four, six, seven storey building over basement/lower ground floor
- to provide 172 bedrooms, associated hotel facilities of gross floor area of 6,806 m²
- vehicle access from Amiens Street to car park and servicing at basement/lower ground floor level to provide 20 parking spaces and 24 cycling parking spaces
- other development including substation, PV panels, ancillary site landscaping boundary treatment and site development.

The permission is subject to conditions, which address the following:

- financial contributions including in relation to LUAS
- signage and roof plant
- materials and external finishes
- maintenance of public access to restaurant / café spaces
- liaison with design team relating to Clontarf to City Centre route and the potential for a drop off area for the hotel to the front of the building
- arrangements for servicing of hotel
- construction management including traffic management
- compliance with DCC code of practice
- requirements of Drainage Division including in relation to potential flooding
- control of noise and emissions during construction
- waste management
- hours of construction
- cash deposit or bond to be lodged to ensure completion.

5.2. **General vicinity**

The Board has recently determined the following cases in the general vicinity.

At **49-51 Amiens Street under ABP-303482** (to the south-west and on the opposite side of the road) the Board upheld the decision of the planning authority to refuse permission for a three storey over basement building. The subject development related to protected structures and some of the built fabric which is dilapidated. The proposal involved the provision of a glazed penthouse level. The sole reason for refusal related to residential amenity.

At the **North Star Hotel under ABP-304882** the Board granted permission for:

- alterations to a previously approved development
- to construct an additional 2 no. floors over the existing 7 storey building
- resulting total height of 27.53m
- extension of sixth floor and other amendments.

ABP-304248 (Connolly Station car park) refers to a grant of permission under SHD legislation for development of 741 Build to Rent apartments and other related development in 4 storey to 23 storey blocks on a site of about 2 hectares. The development was subject of an EIA. A masterplan is indicated to be in place. **ABP-304248** refers to the consultation case for this application.

6.0 Policy Context

6.1. Development Plan

Section 16.2.1.1 notes that the city's townscape is characterised by streets which have evolved over centuries with established human scale and high quality of materials. DCC will ensure that the design of new development respects and enhances these and other elements that contribute positively to the cityscape and urban realm and the setting of protected structures and important views. Design must also respond to the diversity of the city environment.

Section 16.2.2.2 notes the particular importance that development respects and enhances its context and is well integrated with its surroundings ensuring a more coherent cityscape.

The former Railway Parcels Office to the south of the site is a protected structure. Policy CHC2 sets out criteria to ensure that the special interest of protected

structures is protect and to conserve and enhance protected structures and their curtilage. These criteria include

(d) not cause harm to the curtilage; therefore the design, form, scale, proportions, siting and materials of new development should relate to and compliment the special character of the protected structure.

Section 16.7 refers to building heights in general.

The site is located in an area zoned Z5, city centre.

Various policy support is given for increased densities including for sites close to high quality public transport.

6.2. National Guidance

Architectural Heritage Protection Guidelines refer in relation to the protection of the character of buildings of architectural heritage value.

Urban Development and Building Height guidelines promote a site by site consideration of height and avoidance of prescriptive measures such as setting of height limits in development plans. A sensitive approach to sites in historic environments is advocated involving assessment of proposals through urban design statements and taking into account the Architectural Protection Guidelines which remain in force. Development management guidance requires consideration of the proposal at all scales including at the scale of the street.

6.3. Natural Heritage Designations

No Natura sites in the immediate vicinity.

7.0 The Appeal

7.1. Grounds of Appeal

The main points of the appeal include:

- The amendments made on foot of the further information requested on the previous permission provided for amendments to the setback level, changes to windows at the gable wall adjacent Bord Failte building and revised finish.
- Condition 9 precludes additional development such as plant.
- Extracts from the Inspector's reports under ABP301591 (North Star Hotel Amiens Street) and ABP-304248 (Connolly Station car park consultation case under SHD) are described.
- Since the application was made the applicant is finalising contracts to purchase the former postal sorting office and the adjoining vacant site on Amiens Street. This constitutes a significant change in circumstances.
- The relevant national policy and guidance was set out in the application Planning Report and in addition the following is noted.
 - NPO 13 states that building height is an important measure for urban areas to deliver and achieve compact growth. Building height will be based on performance criteria that seek to achieve well designed high quality outcomes in order to achieve targeted growth.
 - Urban Development and Building Height Guidelines support increased building height in locations with good public transport. It sets a presumption in favour of increased height in towns and city cores.
 - The Z5 zoning strategy recognises the need to ensure consolidation, adding vitality and ensuring the efficient use of land and to permit intensification of development at locations close to public transport nodes.
 - Policy CH1 seeks the preservation of built heritage – there are a number of protected structures in the vicinity including the former Postal Sorting Office and buildings on the eastern side of Amiens Street. There are no listed views of relevance.
 - The policy relating to taller buildings and building heights identifies Connolly Station as an area where buildings of 50m or higher would be acceptable and notes that rail hubs are within 500m of stations.

Assessment criteria set out include some which are reprised under the Building Height Guidelines.

- Sections of the planner's report which lead to the decision to refuse are highlighted.
- Whether considered in terms of the parapet height of 20.612m or the overall height of 27.714m the development falls within the 28m height set under the development plan or the 50m height for sites within the vicinity of Connolly station.
- The decision on the SHD case at Connolly car park indicated no issues with the 12-storey element and establishes that a 12 storey height is acceptable in principle.
- The proposal to increase the parapet height from 17m to 20m is very modest by comparison and should be deemed acceptable.
- An assessment is presented in terms of compliance with the development management criteria in the Building Height Guidelines.
- Regarding the purchase of the vacant site which is underway, the Board is referred to the Architects Design Statement and the LVIA which look at the transition between the proposal and the protected structure in more detail.

The appeal submissions include the Landscape and Visual Appraisal report of Mitchell and Associates dated 20th September 2018 and the supplementary submission dated 8th of November 2019 which was prepared in respect of the appeal.

The 2018 report referring to the original application (albeit subsequently altered notably in respect of the external finishes) includes the following comments:

- Referring to the Georgian townhouses, the former railway parcels office and other buildings, clearly there is much of architectural note along Amiens Street and the design rationale for the development and its successful integration into the street are key aspects of the visual impact it makes.

- The establishment of a four storey façade and the setting back of two storeys above that with a further storey set well back from the front as proposed is an appropriate approach to integrating the building façade along the street and reducing the apparent bulk of the building. A range of design mitigation measures are described.
- In appraising the visual impacts 7 no selected viewpoints are described. Viewpoint 3 shows the building height and massing are appropriate to the width of the street. This view which incorporates the vacant site creates a significant and neutral visual impact. The visual impact in proposed view 4 is significant and positive. In view 3 there is a tension between the proposed building and the parcels office due to the vacant site – that is not the case in view 4, which is from the north.
- The hotel’s interface with the public realm will encourage foot traffic and activity at street level which is a positive impact on the local urban landscape.

The supplementary submission in respect of the appeal notes:

- Amiens Street is very broad (27m between facades). The proposed height is totally appropriate for the scale of the street, which would appear to be further supported by the current height guidelines.
- It is a serious overstatement to say that now as a direct consequence of the increased height the current scheme is incongruous.
- View 3 are verified views from the southern end of the street. The scale and massing of the current proposed scheme is increased over the permitted but not significantly so. The current proposal is still very much appropriately scaled to the broad street and to its neighbours.
- The vacant site allows any future planned development to negotiate an appropriate transition between the proposed development and the parcels office.
- The proposed front section of the permitted hotel already sits above the level of the parcels office so the increased height of the current proposal only marginally affects how the parcels office relates to it visually.

- We contend that it is the Council's request for the brick tone and colour to be amended from grey to red/brown that creates a significant negative impact on the setting of the protected structure. The increased height is of minor importance in this regard. The use of similar brick tone and colour renders the qualities of the parcels office more difficult to appreciate.
- Regarding view 4 the increased height makes little if any apparent difference to the relationship between the proposed and the existing protected structure. The view of the northern side of the post office would be lost in any case if the permitted hotel proceeds.
- The increased scale and massing from this direction appears to be quite marginal. The proposed building is still appropriately scaled to the broad street and its neighbours and to the taller buildings further down the street.
- The current proposal does not differ significantly from the permitted scheme to the extent to which it may or may not adversely affect the setting of the protected structure. The effect of the additional height is not a justifiable reason for refusal.
- Potential future redevelopment of the vacant site is described in section 4. While the scale, height and massing of the hotel scheme has some bearing on the setting of the protected structure it does not have direct bearing on it. Any future redevelopment of the vacant site will have to address the transition between the two buildings. A theoretical sketch design solution is presented.

7.2. Planning Authority Response

The planning authority has not provided a detailed response to the appeal.

7.3. Observations

TII reiterates the need for a condition relating to the Section 49 Levy Scheme.

7.4. Further Responses

None.

8.0 Assessment

I propose to assess this case under the following headings:

- Decision of planning authority
- Minor amendment proposed
- Conditions
- Appropriate Assessment.

8.1. Decision of planning authority

The decision refers to the height of the development in terms of the streetscape and secondly the impact on the setting of the former parcels office. In considering the decision I propose to address

- the site context
- the appellant's position including in relation to planning history and changes in circumstances
- the development in the context of the streetscape
- the impact on the protected structure.

The **site context** is the part of the street between the Five Lamps junction and an elevated railway which crosses Amiens Street. I consider that these features define the visual envelope within which the proposed additional floor should be assessed.

In terms of the visual envelope the relevant buildings in the environs on the site are those between the Five Lamps corner to the north and the railway line to the south. At the eastern side of the site the streetscape is terminated near the Five Lamps by a modern five storey residential building, which is just north of that junction. To the south of that building are mid-eighteenth century two storey townhouses (two-storey over basement), further south again is the Failte Ireland building, which is a three-storey, commercial building, then the subject site and a narrow vacant site. Beyond the adjacent vacant site and at a distance of 17m from the southern site boundary is the former Railway Parcels Office, which has windows facing onto the Parcels Office (on its northern façade). Further south again is another terrace of townhouses (three-

storey over basement). Beyond that is a four storey with setback fifth storey commercial building which has a brick façade and a glass treatment at the upper level.

- 8.2. At the opposite side of Amiens Street at the Five Lamps is a four storey commercial building with two additional setback floors. Apart from that building at the Five Lamps corner, the streetscape at the western side is formed by what is essentially a three-storey relatively uniform terrace of buildings from different eras. There are some derelict buildings in that terrace, which were subject of a recent appeal under ABP-303482. The end of the terrace is marked by a four-storey over basement building, Burkes Bar, a Victorian pub.
- 8.3. Further to the south at Amiens Street, but largely within a separate visual context are the main Connolly station building and within that separate visual cluster also is part of the docklands developments. When looking along Amiens Street southwards the higher scale of buildings beyond the railway line is clearly evident and creates a distinct character.

Therefore, the historical importance of Amiens Street is reflected in its remaining built stock and the site sits in the midst of a stock of protected structures including Georgian townhouses, a Victoria pub and the former parcels office as well as some good quality contemporary buildings. The public realm has not benefited from significant investment and the street does not command a sense of its significance in terms of the wealth of architectural building stock. The condition of buildings in the vicinity is varied but many are nevertheless deemed to be of sufficient importance to be designated as protected structures.

The **appeal submissions** include the Landscape and Visual Appraisal report of Mitchell and Associates dated 20th September 2018 and the supplementary submission dated 8th of November 2019, which was prepared in respect of the appeal. I have had regard to the two documents and have selected some extracts. I refer the Board to the two documents which include a range of useful images as well as outlining the particular context for the statements referenced below.

The appellant notes that the street is wide and that permission has been granted for a range of taller buildings in this general area. I have briefly described these in the planning history section of this report. The appellant has not referred to the newly

constructed commercial building at 110 Amiens Street. I consider that the cases which are referenced in the appeal share a very different site context and in relation to the 2 hectare site at the Connolly Station car park are of very different scale. I do not consider that these should influence the decision of the Board.

Regarding the circumstances which prevail since the permitted development was granted by the planning authority, the Building Height Guidelines were adopted and secondly the appellant refers to the intended purchase of the vacant plot between the site and the parcels office. The Guidelines require that proposals make a positive contribution to urban neighbourhoods and streetscapes and that the urban design context for key thoroughfares. The appellant addresses this in section 7.1.2 of the appeal statement. I have referred to section 3.2 of the Guidelines in my considerations below.

I also note the preparation of high quality verified photomontages. In this regard I advise that in line with best practice I have examined the A3 photomontages in situ.

Having inspected the site and given due consideration to the prevailing policy context and the applicant's submissions, I now set out my position in relation to how the proposal sits with current policy. This includes consideration of the matter of importance namely **how the development complies with the BHGs, particularly at the scale of the streetscape.**

Having regard to the Z5 zoning objective 'to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity' and the position of the site along a significant and historic route to the city centre as well as presence of a largely intact streetscape and high quality building stock in the environs I consider that the optimum design solution should be sought.

In my opinion the four storey height of the façade and the setting back of two storeys above that with a further storey (seventh) set well back from the front as presented in the permitted development is the appropriate approach to integrating the building façade along the street and reducing the apparent bulk of the building. The original application submission expresses that opinion clearly and it is difficult to dispute in my opinion. I consider that the permitted development best ensures the successful integration of the proposal into the streetscape and is appropriate in the context of

the Georgian townhouses, the former railway parcels office and other buildings of note. In this regard I would also include the commercial building at 110 Amiens Street adjacent the elevated railway line; in my opinion this makes a successful architectural contribution to the area.

I share the opinion of the planning authority that the proposed increase in height would result in the proposed building being unduly dominant. I would refer the Board to the small scale of the Georgian townhouses which make up much of the built stock of the area and I would contrast that with the proposed building, which in my opinion is a step too far in terms of its height and massing. I agree with the planning authority that the proposed development would not successfully integrate with the existing streetscape.

I refer to the fact that under the Guidelines there is a requirement to consider proposals in their streetscape context and based on the criteria set in section 3.2. The appellant considers that the proposal responds to its overall environment and 'makes a positive contribution' to the streetscape on the basis that the building is more balanced and better integrated. In making a conclusion on matter I refer the Board in particular to the photomontages which may be viewed in conjunction with the elevation drawings. Having considered both, I disagree with the appellant and consider that as viewed from the street level the proposal would not appear to be a more appealing design solution, would not appear to be a more balanced building and would not be better integrated with the streetscape.

I am not satisfied that the additional height 'makes a positive contribution to the legibility of the wider area'; this area is of distinctive and low rise character which is in my opinion best reflected in the permitted development. Nor does the proposal 'integrate the development in a cohesive manner'; the five storey front façade interrupts the streetscape in my opinion and would be relatively discordant and of excessive height in the streetscape. This established area is not one where significant change would be envisaged and the dominant height is relatively low. The permitted development has established a large quantum of development on the site including a seven storey block to the rear and a basement and an overall plot ratio of 4.5, thus representing good use of this well located serviced site.

In conclusion in relation to the BHGs I do not consider that the proposed development complies with the assessment criteria at the level of the street.

Regarding the **integration of the proposed development with the adjacent protected structure**, the former parcels office I consider that the larger mass and increased height associated with the proposed development results in it being an overly dominant feature which unduly competes on the streetscape and thus fails to enhance the character of the protected structure. I note that the appeal submission indicates how a development at the vacant site might be incorporated. I note that the height transition between the proposed building (parapet level of 20.612m) and the parcels office (parapet level of 13.967) is not insignificant. The vacant site is narrow and the appellant has referenced that the northern façade is obscured by the permitted development, in terms of views from the street. The significant constraint which may be posed by the presence of the windows in the northern gable, notwithstanding possible future ownership by the applicant of the entire plot is likely to present a challenge to re-development, which is a matter for future applications. Based on what is before the Board I consider that on balance the planning authority's decision was correct. I conclude that the larger height and mass of the proposed development within the context of the streetscape fails to protect and enhance the streetscape and as such must be considered to undermine the character of the protected structure.

I have referred earlier to sections 16.2.2.1 and 16.2.2.2 of the development plan, which I also considered are contravened for the reasons generally discussed above.

I recommend that the decision of the planning authority be upheld.

8.4. Minor amendment proposed

Apart from the additional floor it is also proposed in the current application to make minor alterations to the permitted development involving an increase in height of the ground floor by 77mm for reasons related to building regulations. This is acceptable.

8.5. Conditions

I have listed above under the Planning History section the nature of the conditions which are incorporated in the previous permission. If the Board grants permission

there would be no requirement to re-iterate these conditions subject to referencing them as a group.

I note also that the former use of the site as a petrol station and the matter of possible contaminated lands has been resolved under the permitted development.

TII has referred to the requirement for supplementary contributions.

8.6. Appropriate Assessment

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development, the availability of public water and sewerage in the area, and distance to the nearest European sites, I am satisfied that 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.

9.0 Recommendation

9.1. I recommend that permission be refused for the reasons and considerations below.

10.0 Reasons and Considerations

The site is within the Z5 zoning in relation to which it is policy to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity. Furthermore, it is the policy of the planning authority as set out under sections 16.2.1.1 and 16.2.2.2 to ensure that new development is integrated into and respects the streetscape and the setting of protected structures.

The site is in an area which is an important and historic thoroughfare into the city centre, which is characterised by a reasonably intact and coherent streetscape formed by low rise buildings, many of which are protected structures. It is considered that the proposed additional floor would result in a building which would be overly dominant in the streetscape and which would fail to protect and enhance the

character of the former railway parcels office, a protected structure and would not be justified in terms of the efficient use of centrally located urban land or its proximity to high quality transportation. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.

Mairead Kenny
Senior Planning Inspector

23rd March 2020