



Inspector's Report

PL 29S 237865

Development

Demolition of existing structures know as Creation Arcade, new 4/5 storey development integrated with refurbished nos. 21-23 Grafton Street.

21-23 Grafton Street and Creation Arcade, Dublin 2.

Planning Application

Planning Authority: Dublin City Council.

Planning Authority Reg. Ref.: 3373/10.

Applicant: Temple Duke Ltd.

Type of Application: Planning permission.

Planning Authority Decision: Grant permission.

Planning Appeal

Appellant(s): An Taisce.

Type of Appeal: Third v grant.

Observers: None.

Date of Site Inspection: 11th January 2011.

Inspector: Karla Mc Bride.

1.0 INTRODUCTION

1.1 Site and location

The appeal site is located in Grafton Street on the south side of Dublin City Centre and the surrounding area is predominantly commercial in character. The site fronts onto Grafton Street, Duke Street, Duke Lane Upper and Lemon Lane.

The site comprises three elements:

- An early 20th Century, 4-storey over basement building at nos. 21 to 22 Grafton Street that wraps around the north-western corner of the site with a north facing turret feature on the corner of Grafton Street and Duke Street
- A circa late 18th Century 3-storey building at no.23 Grafton Street.
- The part single and part 2-storey storey Creation Arcade that dates from the 1960's and fronts onto Duke Street, Lemon Street and Duke Lane Upper which comprises several small (vacant) retail units.

The neighbouring buildings at nos. 24 and 25 Grafton Street and nos.20, 21 and 24 Duke Street are designated Protected Structures and the appeal site is located within an Architectural Conservation Area.

Photographs and maps in Appendix 1 serve to describe the site and location in some detail.

1.2 Proposed Development

Planning permission is being sought to:

- Retain nos. 21, 22 and 23 Grafton Street and carry out internal and external alterations.
- Demolish all existing structures at Creation Arcade fronting onto Duke Street, Lemon Street and Duke Lane Upper (except for basement) and replace with a new 3, part 4 and part 5 storey building.
- Integrate retained and internally re-configured building at no.21, 22 and 23 Grafton Street with proposed 3-5 storey building at Creation Arcade.
- Provide an integrated multi-storey retail unit over basement level to 2nd floor level with a new set back roof extension at 3rd and 4th floor levels.
- Internal alterations to nos.21-23 Grafton Street to comprise:
 - Demolition and part retention of internal walls at basement to 3rd floor level.
 - Construction of two new internal stairs extending from basement to 3rd floor and basement to 4th floor.
 - Reconfiguration of internal floor levels above ground floor level.

- External alterations to comprise:
 - Demolish existing ground and part first floor shopfronts along Grafton Street and replace with new integrated ground and part first floor stone façade.
 - Replacement windows.
 - New ground floor double access doors on the corner of Grafton Street and Duke Street.
 - New double access doors to no.23 Grafton Street.
- Proposed development comprises a total gross floor area of approximately 3000sq.m. comprising:
 - 311sq.m. of retained basement floorspace (retail).
 - 98sq.m. of new basement floorspace (retail).
 - 2057sq.m. of ground to second floor level floorspace (retail).
 - 468sq.m. of third floor level floorspace (ancillary restaurant/café).
 - 67sq.m. of fourth floor restroom floorspace (bathrooms).

Accompanying documents:

- Planning report.
- Architectural design statement.
- Conservation observations report.
- Archaeological study.
- Civil engineering infrastructure report.

1.3 Planning Authority's Decision

The Planning Authority decided to grant planning permission subject to 19 conditions.

Condition no.3 required the following amendments in order to clarify the scope of the permission and to ensure the integrity of the neighbouring Protected Structures:

- The omission of the roof development to nos. 21-23 and the re-instatement of the historic roof profile at no.23.
- The omission of the extensive basement excavations to the rear of no.24 Duke Street (Davy Byrnes) and the provision of a set back/buffer zone based on the building plot of no.24 Duke Street.
- Clarify the details of the proposed infill building at no.23 indicating, materials, depth and plan for all openings, parapet etc.

This decision reflects the report of the City Planning Officer.

Interdepartmental Reports:

The Roads and Traffic Department had no objection subject to compliance with conditions related to the submission of a Construction Management Plan.

The Water Department had no objection subject to compliance with conditions.

The Drainage Department had no objection subject to compliance with conditions.

The Conservation Officer recommended the refusal of planning permission for reasons related to adverse impact on character and setting of Protected Structures or the submission of more detailed conservation report by way of AI.

Prescribed Bodies:

Planning application not circulated.

Submissions:

Three submissions received from the RPA, An Taisce and Aviva Investors who raised concerns in relation to a S.49 levy; impact on Protected Structures and Conservation Area; and impact of construction works, retention of right of way and daylight.

1.5 Planning history

Between 1992 and 2010: Several grants of planning permission for new or altered shopfronts at nos. 21, 22 and 23 Grafton Street.

Reg. Ref. 6011/05 – PP refused for retention of signage at no.21.

Reg. Ref. 5424/08 – PP refused for replacement signage at no.21.

Reg. Ref. 5203/08 – PP granted for the re-configuration of the Creation Arcade at ground floor level to form 2 independent retail units within the existing building along with new shopfronts to Duke Street, Duke Lane Upper and Lemon Street.

2.0 NATIONAL AND REGIONAL POLICIES

2.1 National Spatial Strategy 2002-2020

The NSS sets out a national planning framework to co-ordinate future development and planning throughout the country in a sustainable manner and to consolidate the physical growth of Dublin while recognising its national and international importance.

2.2 Regional Planning Guidelines for the Greater Dublin Area.

The Guidelines, which provide a long term planning framework for the development of the Greater Dublin Area, seek to consolidate development, increase overall densities and facilitate the provision of improved public transport.

2.3 Architectural Heritage Guidelines.

The Guidelines provide a practical guide in relation to Part IV of the 2000 Planning Act which deals with the protection of architectural heritage in respect of the Record of Protected Structure and Architectural Conservation Areas.

3.0 DEVELOPMENT PLAN

Zoning objective:

The site is located within an area zoned with the objective “Z5” 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” in the 2011-2017 City Development Plan. Retail developments are normally permitted within this zoning objective.

Heritage:

- Grafton Street is located within a Zone of Archaeological Interest.
- Site located within an Architectural Conservation Area.
- Site located within a Conservation Area.
- Site located in close proximity to several Protected Structures located at nos. 24 to 25 Grafton Street and nos.20, 21 and 24 Duke Street.

Policy FC26 seeks to protect and conserve the city’s cultural and built heritage; sustaining its unique significance, fabric and character to ensure its survival for future generations.

Policy FC27 seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

Policy FC41 seeks to protect and conserve the special interest and character of Architectural Conservation Areas and Conservation Areas.

Paragraph 17.10.1 states that in considering proposals for works to protected structures attention will be paid to preserving architectural features of special interest and to the scale, proportions, design and materials of such works.

Paragraph 17.10.2 states that in considering applications for development within the curtilage of a Protected Structure the PA shall have regard to:

- The protected status of the structure and the need to protect its special character.
- The various elements of the structure which give it its special character and how these would be impacted by the proposed development.
- The proximity of any new development to the main protected structure and any other buildings of heritage value.
- The design of the new development should relate to and complement the special character of the protected structure.

When assessing new developments, there will be particular emphasis on siting, building lines, proportions, scale, massing, height, roof treatment and materials and proposals should include an appraisal of the wider context of the site or structure.

Paragraph 17.10.8.1 states that new buildings should complement and enhance the character and setting of conservation areas and that they should not be visually obtrusive or dominant.

Retail:

- Grafton Street and Duke Street are Category 1 shopping streets.
- Duke Lane Upper and Lemon Street are Category 2 shopping streets

Policy RD3 seeks to promote and facilitate the major contribution of retail and other services to the vitality and success of the City.

Policy RD11 seeks to maintain and reinforce the dominant position of the central shopping core as the premier shopping area in the state.

Policy RD12 seeks to implement the objectives of the Retail Core Framework Plan which includes increasing the amount of retail floorspace to accommodate higher level comparison goods, the provision of larger shop units required by mainstream fashion outlets and to promote active uses at street level on the main shopping streets.

Policy RD13 seeks to have regard to the architectural fabric and fine grain of traditional retail frontage, whilst providing for modern retail formats in the city centre.

Policy RD7 seeks to require a high quality of design and finish for new and replacement shopfronts, signage and advertising.

Development standards for City Centre (Z5):

Plot ratio: 2.5-3.0.

Site coverage: 90%.

Car parking: 1 space per 350sq.m. GFA.

Height: No specific standards for Grafton Street.

Scheme of Special Planning Control for Grafton Street and Environs.

This Scheme seeks to reinvigorate Grafton Street as the South City's most dynamic retail sector underpinned by a wide range of mainstream, independent and specialist retail and service outlets that attract a wide variety of people whilst also re-establishing the area's rich historic charm and urban character. The Scheme identifies appropriate existing and proposed land uses; it provides guidance for maximising the use of buildings; it de-exempts all signage and advertisements and certain uses; it sets out objectives to secure the retention of the historic fabric of the area; and it seeks to improve the quality of the public realm.

Key objective (2) seeks to achieve an appropriate mix and balance of use in Grafton Street by controlling new uses and promoting higher order comparison retail outlets, in particular fashion outlets, to provide for a high quality shopping area.

Key objective (5) seeks to retain and complement the fine grain of the established streetscape in new development:

- The merging of two or more buildings will require planning permission.
- Proposals to demolish buildings may be considered in exceptional circumstances.
- New development should have regard to established building lines, existing massing/height and plot width, existing solid void ratios, predominant materials and colours, active street frontages and accessibility.

Key objective (6) seeks to redress the decline in quality and presentation of buildings and shopfronts in the area.

Key objective (8) seeks to secure the retention of the historic fabric of the area.

4.0 APPEAL

4.1 Summary

There is one Third Party appeal from An Taisce in relation to this application:

General:

- No objection to the principle of the proposed development.
- Grafton Street was designated an ACA in 2007 and Policy H17 seeks to preserve and protect the special interest of ACAs.

Nos. 21-22 Grafton Street:

- Welcome omission of proposed roof to nos.21-22 Grafton Street by way of condition, this is a prominent and unusual 1920s building on a key corner site.
- Investigation of potential further conservation repairs at balustrade and shopfront levels is needed.

No.23 Duke Street:

- Demolition of the existing 2-storey 20th Century Arcade building is acceptable.
- Concerned about the impact of proposed roof design at no.23 which is in conflict with Architectural Conservation policy.
- The use of a top floor recess on the 4-storey building is acceptable however the recess is rendered meaningless by the introduction of an overhanging canopy at roof level and draws attention to the additional accommodation.
- The overhanging canopy is out of context with the defining parapets and pitched roofs of the streetscape architecture (including the PS to the east).

- The proposed roof canopy at no.23 Duke Street should be omitted as it would have an adverse impact on the character and special interest of the ACA and conflict with policy H17 and paragraph 17.1.1 which states that roof forms should harmonise and not clash with the traditional pitched roof forms.

Conservation issues:

- The requirements of Condition no.3 in relation to the omission of the roof development to nos.21-22 Grafton Street do not fully address the concerns raised by the Conservation Officer who recommended a refusal of permission.
- The CO considered that the proposal would be contrary to current planning polices and that it is not aligned with best conservation practice in an ACA.
- The CO also raised concerns in relation to:
 - The inappropriate level of demolition and alteration which will remove the fine grain of the historic building plots.
 - The extensive redevelopment at roof level will detract from the significance of the adjoining Protected Structures.
 - The adverse impact on a building central to the ambience of Grafton Street.
- The Board should seek details from the applicant addressing the Conservation Officer's concerns.

Recommendations:

- Omit roof canopy to proposed penthouse at no.23 Duke Street.
- Seek to address the concerns raised by the Conservation Officer by way of an Article 73 request.

4.2 First Party response submission to Third Party appeal.

The First Party, in a letter received from Declan Brassil & Co. Ltd. stated the following in response to the Third Party appeal:

- Welcome the inclusion of Condition no.3 in relation to the omission of the proposed roof development at no.21-23 Grafton Street and the re-instatement of the historic roof profile at no.23 Grafton Street.
- An Taisce propose the omission of the roof canopy to the recessed penthouse at no.23 Duke Street and the applicant does not object to this request.
- An Taisce has asked the Board to issue an Article 73 request in relation to the concerns raised by the CO and the applicant would welcome such a request.
- Such a request should be accompanied by any response that the Council makes to the subject appeal, if invited to do so by the Board.
- The proposal was the subject of 3 meetings with DCC including the CO and several of the issues now raised by the CO were discussed at the meetings.

- The position adopted by the CO is at odds with the applicant's understanding of the CO's position at the time of the pre-application meeting.
- Several issues not previously raised by the CO now appear to be substantive.
- Applicant's Conservation Architect concludes that the CO's report is based primarily on a misinterpretation of the information submitted.

4.3 Dublin City Council Response submissions

The Board requested Dublin City Council to provide a copy of any minutes/notes of pre-panning meetings held between Dublin City Council and the applicant with no response to date.

4.4 Prescribed Bodies.

Appeal circulated to Failte Ireland and An Chomhairle Ealaion with no response to date.

5.0 REVIEW OF ISSUES AND ASSESSMENT

The main issues arising in this case are:

1. Compatibility with Development Plan zoning objectives.
2. Visual impact and heritage.
3. Overlooking/overshadowing
4. Car parking/vehicular access.
5. Other issues.

5.1 Development Plan zoning objective.

The proposed development would be located within an area zoned for city centre development in the 2011-2017 Dublin City Development Plan and the Scheme of Special Planning Control for Grafton Street and Environs. Both of these plans seek to encourage higher order comparison retail uses in to the area and they acknowledge that such uses require larger floor areas than those normally provided by traditional Grafton Street shops. The proposed development, both in terms of the retail use and floor area, is compatible with the zoning objectives for the Grafton Street area.

5.2 Visual impact and heritage.

The proposed development contains two main elements which comprise:

- (a) The existing 4-storey Burton building at nos. 21 to 22 Grafton Street and the 3-storey building at no.23 Grafton Street would be refurbished, re-configured internally and a new shop front would be installed, the original Burton façade over ground level would be restored.
- (b) The demolition of the Creation Arcade and its replacement with a new 3 and part 4-5 storey building along with its internal integration with the refurbished buildings at nos. 21-22 and no.23 Grafton Street.

The proposed development would be located on a site bound by Grafton Street, Duke Street, Duke Lane Upper and Lemon Street and it would occupy a prominent and high profile City Centre location. The proposed development would also be located within a designated Architectural Conservation Area and the site is located in close proximity to several Protected Structures at nos. 24 to 25 Grafton Street and nos. 20, 21 and 24 Duke Street including Davy Byrnes public house at no.21.

According to Christine Casey in “The Buildings of Dublin”:

- No.21-22 Grafton Street is a stripped classical block of 1928 for Burton’s, possibly by the company’s in-house architect Henry Wilson. It has a mezzanine over the ground floor, a canted angle, quoined pilasters and pedimented windows to the upper storeys; rather undistinguished, yet of enormous rarity value in Dublin in being entirely clad in stone-coloured Carraraware tiles by *Doultons* of Lambeth. A plaque on the Duke Street elevation records the foundation ceremony performed in 1928 by Barbara Jessie Burton.

- No.24-25 Grafton Street dates from 1862 and is described as among Dublin's most entertaining Victorian facades. The three upper floors have superimposed Romanesque arcades and a trabeated attic loggia in Portland cement and the building is richly detailed with interlaced capitals, keystone masks, foliated string courses and chevron ornament.
- Duke Street is a much altered 18th Century Street. Davy Byrnes public house at no.21 is where Leopold Bloom "smellsipped" a glass of Burgundy and ate a gorgonzola sandwich cut into strips. Byrne bought the pub in 1889 and retired in 1939 and the premises has been successively remodelled.

A high standard of design and materials are therefore required having regard to the historic, architectural and literary character of the existing buildings in the area and the high profile location of the proposed development.

The Creation Arcade is a part single and part 2-storey 1960s building which has a frontage on to Duke Street, Duke Lane Upper and Lemon Street and it is physically attached (but not interconnected) to the rear of no.23 Grafton Street. The existing street frontages are not particularly attractive and the proposal to replace the Arcade with a new 3, part 4 and part 5 storey building with frontage onto Duke Street Upper and Lemon Street is acceptable in principle.

Nos. 21 to 22 Grafton Street:

The former Burton building at nos.21-22 Grafton Street occupies a prominent position on the corner of Grafton Street and Duke Street. This 1920s building, which contains an unusual turret style feature on the corner at roof level, has been described as a rarity in Dublin. Although this building has undergone many internal and external alterations over time the front façade retains many of its original features, including the Doulton tiles, and the proposed restoration of the upper façade is welcome in terms of enhancing the visual amenities of the Grafton Street Architectural Conservation Area.

The front elevation to nos. 21 and 22 would be altered at ground level to provide a uniform shopfront with a sandstone finish to match the original Doulton tiles and brass framed windows and doors. The proposed sandstone shopfront would be approximately 7m high along Grafton Street and Duke Street. The Grafton Street façade would contain three brass framed windows (c.5m x 2m) and the Duke Street façade would contain four brass framed windows (c.5m x 1.8m).

The original wrought iron Juliet balcony on the corner at first floor level above the main entrance door would be retained. The existing memorial plaque attached to the Duke Street façade of the Burton building should be retained for its historical value as it records the foundation ceremony performed in 1928.

The proposed alterations to the front façade and proposed shopfront are considered acceptable in terms of visual amenity and continuity subject to the Planning Authority agreeing the final design and signage details.

The visual impact of the proposed third and fourth roof level extensions on the corner turret style feature, the neighbouring Protected Structures and the Architectural Conservation Area will be assessed later in this report.

No.23 Grafton Street:

The existing building at no. 23 Grafton Street is approximately 5m wide and 11.5m high and it is located in between the Burton building and the Protected Structures at nos. 24 to 25 Grafton Street. No.23 has undergone many internal and external changes over the years and the current front elevation is relatively unattractive. The conservation report submitted with the application states that this building, although highly modified, is a late 18th Century building which retains party walls, stairwell position, chimney breasts and a distinct perpendicular profile to Grafton Street. The original 18th Century party walls would be retained in the proposed development.

The proposed ground level shopfront would be approximately 5.5m high and it would be finished with sandstone to match the Burton building at no.21-22 and a brass framed window and door which is acceptable in terms of visual amenity. The upper levels of the front elevation would comprise a brick finish with two windows at first and second floor level although there are no details of the type of frame proposed.

The full extent of the works proposed for no.23 Grafton Street are not entirely clear from the submitted plans in relation to whether the front elevation would be demolished or substantially altered and refurbished. This issue could be addressed by way of a planning condition requiring the submission of exact details in relation to the full extent of the proposed works along with details of finishes, materials and openings. Alternatively the Board may wish to seek further information in relation to the exact nature of the proposals for no.23.

The proposal to alter the existing roof profile of no.23 has been omitted by way of Condition no.3 which is acceptable.

Duke Street:

The Duke Street element of the proposed new building would be located on the site of the Creation Arcade. It would be approximately 11m wide and between 13m and 16-17m high, although the sections above 13m would be set back at c.4.5m from the Duke Street elevation. The c.5.3m high shopfront section would comprise a mix of sandstone (to match the Doulton tiles on the Burton building) with four brass window frames (c.3.5m x 1.5m) with a brick finish and hardwood timber windows over at first and second floor levels. The recessed upper levels would comprise double glazed aluminium windows and aluminium louvres

The 3-storey element would be slightly lower than the Burton building at no.21-22 Grafton Street and c.2.5m to 3m higher than the neighbouring buildings at no. 21 and no.24 Duke Street. The overall design, fenestration and brickwork would be similar to the neighbouring buildings along Duke Street and the ground level shopfront would be similar to the shopfront at the Burton building on the corner of Duke Street and Grafton Street. This section of the proposed development is considered acceptable in terms of design, layout and visual amenity however the visual impact of the upper levels will be assessed later in this report.

Duke Lane Upper/Lemon Street:

The south east section of the proposed new building would be located on the corner of Duke Lane Upper and Lemon Street. The frontage to Duke Lane Upper would be approximately 12m wide and the frontage to Lemon Street would be approximately 14m wide and the entire section would be 14m to 16.5m high.

The c.4.8m high shopfront section would comprise a mix of sandstone (to match the Doulton tiles on the Burton building) with three brass window frames (c.3.5m x 2m) along the Duke Lane and Lemon Street frontages with double doors opening onto both streets on the corner. There would be a plain cast render finish and hardwood timber windows over at first, second and third floor levels. The upper levels would comprise double glazed aluminium windows and aluminium louvres.

This section of the proposed development would be slightly higher than the neighbouring A-Wear building along Lemon Street to the east which is approximately 14m high. It would be substantially higher than the rear section of the neighbouring Davy Byrnes public house to the north at Duke Street which is approximately 9.5m high. However this section of the proposed structure would be located over 20m to the rear of Davy Byrnes and the visual impact would not be significant.

The overall design, fenestration and brickwork would be similar to the neighbouring buildings along Duke Street and the ground level shopfront would be similar to the shopfront at the on the corner of Duke Street and Grafton Street. This section of the proposed development is considered acceptable in terms of design, layout and visual amenity however the visual impact of the upper levels will be assessed below.

Upper levels at all streets:

The overall height of the proposed development would be between c.13.5m and 20.5m. The 3-storey street frontage sections would be approximately 13.5m high, the third floor section would be c.16.5m high and the fourth floor section would be c.20.5m high. The proposed third floor level would extend uniformly across all three plots (the Burton building, the Duke Street plot and the Duke Lane Upper/Lemon Street plot). The proposed fifth floor would be located in the approximate centre of the urban block defined by the four streets.

The proposed third floor level (c.468sq.m) would be set back approximately 4m from the front elevations of the existing buildings along Grafton Street and the existing frontages along Duke Street, c.3m from the proposed frontage along Duke Street and c.1.2m from the proposed frontages along Duke Lane Upper and Lemon Lane.

The proposed fourth floor level (c.67sq.m) would be set back approximately 17m from Grafton Street, 14m from Duke Street, 16m from Duke Lane Upper and 12m from Lemon Street. The proposed fourth floor level would be approximately 8m to 13.5m wide and 3m to 11m deep.

The upper levels of the proposed development are a cause for concern in terms of their visual impact on the neighbouring Protected Structures and the Architectural Conservation Area.

Condition no.3 of the Planning Authorities decision to grant planning permission required the omission of the upper levels over nos. 21, 22 and 23 Grafton Street and the re-instatement of the historic roof profile at no.23 Grafton Street in the interest of visual amenity and to protect the character and setting of the corner turret style feature at the Burton building at no.21-22 Grafton Street. This is a welcome initiative.

The Conservation Officer and An Taisce have also raised concerns about the visual impact of the proposed upper levels on the character and setting of Davy Brynes public house at no.21 Duke Street which is a Protected Structure along with no. 20 and no.24 Duke Street which are also Protected Structures.

The proposed development would occupy a highly sensitive, high profile and prominent corner location within the Grafton Street Architectural Conservation Area. Notwithstanding the proposed set backs and the omission of the sections located over nos. 21, 22 and 23 Grafton Street, the proposed upper levels would continue to be visually obtrusive at certain points along Duke Street and Duke Lane Upper.

The height, design and extensive use of glazing and aluminium at the upper levels would be out of character with the surrounding area when viewed from the public domain. The proposed upper levels would have an adverse impact on the character and setting of the neighbouring Protected Structures along Duke Street and in particular Davy Byrnes public house at no.21. The requirements to omit the upper levels over nos. 21, 22 and 23 Grafton Street should be extended across the remainder of the proposed development which would serve to protect the character and setting of the Protected Structures and the visual amenities of the Architectural Conservation Area.

Basement levels:

It is proposed to retain the existing basement levels under the Burton building and the Creation Arcade (c.311sq.m). It is also proposed to excavate an additional basement area (c.98sq.m) to the rear of no.24 Duke Street and partly to the rear of Davy Byrnes basement which is located underneath the Creation Arcade in the vicinity of Duke Street (according to the submitted plans).

The Conservation Officer has raised concerns in relation to the impact of the excavation works on the nearby Protected Structures along Duke Street which could give rise to instability. Given the proximity of the proposed new basement area to the rear of no.24 Duke Street I concur with the concerns raised by the Conservation Officer and the requirements of Condition no.3 (b) that this basement section of the proposed development be omitted.

5.3 Overshadowing/overlooking.

The proposed development would be located within an existing built up city centre location which is predominantly commercial in character and the proposed development would not overlook or overshadow any neighbouring properties to any additional or significant extent.

5.4 Car parking/vehicular access.

The proposed development would not provide any off street car parking which is considered acceptable given that the proposal would occupy a City Centre location in close proximity to existing and proposed public transport routes.

5.5 Other issues:

Environmental Services: The proposed arrangements are considered acceptable subject to compliance with Council requirements.

Metro North: The proposed development would be located in close proximity to the proposed Metro North and a Section 49 special contribution condition should be attached along with the standard Section 48 contribution condition.

Lighting and signage: All future proposals related to external lighting and signage should be agreed in writing with the Planning Authority.

Construction and waste management plans: The developer should submit a Construction Management Plan and a Waste Management Plan for the Planning Authorities written agreement before development commences.

Disturbance during construction: A condition should be attached which places operational time restrictions on construction activities in the interest of amenity.

6.0 RECOMMENDATION

Arising from my assessment of the appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, subject to compliance with the attached conditions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the:

- National Spatial Strategy 2002-2020;
- Architectural Heritage Protection Guidelines 2004;
- Development Plan City Development Plan 2011-2017;
- Scheme of Special Planning Control for Grafton Street and Environs,

and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the character of the Protected Structures in the vicinity and it would not impact on the visual amenities of the Conservation Area. 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 particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
Reason: In the interest of clarity.
2. The memorial plaque attached to the Duke Street façade of nos. 21-22 Grafton Street which records the foundation of Burton's shop should be retained.
Reason: In the interest of visual amenity and heritage.

3. The development shall be amended as follows and revised details shall be submitted to the planning authority for their written agreement prior to commencement of development :
 - a. The proposed third and fourth floor roof developments shall be omitted in their entirety.
 - b. The historic roof profile over no.23 Grafton Street shall be re-instated.
 - c. Details of the proposed works to no.23 Grafton Street in relation to the full extent of the refurbishment/demolition works, proposed external finishes and materials, internal depth and plan for all openings.
 - d. The proposed basement excavations to the rear of Duke Street shall be omitted in their entirety.

Reason: To protect the visual amenities of Grafton Street Architectural Conservation Area and to protect the character and setting of Protected Structures in the vicinity.

4. The developer shall submit an ICOMOS level 4 Survey of record of the individual buildings to the planning authority in order to preserve the building by record. Historic building materials such as historic brick, stone, joinery, historic windows shall be salvaged.

Reason: In the interest of building conservation.

5. Details of materials, colours and textures of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. A panel of the proposed finishes shall be placed on site to enable the planning authority adjudicate on the proposals. Full details in relation to lighting and signage shall be agreed with the Planning Authority before development commences.

Reason: In the interest of visual amenity.

6. The developer shall submit all details in relation to shopfront details including signage design and materials, trading name, means of illumination and security devices for the written agreement of the planning authority prior to the occupation of the units.

Reason: In the interest of visual amenity.

7. A window display shall be maintained at all times, and the glazing to the shopfront shall be kept free of stickers, posters and advertisements.

Reason: In the interest of visual amenity.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001-2010, no advertising signs (including any signs installed to be visible through the windows), advertisement structures, banners, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without a prior grant of planning permission from the planning authority or An Bord Pleanála on appeal.
Reason: In the interest of visual amenity.
10. The premises shall be used as a shop for the retail sale of goods and for no other purpose within Part 2 or Schedule 2, Part 4 of the Planning and Development Regulations, 2001 without a prior grant of planning permission. The premises shall not be used as a shop for the sale of hot/cold food for consumption off the premises, even where the sale of such food is subsidiary to the main retail use, or for restaurant use.
Reason: in the interests of clarity and to protect the amenities of the area.
11. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.
12. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.
Reason: To protect the amenities of property in the vicinity.
13. Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to the commencement of any development on site.
Reason: To protect the amenities of property in the vicinity.
14. Details of service and delivery arrangements shall be submitted for the written agreement of the Planning Authority prior to the occupation of the retail units/restaurant.
Reason: In the interest of orderly development.
15. 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.

16. 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 interests of sustainable waste management and to protect the residential amenities of property in the vicinity.

17. The developer shall submit a Construction and Demolition Plan for the written agreement of the Planning Authority prior to the commencement of development which demonstrates how the development will be constructed without impacting on the surrounding road network and shall include details in relation to a construction programme, co-ordination of construction works and construction methodologies.

Reason: In the interest of orderly development.

18. 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. 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. The application of any indexation required by this condition 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.

Reason: It is a requirement of the Planning and Development Act 2000 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.

19. The developer shall pay to the planning authority a financial contribution in respect of Metro North 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. The application of any indexation required by this condition 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.

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.

Karla Mc Bride

Senior Inspector

17th February 2011