



An
Bord
Pleanála

Board Direction
BD-005695-20
ABP-304881-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/05/2020.

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 Objective Z5 zoning objective for the area, to the scale and nature of the proposed development and its location relative to surrounding properties including the Protected Structure at No.3 Parnell Street and to the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not adversely affect the character or setting of the Protected Structure or of the Architectural Conservation Area in which it is located or any other protected structures in the vicinity and would be acceptable in terms of pedestrian and traffic safety. 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 as amended by the further plans and particulars submitted on the 20th day of May 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The new build elements of the proposed development shall be reduced in height by a full storey. This shall be achieved by the omission of the fourth-floor level in its entirety. The proposed fifth floor plan shall be replicated at fourth floor level and the sixth-floor plan at fifth floor level, unless otherwise required by the attached conditions.
 - (b) Bedroom 508 at fifth floor (new fourth floor) level and adjoining landing and stairwell shall be omitted and if necessary, the stairwell relocated further east.
 - (c) The window in the south elevation of Room 505 shall be omitted.
 - (d) The shopfront designs at ground floor level along nos. 3, 4 and 5 Parnell Street shall be revised in a manner that articulates the individual historic plots
 - (e) New blue Bangor/Welsh slates shall be used in the reroofing works of the existing buildings in lieu of reclaimed slate.
 - (f) The layouts of the bathrooms and lobbies within the hotel suites in the upper floors of no. 3 Parnell St shall be revised so that the chimneybreast in the rear principal rooms is fully legible in the floor plan.
 - (g) The pre-existing opening in the rear wall of no.3 Parnell Street shall be utilised to provide access to the linked area to the rear in lieu of creating a new opening that is wider and lower in the historic wall.

(h) The glazed atrium link between no. 3 Parnell Street and the new extension shall be lowered by at least a storey in height and junction details shall be fully provided.

(i) A detailed survey of the basement of nos. 4, 5 and 6 Parnell Street shall be carried out. The planning authority's conservation section shall be given an opportunity to inspect the site in the course of fabric removal and should an structural element of interest be found within the site these should be incorporated as part of the revised proposal.

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 protecting the integrity of historic fabric including a protected structure as well as the streetscape character in an Architectural Conservation Area and to protect visual and residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the Planning Authority.

Reason: In the interests of public health.

4. The developer shall enter into water and/or waste water connection agreement with Irish Water, prior to commencement of development

Reason: In the interests of public health.

5. The proposed shopfronts shall be in accordance with the following requirements:-

- (a) Lighting shall be by means of concealed neon tubing or by rear illumination,
- (b) External roller shutter shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
- (c) No adhesive material shall be affixed to the windows or the shopfront.

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

Reason: To protect the visual amenities of the area.

6. Details which shall include samples, of the materials, colours and textures of all the external finishes to the proposed development including the screening to the proposed balconies shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and streetscape

7. The restaurant and external courtyard shall be closed to the public and patrons between the hours of 11.30 pm and 7.am. every day of the week.

Reason: in the interest of residential amenity.

8. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

9. All proposed works to the protected structure, shall be carried out under the supervision of a qualified Grade I or Grade II RIAI conservation architect.

Reason: To secure the authentic preservation of a protected structure and significant historic fabric within the site and to ensure that the proposed works are carried out in accordance with best conservation practice.

10. Proposals for a numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

11.

- (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
- (b) All windows and roof lights shall be double-glazed and tightly fitting.
- (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. The premises shall be managed such that

- (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 08.00 to 2300 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L_{90} and the specific noise shall be measured at $L_{Aeq,T}$.
- (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be the subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at $L_{Aeq,T}$.
- (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - (i) during a temporary shutdown of the specific noise source, or
 - (ii) during a period immediately before or after the specific noise source operates.
- (d) When measuring the specific noise, the time (T) shall be any 5-minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

13. Standard Arch Condition

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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 order to safeguard the amenities of property in the vicinity.

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

Reason: In the interest of residential and visual amenity.

16. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff car parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of

adequate facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport

17. 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 interest of sustainable waste management.

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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;

- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking/vehicular access for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

19. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities 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, in particular recyclable materials, in the interest of protecting the environment.

20. 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 provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other 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 or maintenance 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 and maintenance of the development until taken in charge.

21 S 48 Unspecified

22 S 49 Unspecified

Board Member

Date: 05/05/2020

Paul Hyde