

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2362/16

An Bord Pleanála Reference Number: PL 29S.246621

APPEAL by the Irish Real Tennis Association care of Cunnane Stratton Reynolds, 3 Molesworth Place, Dublin against the decision made on the 21st day of April, 2016 by Dublin City Council to grant subject to conditions a permission to the Commissioners of Public Works of the Office of Public Works, Project Management Services, Jonathan Swift Street, Trim, County Meath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The development will consist of the refurbishment and restoration of the existing north and part of the east wing of the existing National Concert Hall and the Real Tennis building and the construction of a new four-storey over basement extension with a planetarium dome to the west of the north wing at the boundary of the Iveagh Gardens. The development includes the change of use from the former UCD School of Civil Engineering to the National Children's Science Centre. The total floor area of the development is approximately 9,580 square metres. The National Concert Hall, Real Tennis Court and Iveagh Gardens are designated Protected Structures (References RPS 2425, 2426 and 7791). In order to facilitate the new extension, the following demolitions are required; the existing 450 square metres two-storey stone building which houses a workshop and plant area and ancillary items and a 102 square metres maintenance shed located in the north western corner of the site. A section of the boundary wall along the Iveagh Gardens is also to be demolished, allowing for a new access ramp and steps into the Iveagh Gardens. Within the Real Tennis building the demolition of a 140 square metres modern

internal mezzanine level to facilitate space for temporary displays and the demolition and reconstruction of the existing 200 square metres single storey section of structure to the south side of the real tennis court are required to enable universal access to the building. The Real Tennis building will be refurbished and restored including the tennis court, stairwell and ancillary spaces. New works will include lobby, toilets, tea station, stairs, lift and ancillary works. Existing windows and roof lights are to be restored and upgraded and the new works will include all other minor/repair works. The construction of a new underground link tunnel with a single storey glazed box roof light will connect the Real Tennis building to the north east corner of the National Concert Hall building. The refurbishment and restoration works to the north and east wings of the former UCD School of Civil Engineering will include a new entrance to the existing north wing, new fire doors to corridors, new lift core to link all levels and permanent interactive display spaces from basement to second floor, a gift shop, lecture theatre, science demonstration laboratory, classrooms, schools lunch area, offices, new sanitary facilities and additional ancillary accommodation. Refurbishment work will also include the restoration of existing external and internal windows and doors, upgrading of the existing roof and roof lights and all minor/repair work. All existing plant to be removed from roof and replaced with new plant to be located on both the existing and new roof extension. The new extension will connect to the existing building through a glazed link and will include interactive display spaces, a domed planetarium, and external balcony, café with kitchen, circulation cores and ancillary spaces. Additional plant, toilets and support accommodation will be housed in the basement. The external works will comprise of hard and soft landscaping, lighting, new steps and ramps to facilitate universal access to the existing north wing and Iveagh Gardens, new railings to Iveagh Gardens, bicycle stands, new surface water attenuation, new foul connection and all associated ancillary works on a site area of circa 0.837 hectares, all at the National Concert Hall, Earlsfort Terrace, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the “Architectural Heritage Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in 2011, 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 conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 shall 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 protection of the cultural and social heritage of the area.

3. The developer shall comply with the following conservation requirements:
 - (a) 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 and shall include in particular the following:
 - (i) drawings of stripping out works/protection of primary fabric,
 - (ii) a schedule of urgent remedial works to prevent further damage from water ingress within vacant spaces shall be agreed with the planning authority and implemented at the outset of the project,
 - (iii) the record of the Real Tennis Court shall 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,
 - (iv) the significance and conservation of the structure shall be disseminated to the public in general as part of the overall presentation of the building,

- (v) structural interventions shall have regard to retaining historic fabric in-situ,
 - (vi) chimney, roof and rainwater goods shall be in accordance with the Advice Series on Traditional Roofs,
 - (vii) brickwork and stone repair and re-pointing as necessary,
 - (viii) historic render and decorative work,
 - (ix) windows and internal joinery,
 - (x) internal plasterwork,
 - (xi) repairs of original boundary walls and railings,
 - (xii) landscaping proposals appropriate to the setting of the protected structure,
 - (xiii) damp-proofing/thermal upgrading measures where necessary,
 - (xiv) removal of redundant M&E elements, wiring and conduit, and
 - (xv) proposed new M&E elements and wiring which will re-use existing runs and opes.
- (b) A Conservation expert 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.
- (c) All works shall be carried out in accordance with best Conservation Practice and the “Architectural Heritage Protection Guidelines” issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and the Advice Series issue by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements.

- (d) 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.
- (e) During the course of the works and the preparation of the Conservation Methodology and Specification requested above, the following detailed schedules shall be progressed/agreed on site with the planning authority and further to the preparation of site exemplars as necessary:
 - (i) 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 shall be confirmed by the planning authority on submission of this information,
 - (ii) 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 requirement to repair rather than replace original windows is guiding in all instances when dealing with historic properties. An experienced conservator of historic joinery / heritage contractor is recommended.
 - (iii) a schedule of condition and associated repairs of the original entrance steps boundary walls/railings of the front area. Note: The requirement to repair rather than replace original boundary treatment is guiding in all instances when dealing with historic properties. An experienced heritage contractor/stonemason is recommended,
 - (iv) a schedule of condition and associated repairs of the internal joinery details. Note: An experienced conservator of historic joinery/heritage contractor is recommended,.

- (v) the advice of an experienced conservator shall 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, and
- (vi) 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) shall be confirmed with the planning authority. Note: Dry-lining is not supported as a conservation strategy for protected structures as a general concept.
- (vii) historic fabric to be removed shall be carefully set aside and recorded or re-used where possible as part of the overall refurbishment.
- (viii) 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 shall 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.

4. 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 shall be designed so as to be flush with this wall and any other n openings in the playing wall shall be omitted. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

Reason: In the interest of the protection of the cultural heritage of the area.

6. 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 of proper planning and sustainable development.

7. 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.

8. The developer shall comply with the following requirements of the planning authority:

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

9. 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.

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

10. 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 interest of public safety and residential amenity.

11. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.