



An  
Bord  
Pleanála

**Board Direction  
PL29S 248477**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29 November, 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the nature, scale and design of the proposed development, the pattern of development in the area, the provisions of the Dublin City Development Plan 2016-2022, the comprehensive nature of the proposed development which includes the refurbishment and reuse of the significant building comprising the former Loreto Hall at No.77 St. Stephen's Green South which is designated as a Protected Structure, and the former chapel building to the rear of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development including the proposed new build at the rear would not adversely affect the character or architectural significance of the historic buildings on site or in the vicinity of the site, would not diminish the setting as part of the Z8 Georgian Conservation Area, would not seriously injure the amenities of properties in the vicinity, would be acceptable in terms of traffic safety and convenience and 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, as amended by the further particulars submitted on the 30th day of March, 2017 and by the further plans and particulars received by An Bord Pleanála on the 26th day of June, 2017, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed development shall be restricted to the proposed hotel with ancillary restaurant/bar use, unless otherwise authorised by a prior grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity.

3. The proposed development shall be amended as follows:
  - a) The proposed penthouse floor and associated fire escape at penthouse level shall be omitted.
  - b) The rear block shall be reduced by one entire storey and set back from the western elevation at sixth floor level as indicated in Option B and Drawing no.2016-67-FI-200B, and drawing no.2016-67-FI-300B submitted to the planning authority on 30<sup>th</sup> day of March, 2017.
  - c) The width of the proposed rear block shall be reduced so that it is setback a minimum of 2 metres from the western site boundary between ground and second floors inclusive and is setback a minimum of 3 metres from the western boundary for all remaining floors of the building i.e. third to sixth floor. Revised drawings showing compliance with these requirements shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity and to protect the setting of the Protected Structure and adjoining Protected Structure.

4. Prior to commencement of development, the developer shall make a record of the existing Protected Structure. This record shall include:-

- (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and

- (b) a detailed, labelled, photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.

This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works to the Protected Structure shall be submitted to the Irish Architectural Archive.

**Reason:** In order to establish a record of this Protected Structure.

5. All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and be supervised by a qualified conservation architect (or equivalent). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

**Reason:** To ensure that the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

6. The hotel room windows on the western elevation of the rear block shall be developed in accordance with drawing no 2016-67-FI-306 submitted to the planning authority on the 30th day of March, 2017.

**Reason:** To protect the amenity of the adjoining property to the west.

7. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of all external finishes, materials, treatments and colours for the historic buildings to be retained on site and for the proposed new building.

**Reason:** In the interest of visual amenity.

8. Details for the effective control of fumes and odours from the ancillary restaurant area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

9. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

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

**Reason:** To protect the visual amenities of the area.

11. 12 number bicycle parking spaces shall be provided on site. The layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

12. Access, servicing/loading arrangements and any works to footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works and details of these shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of amenities and public safety.

13. 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.

14. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual and residential amenity.

15. PA Condition no 16

**Reason:** To safeguard the amenities of the area and in the interest of orderly development.

16. The restaurant in the former chapel shall only be used as a licensed restaurant/café and shall not be used as a public bar, dance hall or nightclub, save with a prior grant of planning permission. In particular, the restaurant in the old chapel shall be used primarily for the consumption of food in association with the proposed restaurant use and shall not be provided with speakers or amplified music.

**Reason:** In order to preserve the amenities of the area and in the interest of clarity and consistency.

17. 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 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.

- 18 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, noise management measures and off-site disposal of construction/demolition waste and a Traffic Management Plan for construction phase.

Reason: In the interest of public safety.

19. A plan containing details for the management of waste and recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

20. Site development and building works shall be carried out only between 0700 hours and 1800 hours Mondays to Fridays, between 0800 hours and 1400 hours 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 the interest of protecting the residential amenities of adjoining properties.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory provision of services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

22. 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.

**Board Member**

**Date:** 04.12.2017

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Terry Prendergast