



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4016/17

Appeal by North Great George's Street Preservation Society care of John Spain Associates of 39 Fitzwilliam Street, Dublin against the decision made on the 21st day of March, 2018 by Dublin City Council to grant subject to conditions a permission to City Centre Hotels (Dublin) Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: A four and five storey over basement hotel extension to the rear of the Protected Structure, connected by glazed link at ground floor level only, comprising 44 number hotel bedrooms and related ancillary floorspace (1,886 square metres approximately) fronting onto Frederick Court. The development will also include the demolition of the existing single storey rear ballroom/function room, the removal of the timber-clad rear outshot bathroom and attached structure between the first and second floor levels on the rear elevation (727 square metres approximately), with related rear elevational reinstatement, and the provision of a rear ground floor external landscaped courtyard. The development will also include piped infrastructure and ducting, new fire escape, water storage tank, photovoltaic

panels, plant, landscaping and boundary treatments, changes in level and all associated site development and excavation works above and below ground on a site of 0.103 hectares at number 1 Denmark Street Great, Dublin, also known as Barry's Hotel (a Protected Structure).

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 location of the subject site on lands zoned Z8 in the Dublin City Development Plan 2016 – 2022, where it is the objective ‘to protect the existing architectural and civic design character and to allow only for limited expansion consistent with the conservation objective’, having regard to the existing pattern of development in the vicinity, including residential development to the north-west and an established school to the north-east, and having regard to the protected structure status of the existing main building and adjoining buildings along Great Denmark Street and Gardiner Row, it is considered that, subject to compliance with the conditions set out below (including modifications to the extent and height of the proposed development), the proposed development would not adversely affect the character or setting of the existing protected structure on site or adjoining protected structures, would not seriously injure the residential amenities or the development potential of property in the vicinity, and would be acceptable in terms of the visual amenity of the area. 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, as amended by the further plans and particulars submitted on the 22nd day of February, 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) One intermediate floor from the entire proposed development (both narrow central block and rear main block) shall be omitted, so that the central block is three storeys in height and the rear block is four storeys in height.
 - (b) The plant area on the proposed roof of the development shall be relocated so that it is centrally positioned on the roof of the proposed rear block, and shall be provided with an acoustic screen on all sides, finished in materials which shall be consistent with those to be agreed with the planning authority under condition number 3 of this permission.

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 interests of visual and residential amenity and to provide for an appropriate transition in scale and context of its proximity to the nearby single aspect school classroom block and adjoining protected structure to the north-east.

3. Prior to commencement of development, details of the materials, colours and textures of all external finishes, relating to both the building and the courtyard landscaping and elevations and boundary treatment, shall be submitted to, and agreed in writing with, the planning authority. All finishes shall be of a high quality and the materials used in the public realm areas shall harmonise with those of the building. A panel of the proposed finishes shall be placed on site to allow the planning authority to adjudicate on the proposals. 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 visual amenity.

4. Details (including full plans and elevations, at a minimum scale of 1:100), of all plant, (as modified by condition number 2 (b) of this permission), photovoltaic panels and ducting, proposed to be located on the roof, 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 because adequate details of these matters were not provided as part of the planning application documentation.

5. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All works to the protected structure shall be carried out in accordance with best conservation practice and with the Architectural Heritage Protection Guidelines for Planning Authorities and Advice Series issued by the Department of Arts, Heritage and the Gaeltacht in October, 2011. Any repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features that could be effected by the proposed works, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.
- (d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric, and reference is made in particular to existing and replacement windows.

- (e) Details of the following items shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

Revised details of boundary wall to number 7 Gardiner Row incorporating external masonry wall and timber sleepers on the garden side, and include details of double escape doors.

Proposed fenestration to middle windows adjacent to number 3 Denmark Street (fenestration not indicated on existing or proposed drawings), proposed replacement windows at ground level (where it is clarified whether the ope is flat-headed or round-headed).

Connection details between the single storey glazed link and the rear of the protected structure, glazing details of the glazed link, landscaping materials and details for the garden area, a French drain shall be incorporated adjacent to the rear wall of the protected structure within the grassed area.

Reason: To ensure that the integrity of the protected structure on site is maintained and protected from unnecessary damage or loss of fabric, and to ensure that all works are carried out in accordance with best conservation practice.

6. Notwithstanding the exempted development 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, banners, canopies, flags, or other projecting elements shall be displayed or erected 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 in order to allow the planning authority to assess the impact of any such advertisement or structure on the amenities of the area, and on the setting of protected structures, through the statutory planning process.

7. 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.

8. 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) Retain a suitably qualified licensed archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including a detailed survey as necessary.
 - (b) The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.
 - (c) The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs and levelling of ground.
 - (d) The archaeologist shall consult with and forward their Method Statement in advance of commencement to the City Archaeologist.

- (e) In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the City Archaeologist. The City Archaeologist (in consultation with the National Monuments Service, Department of Arts, Heritage and the Gaeltacht) shall determine the further archaeological resolution of the site.
- (f) A written and digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the City Archaeologist and National Monuments Service, Department of Arts, Heritage and the Gaeltacht. Following submission of the final report to the City Archaeologist, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin.

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.

9. Prior to the first occupation of the proposed development, the developer shall submit to, and agree in writing with, the planning authority, a scheme for the effective control of fumes and odours from the premises to be implemented and permanently maintained within the development.

Reason: In the interest of the amenities of both the immediate neighbours and general surroundings.

10. 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, nor at any time when there are significant examinations in operation in the nearby school. A detailed works schedule shall be submitted to, and agreed in writing with, the planning authority in this regard. 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 amenities of property in the vicinity.

11. No additional development shall take place above roof level, other than the details to be agreed in accordance with condition number 4 of this permission, including lift motors, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess any such development through the statutory planning process.

12. 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.

Reason: In the interest of sustainable waste management.

13. 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 noise management measures and off-site disposal of construction/demolition waste.

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

14. A plan containing details for the management of waste 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 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.

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 the 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.

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

Philip Jones

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

Dated this day of 2019.