



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4311/18

Appeal by Caitriona Craddock of 2 Parnell Street, Dublin against the decision made on the 14th day of June, 2019 by Dublin City Council to grant subject to conditions a permission to Vision Wave Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of: (1) demolition of Number 59 Capel Street (excluding front west-facing facade) and existing single storey structures comprising Numbers 4-6 Parnell Street, (2) refurbishment of front west-facing facade at Number 59 Capel Street to original state with existing brickwork cleaned and repointed along with the installation of new traditional style timber windows to replace existing non-original windows; provision of replacement shopfront on Number 59 Capel Street with associated lighting and signage, (3) internal and external alterations to the existing three-storey, over basement building at Number 3 Parnell Street (a protected structure) to accommodate new hotel development with original brickwork to be cleaned and repointed and new traditional style timber windows to be provided in existing opes on front (north-facing) facade,

existing chimney stack to be retained and refurbished, part removal of internal partitions/walls to facilitate reconfiguration/refurbishment of ground floor, first floor and second floor levels of Number 3 Parnell Street to facilitate proposed entrance foyer/lobby, bedrooms and connection (including new feature atrium to rear of existing building) to new hotel development; provision of replacement shopfront on Number 3 Parnell Street with associated lighting and signage, new glazed canopy above replacement shopfront, (4) the construction of a part five-, part six-, part seven-storey (total height of 25.170 metres from ground level) over basement, 65-room contemporary hotel on the overall site comprising the following: (i) plant, storage, water storage, attenuation tank, bar/restaurant toilets, bicycle storage, luggage store, linen store, food preparation area, and staff facilities at basement level; (ii) hotel entrance, lobby/reception, restaurant and wine bar (148 square metres), lounge bar area (99.1 square metres) with external courtyard seating area, kitchen and wheelchair accessible toilets at ground floor level; (iii) provision of 65 number hotel bedrooms at first, second, third, fourth, fifth and sixth floor levels; and (iv) residents private lounge/bar at sixth floor level with balcony area to the north-facing elevation. The two number penthouse suites located at sixth floor level will also be served balconies on the south-facing elevation. (5) Other works proposed as part of the development include: (a) SuDS drainage; (b) roof plant; (c) facade treatments to new hotel development to include brick and glazing detail with metal cladding on all elevations; and (d) all associated site works necessary to facilitate the development, all at Number 3 Parnell Street (a Protected Structure RPS Ref. 6422) and Numbers 4, 5, and 6 Parnell Street (a corner site with Jervis Lane Upper, Dublin) and Number 59 Capel Street, Dublin (which abuts Jervis Lane Upper, Dublin to the rear).

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 for the area, to the scale and nature of the proposed development and its location relative to surrounding properties including the Protected Structure at Number 3 Parnell Street and to the pattern of development in the area, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not adversely affect the character or setting of the protected structure or of the Architectural Conservation Area in which it is located or any other protected structures in the vicinity and would be acceptable in terms of pedestrian and traffic safety. 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 20th day of May 2019, 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 new build elements of the proposed development shall be reduced in height by a full storey. This shall be achieved by the omission of the fourth-floor level in its entirety. The proposed fifth floor plan shall be replicated at fourth floor level and the sixth-floor plan at fifth floor level, unless otherwise required by the conditions set out below.
 - (b) Bedroom number 508 at fifth floor (new fourth floor) level and adjoining landing and stairwell shall be omitted and if necessary, the stairwell relocated further east.
 - (c) The window in the south elevation of Room number 505 shall be omitted.

- (d) The shopfront designs at ground floor level along Numbers 3, 4 and 5 Parnell Street, shall be revised in a manner that articulates the individual historic plots.
- (e) New blue Bangor/Welsh slates shall be used in the re-roofing works of the existing buildings in lieu of reclaimed slate.
- (f) The layouts of the bathrooms and lobbies within the hotel suites in the upper floors of Number 3 Parnell Street shall be revised so that the chimney breast in the rear principal rooms is fully legible in the floor plan.
- (g) The pre-existing opening in the rear wall of Number 3 Parnell Street shall be utilised to provide access to the linked area to the rear in lieu of creating a new opening that is wider and lower in the historic wall.
- (h) The glazed atrium link between Number 3 Parnell Street and the new extension shall be lowered by at least a storey in height and junction details shall be fully provided.
- (i) A detailed survey of the basement of Numbers 4, 5 and 6 Parnell Street shall be carried out. The planning authority's conservation section shall be given an opportunity to inspect the site in the course of fabric removal and should any structural element of interest be found within the site these should be incorporated as part of the revised proposal.

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 protecting the integrity of historic fabric including a protected structure as well as the streetscape character in an Architectural Conservation Area and to protect visual and residential amenity.

3. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interests of public health.

4. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

5. The proposed shopfronts shall comply with the following requirements:-
 - (a) Lighting shall be by means of concealed neon tubing or by rear illumination.
 - (b) External roller shutters shall not be erected. Any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.

- (c) No adhesive material shall be affixed to the windows or the shopfront.
- (d) No other signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

- 6. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development, including the screening to the proposed balconies, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and streetscape.

- 7. The restaurant and external courtyard shall not be open to the public and patrons between the hours of 2330 and 0700 on any day.

Reason: In the interest of residential amenity.

- 8. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

9. All proposed 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 the protected structure and significant historic fabric within the site and to ensure that the proposed works are carried out in accordance with best conservation practice.

10. Proposals for a numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

11.
 - (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
 - (b) All windows and roof lights shall be double-glazed and tightly fitting.
 - (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

12. The premises shall be managed such that -
- (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3 dB(A) during the period 0800 to 2300 hours and by more than 1 dB(A) at any other time, when measured at any external position adjoining an occupied dwelling in the vicinity. The background noise level shall be taken as L_{90} and the specific noise shall be measured at $L_{Aeq,T}$.
 - (b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be the subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at $L_{Aeq,T}$.
 - (c) The background noise levels shall be measured in the absence of the specific noise, on days and at times when the specific noise source would normally be operating; either
 - (i) during a temporary shutdown of the specific noise source,
 - or

- (ii) during a period immediately before or after the specific noise source operates.
- (d) When measuring the specific noise, the time (T) shall be any 5 minute period during which the sound emission from the premises is at its maximum level.
- (e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premises. An acoustical analysis shall be included with this submission to the planning authority.

Reason: In order to protect the amenities of property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

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. 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.

15. No additional development shall take place above roof parapet levels, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, machinery or telecommunications aerial, antennas or equipment unless authorised by a further grant of planning permission.

Reason: In the interests of residential and visual amenity.

16. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff car parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of adequate facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

17. 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.

18. 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 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) Provision of parking/vehicular access for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) 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 interests of amenities, public health and safety.

19. 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 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.

20. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

21. 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.

22. 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 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 2020.