

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Dublin City**

**Planning Register Reference Number: 3620/17**

An Bord Pleanála Reference Number: ABP-300063-17

**APPEAL** by Vincent Howard of Apartment 10, 7a Fownes Street Upper, Dublin against the decision made on the 4<sup>th</sup> day of October, 2017 by Dublin City Council to grant subject to conditions a permission to Dame Plaza Property Trading Designated Activity Company care of Brady Shipman Martin of Canal House, Canal Road, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** (1) Change of use of part of the existing basement -2 and -1 to incorporate two number café/restaurant units (Unit B – 140 square metres and Unit C – 119 square metres), one number retail with ancillary café unit (Unit A – 1,262 square metres, including a mezzanine level) and a new hospitality entrance of 169 square metres to serve the new proposed rooftop destination. Part of the existing basement -1 ground floor slab will be removed to accommodate the proposed new uses. The new units at basement level will be accessed from a new sunken landscaped courtyard to the south-west of the building, accessed via a new staircase from the existing plaza, and a secondary staircase and lifts on the western side of the building. This requires the demolition of the existing western staircase to first floor level from the plaza and minor alterations to the existing basement to include new plant and storage areas. (2) Four number café/restaurant units (Unit D – 239 square metres, Unit E – 201 square meters, Unit F – 36 square metres and Unit G – 64 square metres) at ground floor level around the existing base of the tower to include

two external terraces to Unit E onto Fownes Street at ground (37 square metres) and first floor level (184 square metres). (3) Minor extension to the existing office/reception lobby at first floor level to provide for additional reception and meeting rooms of 106 square metres onto Cope Street. (4) The redevelopment of the existing ninth and 10<sup>th</sup> floors, which currently incorporate the roof and plant areas, to incorporate a new hospitality area which includes for a new restaurant and a bar of 1,462 square metres, with an accessible viewing terrace at tenth level on all sides of the building. This involves the replacement of the existing cladded roof with a fully glazed, inclined roof structure incorporating external fixed shading panels, two recessed plant zones and a fully glazed balustrade on the perimeter of the terrace. The hospitality area is accessed from the dedicated entrance at -1 level. (5) Permission is also sought for upgrades to the existing plaza and surrounding public realm including proposed hard and soft landscaping works. (6) The proposed development includes all associated and ancillary works, signage and site development works. All on a site of 0.28 hectares at the building formerly known as The Central Bank Building, Dame Street, Dublin. The application site includes the plaza to the south of the building formerly known as the Central Bank Building and the laneway to the east of the building. The site is bound by Dame Street to the south, existing annex building and commercial buildings to the east, Cope Street to the north and Fownes Street Upper to the west.

## **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 Z5 zoning objective contained in the current Dublin City Development Plan, which seeks to consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design character and dignity, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally 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 the 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 development, details of all materials, colours and textures of all external finishes for the lower basement, basement and ground floor together with the proposed plaza area and floors nine and ten of the former Central Bank building 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 visual amenity.

3. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority:
- (a) Samples of the fixed metallic solar shading together with building modelling studies of the various elevations under different lighting conditions. The modelling studies should demonstrate that the materiality, pattern and positioning of the metal panels meet the functional requirements of solar and glare control, daylighting optimisation and views as well as demonstrate that the pattern and positioning of the panels will result in an aesthetically appropriate and adequately integrates with existing elevations.
  - (b) Details of the maintenance and cleaning system of the proposed glazing at roof level together with the solar shading scheme shall be submitted.
  - (c) Detailed drawings (at a scale to be agreed with the planning authority) for several key junctions to indicate the relationship between the structural frame, the glazing system and the solar protection system. These drawings should indicate the primary and structural members required to support the glazing and the solar shading system. Details should indicate the size of the metallic panels, the thickness of the panels, the size of holes and the degree of transparency, the size and geometry of the framing members for the metal panels, the size and geometry of the supporting framework for the metal panes, mullions, tie-rods and bracing members. Drawings should also indicate the proposed glazing system, the size and spacing of primary and secondary supports, the proposed materials of the glazing system, glass type, size and geometry of the framing sections, opening sections if any, and ventilation grills. Key junctions and details to be considered include the various parapet conditions, soffit conditions at the bottom of the solar screens, edge conditions and mid-screen conditions.
  - (d) A full scale panel or mock-up of a section of the rooftop extension indicating the various layers of the façade shall be constructed and placed in a suitable location for viewing by the planning authority prior to the commencement of construction.

**Reason:** In the interest of preserving the visual amenities of the area.

4. The primary function of the restaurant/café shall be for the sale of food, meals and refreshments for consumption on the premises and the unit shall not be used exclusively as a public house. Any subsequent change of use including use of a take-away for the sale of hot food for consumption off the premises shall require a prior grant of planning permission.

**Reason:** In the interest of preserving the amenities of the area.

5. Prior to the commencement of the proposed use, detailed drawings of any new proposed signage materials and finishes to the shopfronts of the restaurant and cafes and retail units including any illumination or lighting details shall be submitted for the written agreement of the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

6. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 or any statutory provision amending or replacing them, any change to the display panels or the internal/external illumination of any of the restaurant and cafes shall be subject to a separate application for permission to the planning authority.

**Reason:** To enable the planning authority to assess the impacts of such changes on the amenities of the area.

7. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures including freestanding structures, banners, canopies, flags or other projecting element shall be displayed or erected on the building or within its curtilage or attached to glazing without a prior grant of planning permission.

**Reason:** In the interest of visual amenity.

8. The opening hours of the restaurant/café units at basement, ground floor and first floor level shall be restricted to between 0700 and 2330 hours each day. The units shall not open between the hours of 2330 and 0700 each day.

**Reason:** In the interest of residential and neighbourhood amenity.

9. Site development and building works shall be carried out only between the hours of 0700 and 1800 Monday to Friday and between 0800 and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviations 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 residential amenities of property in the vicinity.

10. Site development works and construction works shall be carried out in such a manner to ensure that the adjoining streets are kept clear of debris and other materials and if the need arises for cleaning works to be carried out on the adjoining public streets. The said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure the adjoining roadway are kept in a clean and safe condition during the construction works in the interest of orderly development.

11. Water supply and drainage arrangements, including the attenuation and 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.

12. 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 integrated construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

14. 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.

15. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme 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.

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

**Dated this            day of            2018.**