

An
Bord
Pleanála

Board Order
ABP-319100-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4260/23

Appeal by Ampbay Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 26th day of January, 2024 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: (a) Change of use from office to hotel at 31 Parliament Street (a Protected Structure) and from vacant restaurant and residential use to hotel at 32 Parliament Street. The hotel use will integrate numbers 31 and 32 into the existing Paramount Hotel and will comprise a new hotel entrance on Parliament Street, a foyer and reception at ground floor level, administration areas at basement level and the collective amalgamation of both properties with Paramount Hotel at all existing floor levels to provide 28 number new bedrooms from first to fourth floor levels and the addition of five number bedrooms in a new setback floor behind existing roof hips at fifth floor level; (b) the proposal involves the reconfiguration of the internal layout of 29 and 30 Parliament Street to incorporate a new opening in the existing wall with 31 Parliament Street resulting in a change from a double bedroom to a single bedroom and reconfiguration of the store room with the addition of

hallway doors from first to fourth floor level; (c) demolition of the single storey rear extensions of numbers 31 and 32 Parliament Street and addition of a new courtyard with fully glazed roof extending across the rear of numbers 31 and 32; (d) reconstruction of the existing front facade of numbers 31 and 32 Parliament Street from first to fourth floor level (no changes proposed to existing protected bay window and ground floor shop front of number 31); (e) internal alterations at basement and ground floor levels in all properties except for numbers 27 to 30 Parliament Street where no changes are proposed; (f) extension of existing setback of 7 and 8 Exchange Street Upper at fourth floor level to the street front to match the existing frontage to include the reconfiguration of the internal layout to provide four number bedrooms and lobby; (g) addition of a setback fifth floor level with the provision of a terrace enclosed by a glass balustrade at 7 and 8 Exchange Street Upper to include the addition of three number bedrooms, lobby, lift and new staircase. New flat roof over fifth floor with setback louvred plant area in centre of roof to be provided; (h) provision of 10 number signage zones on frontages of Parliament Street, Essex Gate and Exchange Street Upper. The overall development will result in a hotel bedroom count of 108 number bedrooms (66 existing and 42 proposed) and includes all associated alterations to the existing hotel services and all associated site development works above and below ground, all on lands at numbers 27 to 32 Parliament Street (numbers 27, 28 and 31 being Protected Structures), 1 and 2 Essex Gate (both Protected Structures), 7 to 10 Exchange Street Upper (numbers 9 and 10 being Protected Structures), Dublin.

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.

Reasons and Considerations

Having regard to the nature, scale and design of the proposed development, the planning history of the site, the established hotel use of the majority of the site that is made up of a number of separate but connected Protected Structures, the provisions of the Dublin City Development Plan 2022-2028 including, inter alia, the zoning objective Z5 "to consolidate and facilitate the development of the central area and to identify reinforce, strengthen and protect its civic design character and dignity" that pertains to the appeal site, the established range of land uses and the architectural character within the street network in the vicinity, and also having considered the Record of Protected Structures (RPS) that does not include number 32 Parliament Street or 7 and 8 Exchange Street Upper and the specific elements of number 31 Parliament Street that are protected in the RPS (ground floor shop and first floor bay window only), the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan objectives for the site, would not seriously injure the integrity and setting of any Protected Structures or the visual amenities or architectural character of the Conservation Area along Parliament Street within which part of the site is located and would not materially contravene the statutory development plan for 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 received by the planning authority on the 21st day of December 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 carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the proposed development shall be amended to provide for:
 - (a) secure, sheltered and well-lit bicycle parking spaces (number to be agreed with the planning authority), including electric bike charging facilities, and
 - (b) staff changing and shower facilities.

Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of orderly development and to support active travel.

3. The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within the Architectural Heritage Protection: Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2011.

Reason: In the interest of the protection of architectural heritage, and in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

4. Prior to commencement of development, the developer shall make a record of the existing structures at numbers 31 and 32 Parliament Street. This record shall include:
 - (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure including separate drawings of windows, doors and roofs, and
 - (b) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the buildings.

This record shall be submitted to the planning authority prior to commencement of development and one copy of this record and a full set of drawings of the proposed works to the protected structure shall be submitted to the planning authority and to the Irish Architectural Archive.

Reason: In order to establish a record of the historic structures that includes a protected structure at the ground and first floor levels of 31 Parliament Street.

5. Numbers 31 and 32 Parliament Street, as well as the openings into number 30 Parliament Street, shall be subject to a Historic Building Survey. This shall be prepared by a suitably qualified architectural historian. The survey shall provide a comprehensive analytical record and be appropriate for buildings of special importance. The record shall draw on the full range of sources of information about the building and discuss its significance in terms of architectural, social, regional or economic history. Such a record shall consist of, inter alia, drawings, photography and a written account.

Reason: In the interest of architectural heritage.

6. Prior to commencement of development at numbers 31 and 32 Parliament Street, the developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
 - (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
 - (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,

- (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
- (d) protection of the retained ground and first floor facades of 31 Parliament Street during the demolition and construction works and works to be carried out to those facades,
- (e) materials/features of architectural interest to be salvaged,
- (f) phasing of the project,
- (g) details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
- (h) details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,
- (i) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials.

Details shall be accompanied by drawings of an appropriate scale of not less than 1:50 in respect of (g), (h) and (i) above.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

7. The developer shall comply with the following archaeological requirements:
- (a) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations (for example boreholes and engineering test pits) carried out for this site prior to any site clearance/construction work. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.
 - (i) The archaeological and historical background of the site, to include industrial heritage.
 - (ii) A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments.
 - (iii) The nature, extent and location of archaeological material on site by way of archaeological testing and/or monitoring of the removal of overburden.
 - (iv) The impact of the proposed development on such archaeological material.
 - (b) The archaeologist shall forward their method statement in advance of commencement to the planning authority for written agreement.
 - (c) Where archaeological material is shown to be present, a detailed impact statement shall be prepared by the

archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services and drains. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only.

The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

- (d) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the planning authority in advance regarding the procedure to be adopted in the assessment.
- (e) One digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the planning authority. The planning authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Housing, Local Government and Heritage) shall determine the further archaeological resolution of the site.

- (f) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and, if necessary, archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of, any basement.
- (g) The developer shall make provision for archaeological excavation in the project budget and timetable.
- (h) Should archaeological excavation occur the following shall be submitted to the planning authority:
 - (i) A bi-weekly report on the archaeological excavation during the excavation and post excavation period.
 - (ii) A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation.
 - (iii) A final report on the archaeological excavations not later than 12 months after the completion of the excavation.
- (i) Before any site works commence, the developer shall agree in writing the foundation layout with the planning authority.
- (j) Following submission of the final report to the planning authority, 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, 138-144
Pearse Street, Dublin.

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

8. Prior to commencement of operation of the hotel development, the
Hotel Management Plan submitted with the application shall be
updated to include an Operational Management Statement, Mobility
Management Plan and Service Delivery and Access Strategy, and
shall be submitted for the written agreement of the planning
authority.

Reason: In the interest of appropriate site management.

9. Prior to commencement of development, the developer shall submit
a Climate Action and Energy Statement for the written agreement of
the planning authority.

Reason: To comply with the policies set out in Section 3.5.2 'The
Built Environment' and Section 3.5.3 'Energy' of Chapter 3 of the
Dublin City Development Plan 2022-2028.

10. 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 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) details for the movement of crane(s) to and from the site and use 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;
- (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; and
- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

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

11. Prior to commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper waste management of the proposed development.

12. Prior to commencement of development, the developer shall enter into a connection agreement (s) with Uisce Eireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

13. 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, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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 and the amenities of properties in the vicinity.

14. No signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles, (including that which is exempted development under the Planning and Development Regulations, 2001. as amended), other than those shown on the drawings submitted with the application, shall be erected or displayed 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 to protect the character of the Architectural Conservation Area and Protected Structures therein.

15. 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: To safeguard the amenity of property in the vicinity.

16. The developer shall control fumes and odour emissions from the premises in accordance with measures including extract duct and stack height details, filtration details, and fan power details of which, including detailed drawings of ventilation pipe routes, shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The ventilation system shall be designed and installed by a suitably qualified and experienced person and permanently maintained thereafter.

Reason: In the interest of public health and the protection of the integrity of Protected Structures.

17. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.


Reason: In the interests of visual and residential amenity.

19. 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.

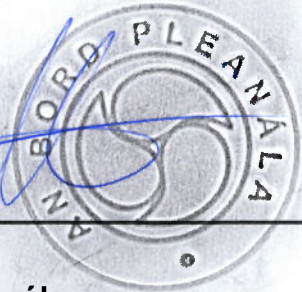
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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



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



Dated this 4th day of APRIL 2025.