



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 2373/17

Appeal by Michael A. Doyle and others care of 34 Dartmouth Road, Ranelagh, Dublin and by Others against the decision made on the 16th day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Grand Parade Property Trading Company DAC care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Refurbishment and alterations to the existing eight storey Carroll's Building (a protected structure RPS Reference Number: 3280), to include refurbishment of original features and removal of later building fabric, including a single storey rear extension. The proposed alterations include a change of use from office to cafe/restaurant at basement and ground floor level and a gallery/multi-purpose space at first floor level. External alterations to the Protected Structure include replacement glazing, reinstatement of the original undercroft, alterations to the existing plant area at roof level and landscaping to the curtilage of the existing Protected Structure. Demolition of three number existing warehouse/light industrial building to the south of the Protected Structure and other ancillary structures on the site. Provision of a new part three, part four, part five and part six storey, over two

levels of basement, new office building to the south of and setback from the Carroll's Building. The proposed office building is connected to the Carroll's Building by a six-storey glazed atrium and an eight-storey link which provides for new shared circulation/lobby and a services core. A roof terrace is provided at fourth and fifth floor level. The proposed office extension has a total gross floor area of 10,658 square metres including basement floorspace. Vehicular access to the office building and basement car park will be from Grand Parade and a secondary controlled vehicular access will be provided from Dartmouth Road. The development includes 30 number car parking spaces, 126 number bicycle spaces, changing facilities and plant area, including electrical rooms, substation and switchrooms at basement level - 1. A plant room is also provided at basement level -2. Nine number surface level car parking spaces are provided. The total floorspace, including existing retained and proposed new floorspace, including basement area, to be provided on site is 15,647 square metres gross floor area. The development includes all associated site development works, hard and soft landscaping and all other ancillary works, all on a site of circa 0.576 hectares which contains the former Carroll's Building which is a Protected Structure (RPS Reference Number: 3280) and a number of outbuildings. The application site is located to the north of numbers 19A and 19-25 Dartmouth Road, and at 2 Grand Parade, Dublin. The proposed development was revised by further public notices received by An Bord Pleanála on the 30th day of November, 2018.

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

In coming to its decision, the Board had regard to the following:

- the nature and extent of the proposed development,
- the site's strategic location at the edge of the City Centre adjacent to a high-quality public transport corridor, and
- the zoning of the site and the objectives and provisions of the Dublin City Development Plan 2016-2022.

It is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of the character and setting of the Dartmouth Square Architectural Conservation Area, would not adversely affect the character and integrity of the Carroll's Building at number 2 Grand Parade which is listed in the Record of Protected Structures (RPS Reference Number: 3280) in the current Dublin City Development Plan, would be acceptable in terms of pedestrian and traffic safety, would be acceptable in terms of the overall quantum of the development and the aesthetic design of the development on site and would not seriously injure the visual or residential amenities of the area. The proposed development 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 considered that Inspector's concerns could be addressed by seeking revisions/redesign of the scheme, in accordance with its powers under Article 73 of the Planning and Development Regulations, 2001. The Board considered that revised scheme, as submitted to the Board on the 19th day of November, 2018, sufficiently addressed the issues raised and were in general satisfied that the proposed development subject to some further modifications as set out below, would 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 submitted to the planning authority on the 11th day of August, 2017 and on the 13th day of December 2017, and by the further plans and particulars received by An Bord Pleanála on the 21st of March, 2018 and on the 19th day of November 2018, 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 development hereby permitted shall be carried out in accordance with Option 2 of the plans and particulars submitted to An Bord Pleanála on the 19th day of November 2018. The maximum height of the proposed atrium shall align with the height of the brick return on the rear elevation of the Carroll's building as indicated on Architects drawing number PL 3001 Rev E, entitled Proposed Section A-A & B-B, and the removal of original fabric to open the atrium connection shall be as indicated on Architects drawing number D 2002 Rev D, entitled Elevations South & West Alterations and Interventions.
 - (b) Replacement glazing system as indicated on Architects drawing number PL 5010 Rev A, entitled Façade Study Variation To Proposal Typical Glazing Module, received by An Bord Pleanála on the 21st of March, 2018 is the permitted option.
 - (c) Rendered panels on the south, west and north façades of the seventh floor of the Carroll's building shall be retained, and shall not be replaced with a glazed façade system.
 - (d) Roof enclosure as indicated on the CGI Aerial View of 2 Grand Parade, in the Architects document entitled, ABP Response Rev A, is not permitted. No plant or structure of any kind is permitted on or above the existing roof of the protected structure.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and in order to protect the character of the protected structure.

3. (a) Prior to commencement of development, the developer shall enter into an agreement with Transport Infrastructure Ireland/ National Transport Authority in respect of those authorities' requirements to safeguard the potential infrastructure and operation of the existing Charlemont Luas Station and to accommodate the potential development, construction and operation of a metro or light railway on, at, or near the site of the approved development.
- (b) Prior to commencement of development, the developer shall agree in writing with Transport Infrastructure Ireland/National Transport Authority a detailed plan to ensure the structural stability and safety of adjacent rail infrastructure. The agreement plan shall then be submitted to the planning authority prior to commencement of development.

Reason: In the interest of proper planning and sustainable development.

4. Prior to commencement of development, details of all external finishes shall be agreed in writing with the planning authority and where appropriate sample panels shall be erected for inspection on site; finishes shall be strictly in accordance with documentation received with this application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of proper planning and sustainable development of the area.

5. (a) All signage for the café/restaurant and office shall be the subject of a separate grant of planning permission and shall be in strict compliance with The Shopfront Design Guide 2001.
- (b) No free-standing advertising structures associated with the proposed development shall be erected on the adjoining public pavement or at the entrance to the development.
- (c) All windows shall be maintained at all times, and the glazing shall be kept free of all stickers, posters and advertisements.
- (d) Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, no further advertisement signs (including any signs installed to be visible through the windows) advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without a prior grant of planning permission.

Reason: In the interests of visual and environmental amenity.

6. All alterations and works proposed shall be carried out under the professional monitoring on site of a qualified architect with appropriate specialised conservation expertise and in accordance with the Department of the Arts, Heritage and the Gaeltacht - Architectural Heritage Protection Guidelines. All alterations and works proposed shall be designed to cause minimum interference to the building structures and/or fabric and shall be designed to be reversible where possible.

Reason: To ensure that the special interest of the Protected Structure is maintained and that the proposed works are carried out in accordance with good conservation practise with no unnecessary damage or loss of surviving historic building fabric.

7. Following completion of works, a full set of recording documentation of the original building shall be submitted to the planning authority and to the Irish Architectural Archives. This information shall include measured drawings and a photographic survey cross referenced to the drawings and all specialist reports on historic building fabric.

Reason: In order to provide an accurate record of the protected structure and to promote an understanding of architectural and industrial heritage.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 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: In order to safeguard the residential amenities of property in the vicinity.

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:

- (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 on-site 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 of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) 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;

- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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 development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

13. 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.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

15. 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.

Michelle Fagan

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

Dated this day of 2019.