



An
Bord
Pleanála

Board Order ABP-317182-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4648/22

Appeal by Patrick Coyne of 7 Arran Street East, Dublin against the decision made on the 28th day of April, 2023 by Dublin City Council to grant subject to conditions a permission to Murcian Limited care of Paul Tyndall Architects and Designers of 2 Montague Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development of an existing end-of-terrace four-storey over-basement building containing a public house in basement ground and mezzanine floor and residential use at first, second and third floors. Retention of works to the basement and other internal works at ground floor, for proposed internal alterations, repair and refurbishment of the existing public house in the basement and ground floor, for new door openings giving direct access from the existing public house to Ormond Place at ground level, to the west of the building, together with all associated landscaping and site works, all at 27 Ormond Quay Upper, Dublin (a protected structure).

Decision

GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and extent of the proposed development and development proposed to be retained, which constitutes works to an existing protected structure, the pattern of development in the area and the City Centre zoning objective of the site in the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the residential amenities of the area, would not negatively affect the character of the existing protected structure and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4th day of April, 2023, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.



2. Only one of the two doors proposed and shown in the side/western elevation in drawing number PL_112 received by the planning authority on the 4th day of April, 2023 shall be provided and it shall be reduced in width to match the width of the existing high-level windows to the north of the existing side access door to the premises from Ormond Place and will be formed in the same locations as the existing windows. Revised plans and elevations showing the above amendment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of the area.

3. (a) A Conservation Method Statement, including a detailed programme of conservation works to be carried out and materials to be used, shall be prepared by an architectural conservation expert who 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. The Conservation Method Statement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall be accompanied by detailed revised plans and sections accurately demonstrating that:
 - (i) the chimney breasts at ground and basement floor levels, and the cross wall in the basement will be fully and accurately reinstated,
 - (ii) there are no conflicts between the reinstated historic elements of the building and the proposed floor plan layouts, and
 - (iii) there is clear distinction between historic elements of the structure that are to be reinstated and new interventions.

- (b) All repair works to the protected structure 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 works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

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4. Prior to commencement of development, the developer shall submit the following information to the planning authority for written agreement:
- Test trials for the removal of the tanking system which are to be carried out for inspection by the planning authority so that the impact of the potential removal of same can be fully assessed. Tanking systems such as the type applied to the walls at basement level can conceal rather than address dampness and they prevent the historic fabric regulating moisture effectively which can potentially damage the fabric and adjacent historic structures. Furthermore, the tanking system conceals early significant historic fabric, which is now susceptible to further decay as a result of the application of an inappropriate material. Should it be demonstrated that the tanking system can be removed, an alternative means of addressing dampness within the basement shall be provided which retains breathability and primary fabric. Should it be found that the tanking can be removed, the east and west walls of the Cellar Room 03 shall be reassessed and a revised methodology for the treatment of any surviving historic features shall be submitted to the planning authority for agreement.

Reason: To ensure that the integrity of the retained structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

5. The developer shall comply with the following archaeological requirements:
- (a) The downstand beam and stub walls in line with the former rear wall of the property shall be retained.

- (b) The developer shall 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 detailed survey as necessary. The archaeologist shall provide a Method Statement of works and an Archaeological Impact Assessment of the proposed development (including temporary and enabling works) to the planning authority prior to monitoring.
- (c) The archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development and the developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.
- (d) In the event of in situ archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including all post-1700 AD in situ features and layers. Full archaeological excavation of such features may be a requirement. At a minimum, recording of all archaeological features shall include a written, photographic, and drawn survey record.
- (e) The archaeologist shall provide to the planning authority a written, drawn, and photographic record of all early fabric visible within the basement level, and any in-situ archaeological features discovered as a result of archaeological monitoring shall be immediately notified to the planning authority. The planning authority shall determine the further archaeological resolution of the site prior to the recommencement of works.

- (f) The format of the archaeological monitoring report and any post monitoring reporting requirements shall be agreed in writing with the planning authority prior to commencement of development and an agreed number of copies of the final report shall be submitted to the planning authority within six months of completion of the development or within such extended period as may be agreed with the planning authority.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

7. The construction of the proposed 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 proposed development, including noise management measures, traffic management and off-site disposal of construction/demolition waste.

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

8. No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the building or within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. No outside amplification or speakers shall be permitted without prior written consent from the planning authority, and no speaker or amplified music within these premises shall be configured in such a manner as to project sound onto the public footway.

Reason: In the interest of the amenity of the area.

10. Prior to commencement of development, a water supply and drainage management plan, including details relating to flood risk management measures, shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this  day of  2024.

