



An
Bord
Pleanála

Board Order PL 29N.249379

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3457/17

Appeal by The Irish Georgian Society care of Donough Cahill of 58 South William Street, Dublin and by An Taisce of Tailors' Hall, Back Lane, Dublin against the decision made on the 12th day of September, 2017 by Dublin City Council to grant subject to conditions a permission to Reliance Investments Limited care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: (1) An office development of total gross floor area 14,720 square metres on a site of 0.4840 hectares, bounded by Portland Row, Killarney Street, Empress Place and Killarney Court; (2) Demolition of ancillary structures (435 square metres), including former theatre, security hut and boundary wall to public road; (3) Taking down, removal and storage of existing 19th century guard house (74 square metres) to enable its future re-erection elsewhere; (4) Conservation and restoration of exterior and interior for use as main entrance and offices of eighteenth-century, three-storey over lower ground floor, Aldborough House (a protected structure of 2005 square metres), and in addition: (a) formation of new mezzanine office floor in the house (135 square metres); (b) conservation and restoration of existing south pavilion screen, at lower and upper ground levels, as office accommodation (165 square metres); (c) construction of a new north pavilion screen

to match existing south pavilion screen, at lower and upper ground levels, as office accommodation (165 square metres); (5) Two new office wings, five storeys over two level basement, with screened plant areas on roof, to south and north flanks of Aldborough House, also accommodating stair and lift cores to serve the new and existing development, with glazed links to the existing house: (a) Wing "A" 6,590 square metres of which 4,809 square metres above ground; (b) Wing "B" 3,434 square metres of which 2,391 square metres above ground; (6) Lower ground floor level link to rear of existing house, containing canteen, kitchen and office space (727 square metres); (7) Basement link on two levels to rear of existing house (239 square metres), and two levels of office (1,260 square metres) under forecourt to front of house; (8) Remodelling and landscaping of the forecourt to Aldborough House, with basement areas, light wells, steps, terrace and new paving; (9) Set back front boundary with street trees, reinstated and new railings, stone piers and gateway; (10) Landscaped non-accessible green roof to rear of house at upper ground level (568 square metres); (11) Landscaped accessible areas to side of house at upper ground level (186 square metres); (12) Parking for 36 cars and 156 bicycles at lower basement level; (13) Vehicle lifts to serve parking areas, with entrance from Killarney Street and exit via Empress Place; (14) Plant rooms and other ancillary areas, including waste storage, to basement levels and screened plant enclosures to roofs of Wings "A" and "B"; (15) All enabling and development works and ancillary development, including landscaping, elevational treatments, lighting, signage and associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary treatments and services, all at Aldborough House (a Protected Structure), Portland Row, 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, historical, cultural and social interest of the protected structure at Aldborough House and the need to protect it, to the city centre zoning of the site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the conservation of the built heritage of the city and would be in keeping with the urban character of the area and would not unduly detract from the character or setting of Aldborough House, a protected structure. The Board is satisfied that the demolition of parts of the protected structure, has been adequately justified such that the “exceptional circumstances” requirements of section 57(10)(b) of the Planning and Development Act, 2000, as amended, have been met. As such, it would comply with the provisions of the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2004 and those of the Dublin City Development Plan 2016-2022 including policies CHC1, CHC2 and SC7. The proposed development would not seriously injure the amenities of property in the vicinity and would not give rise to traffic hazard or the obstruction of road users, and would facilitate travel by sustainable modes. The proposed development would, therefore, be in keeping with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Habitats Directive Screening Report submitted with the application and submissions on file. In completing the screening exercise, the Board noted that the proposed development is not directly connected with or necessary to the management of a European Site and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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. The proposed development shall be amended as follows:
 - (a) The mezzanines proposed in Aldborough House shall be omitted from the authorised development.
 - (b) The top floor level of the two glazed links between the proposed new office buildings and Aldborough House shall be omitted.

Revised details showing compliance with these requirements, and any consequent alterations that may be necessary to the glazed links to the new office buildings, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the layout and character of the protected structure.

3. No part of the development may be occupied unless and until the planning authority certifies that the restoration works to Aldborough House have been completed to its satisfaction. In the event of a dispute on this matter, it may be referred to An Bord Pleanála for determination.

Reason: To ensure the proper conservation of the protected structure.

4. Prior to the commencement of development, details of the materials, colours and textures, durability and weathering capabilities of all the external finishes, shall be submitted to, and agreed in writing with, the planning authority. In particular, the glazing system to the stairs and lift core element shall be of a light and transparent material and design and construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interest of orderly development and the visual amenities of the area.

5. The following conservation requirements of the planning authority shall be complied with in the development:
- (a) The proposed structural alteration and extension to the secondary staircase shall be revised in order to avoid loss of character and re-design of this authentic structure within the protected structure.
 - (b) The alteration of all basement openings shall be revised in order to retain the original room character, plan arrangement at basement level and opening details, that is, historic joinery linings and stone cills.
 - (c) A site visit shall be scheduled with the Conservation Office and the Design Team prior to the commencement of development to review for approval in writing 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 should include in particular:
 - Drawings of stripping out works/protection of primary fabric
 - Structural interventions to have regard to retaining historic fabric in-situ
 - Chimney, roof lantern, roof covering and flashings and rainwater goods in accordance with the Advice Series on Traditional Roofs
 - Brickwork and stone repair and re-pointing as necessary
 - Historic render and decorative work
 - Windows
 - Internal joinery
 - Internal plasterwork
 - Repairs of original boundary walls and railings
 - Damp-proofing/thermal upgrading measures where necessary
 - Removal of redundant mechanical and electrical elements, wiring and conduit –

- Proposed new mechanical and electrical elements and wiring which will re-use existing runs and opes.

- (d) A Conservation Architect 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.

- (e) All works shall be carried out in accordance with best Conservation Practice and the Architectural Heritage Protection Guidelines and Advice Series issued 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.

- (f) During the course of the works the preparation of the Conservation Methodology and Specification requested above, the following detailed schedules are to be agreed on site with Conservation staff and further to the preparation of site exemplars as necessary:
 - A methodology for making good the exterior stonework and masonry, including the extent of the repair and proposed repair specification to the protected structure and its flanking wings. A site visit to view exemplars may be necessary and will be confirmed by the Conservation Office on submission of this information.

 - A schedule of condition and associated repairs of the original windows to the protected structure including glass type, frames, sashes and internal linings and details of replacement windows. Note: The repair rather than replacement of original windows is guided in all instances when dealing with historic properties. An experienced conservator of

historic joinery/heritage contractor is recommended. The developer shall confirm an appropriate shuttering detail (or alternative screening) within the existing opening detail where possible.

- A methodology for making good the main entrance steps including the proposed mortar specification and joint detail. A site visit shall be coordinated with Conservation staff to view samples of the joint detail and replacement stone elements, if required.
- A schedule of the proposed stone replacement details to the main staircase stairwell and adjoining landings.
- The advice of an experienced conservator should be sought regarding safeguarding the remnants of the historic finishes in particular the decorative ceilings, gesso work etc., where revealed both in terms of the remnants to be retained in situ and the overall record to be made.
- 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) to be confirmed with the Conservation Office. Note: Dry-lining is not supported as a general conservation strategy for protected structures, however the fit out of the basement to be confirmed using appropriate materials and retaining focal features on view.
- Historic fabric to be removed to be carefully set aside and recorded or re-used where possible as part of the overall refurbishment.
- A copy of the finalised report regarding the historic structure, its original plan form, character, historic arrangement and details to be placed with the Irish Architectural Archives and the planning authority for record purposes.

- The proposed finishes and details to the main forecourt to be of native materials and the final details to be agreed in writing with the planning authority.

Reason: To ensure that the integrity of the protected structure is maintained

6. Prior to commencement of development the method of removal and recording of the Guard House along with details of its proposed storage location and subsequent re-erection shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure that the integrity of this structure is maintained and that all works are carried out in accordance with best conservation practice.

7. The detailed design of the stone paving and tree planting beyond the boundary railings along Portland Row, including its layout and configuration, hard and soft landscaping and selection of materials, planting, lighting and seating shall be agreed in writing with the planning authority prior to commencement of construction, notwithstanding any details submitted with the planning application.

Reason: In order to facilitate the creation of a unified public realm that builds on the specific urban qualities of the area and in the interests of amenity, ecology and sustainable development.

8. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

9. 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. Save in exceptional circumstances when the prior written consent of the planning authority has been given, the hours of working shall be restricted to those between 0700 and 1900 from Monday to Friday, 0800 and 1400 on Saturdays and not at all on Sundays or public holidays.

Reason: In the interests of public safety and residential amenity.

10. 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.

11. 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 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.

12. The developer shall pay to the planning authority a financial contribution in respect of the Luas C1 line 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.

13. 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.

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

Dated this day of 2018