



The submissions on this file and the Inspector's report were considered at a Board meeting held on September 9th 2016.

The Board decided to grant permission in accordance with the following reasons, considerations and conditions.

REASONS AND CONSIDERATIONS

Having regard to the Architectural Heritage Guidelines for Planning Authorities, 2004 and to the provisions of the Dublin City Development Plan 2011 to 2017, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. 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 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. Information boards providing a brief history and rules of the game of real tennis and its association with the Real Tennis Building including its original purpose shall be displayed in the building in prominent locations. Details of the content and location to be submitted to and agreed in writing with the planning authority prior to the opening of the National Children's Science Centre.

Reason: In the interest of the cultural and social heritage.

3. 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 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.

4. The developer shall comply with the following conservation requirements:
 - (i) A site visit shall be scheduled with the planning authority and the developer's Design Team prior to the commencement of development to review a comprehensive Conservation Methodology and Specification for all the proposed works in the context of the remaining original fabric, including the repair of original fabric. This shall be agreed in writing with the planning authority. This should include in particular:
 - a. Drawings of stripping out works/protection of primary fabric.

- b. A schedule of urgent remedial works to prevent further damage from water ingress within vacant spaces to be agreed with the planning authority and implemented at the outset of the project.
- c. The record of the Real Tennis Court to be updated during the course of the works and the conservation of all original features in-situ in agreement with the planning authority to allow for future reversibility to the original purpose.
- d. The significance and conservation of the structure to be disseminated to the public in general as part of the overall presentation of the building.
- e. Structural interventions to have regard to retaining historic fabric in-situ:
 - i. Chimney, roof and rainwater goods in accordance with the Advice Series on Traditional Roofs.
 - ii. Brickwork and stone repair and re-pointing as necessary.
 - iii. Historic render and decorative work.
 - iv. Windows. Internal joinery.
 - v. Internal plasterwork.
 - vi. Repairs of original boundary walls and railings.
 - vii. Landscaping proposals appropriate to the setting of the protected structure.
 - viii. Damp-proofing/thermal upgrading measures where necessary.
 - ix. Removal of redundant M&E elements, wiring and conduit.
 - x. Proposed new M&E elements and wiring which will re-use existing runs and opes.

(ii) A Conservation Architect shall be employed to devise, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.

(iii) All works shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued by the

DoAHG. Any repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements.

(iv) All works shall be carried out in accordance with the submitted 'Report on Structural and Related Issues' and shall be supervised by a Structural Engineer.

(v) During the course of the works the preparation of the Conservation Methodology and Specification requested above, the following detailed schedules are to be progressed/agreed on site with the planning authority and further to the preparation of site exemplars as necessary:

a. A methodology for making good the exterior render, including the extent of the repair and proposed repair specification. A site visit to view exemplars may be necessary and will be confirmed by the planning authority on submission of this information.

b. A schedule of condition and associated repairs of the original windows including glass type, frames, sashes and internal linings and details of replacement windows.

Note: The repair rather than replacement of original windows is guided in all instances when dealing with historic properties. An experienced conservator of historic joinery / heritage contractor is recommended.

c. A schedule of condition and associated repairs of the original entrance steps boundary walls/railings of the front area. Note: The repair rather than replacement of original boundary treatment is guided in all instances when dealing with historic properties. An experienced heritage contractor / stonemason is recommended.

d. A schedule of condition and associated repairs of the internal joinery details.

Note: An experienced conservator of historic joinery / heritage contractor is recommended.

- e. The advice of an experienced conservator should be sought regarding safeguarding the remnants of the historic finishes where revealed both in terms of the remnants to be retained in situ and the overall record to be made.
- f. A schedule of condition and associated repairs of the historic plasterwork (plain and decorative to be retained) and clarification of all restoration works, thermal and damp upgrading works (to avoid adverse impact on breathability and historic character) to be confirmed with the planning authority. Note: Dry-lining is not supported as a conservation strategy for protected structures as a general concept.
- g. Historic fabric to be removed to be carefully set aside and recorded or re-used where possible as part of the overall refurbishment.
- h. A copy of the finalised report regarding the historic structure to be demolished, historic building to be re-used and their original plan form, character, historic arrangement and details to be placed with the Irish Architectural Archives and the Planning Authority for record purposes.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

- 5. The developer shall submit a detailed proposal to the planning authority for the temporary re-instatement of the penthouse galleries and any other essential features required for playing Real Tennis matches. The temporary structures shall be robust and durable and designed in a manner which allow for efficient on-site assembly, dismantling and storage. The entrance door which would be located in the playing wall should be designed so as to be flush with this wall and any other openings in the playing wall shall be omitted. These details shall be agreed in writing with the planning authority before development commences.

Reason: In the interest of cultural, sporting and architectural heritage

6. The developer shall submit a detailed proposal to the planning authority for the protection and relocation of the statue of Count John McCormack to a new position within the Iveagh Gardens. The details shall be agreed in writing with the planning authority before development commences.

Reason: In the interest of cultural heritage

7. The landscaping scheme shall be implemented fully and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of amenity and sustainable development.

8. 6.The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. The developer shall comply with the following roads and traffic requirements:
- (i) The cycle parking provided on site shall be “Sheffield Stand” type stands. The usage of cycle parking on site shall be monitored and where necessary additional cycle parking stands shall be provided.

Reason: In the interest of orderly development

10. Water supply and drainage arrangements, including the disposal of surface water and internal basement drainage, shall comply with the requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

11. 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. 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.

12. The developer shall pay to the planning authority a financial contribution of €95,736.99 (ninety-five thousand, seven hundred and thirty six euro and ninety nine cent) 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. 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 An Bord Pleanála to determine.

- **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.

13. 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, 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

Board Member

Paul Hyde

Date: 09.09.16