



**An
Bord
Pleanála**

**Board Direction
BD-019354-25
ABP-319100-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/03/2025.

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.

(In deciding not to attach the Inspector's recommended Condition No. 2 requiring the omission of proposed works to No. 7-8 Exchange Street Upper, having considered: the existing variations in height in the urban block in which the development is proposed; the variations in height in the surrounding area adjacent the Protected Structures and the Conservation Area; the limited views of the proposed development at this location in the context of adjacent Protected Structures; the height strategy as contained within the statutory plan for the area; the city centre location; the established hotel use at this location, and the nature and design of the proposed works, the Board was satisfied that the said works would not adversely impact on the character or setting of adjacent Protected Structures or the Conservation Area, would not be visually obtrusive and would not represent an overdevelopment of this city centre site. The Board concluded that the omission of the works at No. 7-8 Exchange Street Upper was unwarranted and unnecessary.)

(Direction to issue with Order.)

Reasons and Considerations

Having regard to: the nature, scale and design of the development proposed; the planning history of the site; the established hotel use of the majority of the site that is

made up of a number of separate but connected Protected Structures; the provisions of the Dublin City Development Plan 2022-2028 including, inter alia, the zoning objective Z5 "to consolidate and facilitate the development of the central area and to identify reinforce, strengthen and protect its civic design character and dignity" that pertains to the appeal site; the established range of land uses and the architectural character within the street network in the vicinity, and also having considered the Record of Protected Structures (RPS) that does not include No. 32 Parliament Street or 7-8 Exchange Street Upper and the specific elements of No. 31 Parliament Street that are protected in the RPS (ground floor shop and first floor bay window only), the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan objectives for the site, would not seriously injure the integrity and setting of any Protected Structures or the visual amenities or architectural character of the Conservation Area along Parliament Street within which part of the site is located and would not materially contravene the statutory development plan for the 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 as amended by the further plans and particulars received by the planning authority on the 3rd day of August 2023, and on the 21st day of December 2023 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 Prior to commencement of development, the proposed development shall be amended to provide for:

- (a) secure, sheltered and well-lit bicycle parking spaces (number to be agreed with the planning authority), including electric bike charging facilities:
- (b) staff changing and shower facilities.

Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of orderly development and to support active travel.

- 3 The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within the Architectural Heritage Protection: Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2011.

Reason: In the interest of the protection of architectural heritage, in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

- 4 Prior to commencement of development, the developer shall make a record of the existing structures at Nos. 31 and 32 Parliament Street. 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 including separate drawings of windows, doors and roofs, and
 - (b) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the buildings.

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 planning authority and the Irish Architectural Archive.

Reason: In order to establish a record of the historic structures that includes a protected structure at the ground and first floor levels of 31 Parliament Street.

- 5 Nos. 31 and 32 Parliament Street, as well as the openings into No. 30 Parliament Street, shall be subject to a Historic Building Survey. This is to be prepared by a suitably qualified architectural historian. The survey shall provide a comprehensive analytical record and be appropriate for buildings of special importance. The record should draw on the full range of sources of information about the building and discuss its significance in terms of architectural, social, regional or economic history. Such a record will consist of, inter alia, drawings, photography and a written account.

Reason: In the interests of architectural heritage.

- 6 Prior to the commencement of development at Nos. 31 and 32 Parliament Street, the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
- (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
 - (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
 - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
 - (d) protection of the retained ground and first floor facades of 31 Parliament Street during the demolition and construction works and works to be carried out to those facades,
 - (e) materials/features of architectural interest to be salvaged,
 - (f) phasing of the project
 - (g) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
 - (h) details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,

(i) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

Details to be accompanied by drawings of an appropriate scale of not less than 1:50 in respect of (g), (h) and (i) above.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

7 The developer shall comply with the following archaeological requirements:

a). The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations e.g. boreholes, engineering test pits, etc. carried out for this site prior to any site clearance/construction work. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.

i. The archaeological and historical background of the site, to include industrial heritage.

ii. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc.

iii. The nature, extent and location of archaeological material on site by way of archaeological testing and/or monitoring of the removal of overburden.

iv. The impact of the proposed development on such archaeological material.

b) The archaeologist shall forward their Method Statement in advance of commencement to the planning authority for written agreement.

c) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for

services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only.

The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

d) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the planning authority in advance regarding the procedure to be adopted in the assessment.

e) One digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The planning authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage) shall determine the further archaeological resolution of the site.

f) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

g) The developer shall make provision for archaeological excavation in the project budget and timetable.

h) Should archaeological excavation occur the following shall be submitted to the planning authority:

i. A bi weekly report on the archaeological excavation during the excavation and post excavation period.

ii. A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation.

iii. A final report on the archaeological excavations not later than twelve months after the completion of the excavation

i) Before any site works commence the developer shall agree the foundation layout with the planning authority.

j) Following submission of the final report to the planning authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin 2.

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

8 Prior to commencement of operation of the hotel development, the Hotel Management Plan submitted with the application shall be updated to include an Operational Management Statement, Mobility Management Plan and Service Delivery and Access Strategy, and shall be submitted for the written agreement of the planning authority.

Reason: In the interest of appropriate site management.

9 Prior to commencement of development, the developer shall submit a Climate Action and Energy Statement for the written agreement of the planning authority.

Reason: To comply with the policies set out in Section 3.5.2 'The Built Environment' and Section 3.5.3 'Energy' of Chapter 3 of the Dublin City Development Plan 2022-2028.

10 The proposed 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) details for the movement of crane(s) to and from the site and use 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; and

(n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

- 11 Prior to commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper waste management of the proposed Development

- 12 Prior to commencement of development, the developer shall enter into a connection agreement (s) with Uisce Eireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

- 13 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, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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 and the amenities of properties in the vicinity.

- 14 No signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles, (including that which is exempted development under the Planning and Development Regulations, 2001 as amended), other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to protect the character of the Architectural Conservation Area and Protected Structures therein.

- 15 Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 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: To safeguard the amenity of property in the vicinity.

- 16 The developer shall control fumes and odour emissions from the premises in accordance with measures including extract duct and stack height details, filtration details, fan power of which shall be submitted to, and agreed in writing with, the planning authority, to included detailed drawings of ventilation pipe routes, prior to commencement of development. The Ventilation system must be designed and installed by a suitable qualified and experienced person and permanently maintained thereafter.

Reason: In the interest of public health and the protection of the integrity of protected structures.

- 17 The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

- 18 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

- 19 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.

- 20 The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City project 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 under section 49 of the Act be applied to the permission.

Board Member



Tom Rabbette

Date: 01/04/2025