



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4567/17

Appeal by Bridlewood (Dame) Limited care of RPS Group Limited of West Pier Business Campus, Dun Laoghaire, County Dublin against the decision made on the 30th day of April, 2018 by Dublin City Council to refuse a permission to the said Bridlewood (Dame) Limited for the proposed development.

Proposed Development: The development will comprise: internal modifications, reconfigurations and refurbishment of the building and the change of use of the basement, ground floor and first floor from Office Use to Public House (the second, third and fourth floors will remain in Office Use) and all associated ancillary facilities. The development will also include a new roof extension (to a height of approximately 25.8 metres OD) at fourth floor level to increase office floor space by approximately 19.58 square metres and to house an internal plant area of approximately 24.1 square metres elevation changes comprising the provision of a new ground to fourth floor façade onto Dame Lane including new fenestration arrangement and four number doors at ground floor level; the repair and renewal of brickwork and slate roof where

required and the replacement of existing windows on Dame Street with Georgian sash windows. An extension to the lift, comprising an overrun at roof level; and provision of external plant, including Air Condensers and Automatic Opening Vent, at roof level are also proposed. The proposal will also comprise alterations to the pavement on Dame Street; signage areas on Dame Street (approximately 0.38 square metres) and Dame Lane (approximately 0.87 square metres and 0.1 square metres), drainage works, all site development works, and all other ancillary works, all at 37 Dame Street, Dublin (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 provisions of the Dublin City Development Plan 2016-2022, to the character and setting of the Protected Structure, to the pattern of development in the area and to the mix of uses on Dame Street the Board considered that the proposed development, subject to compliance with the conditions set out below, would not result in an overconcentration of licensed premises on Dame Street. Furthermore, the Board considered the proposed development represented a positive and sensitive approach to the reuse and regeneration of the currently vacant and underused Protected Structure and considered that it would enhance the vitality and vibrancy of the area in accordance with the zoning objective Z5, the objective of which is “to consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design character and dignity.” 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 did not accept that the proposed development would result in an overconcentration of licensed premises on Dame Street, and would, therefore, not be contrary to Section 16.32 of the current Dublin City Development Plan.

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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall provide for the following:-
 - (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

- (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

- 4. All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

5. 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 interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 amenities of property in the vicinity.

7. 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.

8. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City – Saint Stephens Green to Broombridge 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.

Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.