

**An  
Bord  
Pleanála**

**Board Direction**

**BD-018761-25**

**ABP-319111-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/01/2025.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the planning history of the site and its status as a Protected Structure, to the Dublin City Development Plan 2022-2028 and 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, and having regard to the established range of land uses and the architectural character within the street network in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan objective for the site, would not seriously injure the integrity and setting of the protected structure or the visual amenities or architectural character of the Architectural Conservation Area within which the site is located and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not consider that the proposed works to the protected structure would have a detrimental and irreversible impact on the essential qualities of the building, more particularly given the extent to which those qualities had already deteriorated or been modified over time by successive uses. The scope of works to retain and improve surviving key features and the protected structure's façade, to be conducted under the supervision of an architect with specialist expertise in historic building conservation, would be in keeping with Policies BHA11 and BHA15 of the Development Plan. It would also be consistent with Section 6.8.8 of the Architectural Heritage Protection Guidelines which states: *"in the whole, the best way to prolong the life of a protected structure is to keep it in active use, ideally in its original use. Where this is not possible, there is a need for flexibility within development plan policies to be responsive to appropriate, alternative uses for a structure"*.

The Board considered that the modest increase in height and the proposed rear extensions to provide 111 no. bedrooms together with a publicly accessible restaurant and bar, alongside the retention of the retail space at ground floor level would support the vibrancy and vitality of the site's mixed-use setting by day and by night, in accordance with Policy CEE28 (Visitor Accommodation) of the current Development Plan, and would be consistent with Section 14.7.5 of the Development Plan which seeks (in part) to provide a mix of uses generally and active, vibrant ground floor uses on these 'Z5' zoned lands.

## **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. Prior to the commencement of the development, the proposed development shall be amended for the written agreement of the planning authority as follows:
  - a) Omit the glazed lighting shown on the public pavement.
  - b) Provide details of sufficient cycle parking spaces for staff (adjacent to the changing facilities), guests and visitors.

**Reason:** In the interests of orderly development (a) and to support active travel (b).

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, 2005.

**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 the 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 planning authority and the Irish Architectural Archive.

**Reason:** In order to establish a record of this protected structure.

5. Prior to commencement of the works to the Protected Structure 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 material and methods, to ensure the development is carried out in accordance with the document: "Architectural Heritage Protection – Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011);
  - (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works, e.g. oak paraquet flooring on the first level
  - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
  - (d) protection of the features identified within the developer's list of proposed works at section 6.0 of the Lindsay Conservation Architects Conservation Impact Study (November 2023) during the construction works,
  - (e) materials/features of architectural interest to be salvaged
  - (f) phasing of the project

**Reason:** In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities. In order to ensure an appropriate standard of restoration works for this protected structure.



- b. Prior to commencement of development the outline plans/details submitted with the application, Operational Management Statement, Mobility Management Plan and Service Delivery and Access Strategy, shall be updated, finalised and submitted for the written agreement of the Planning Authority.

**Reason:** In the interests of appropriate site management.

7. Prior to commencement of the 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.

8. Prior to the 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.

9. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann 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.

10. 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.

11. 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.

12. Site development and building works shall be carried out between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

13. 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.
  - (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

14. 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.

15. 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.

16. 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.

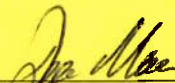
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



17. 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**

  
Declan Moore

**Date:** 04/02/2025