



An  
Bord  
Pleanála

## Inspector's Report ABP-301422-18

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<b>Development</b>	Hotel extension to the rear of the Protected Structure, Barrys Hotel.
<b>Location</b>	No. 1 Denmark Street Great, Dublin 1
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	4016/17
<b>Applicant(s)</b>	City Centre Hotels (Dublin) Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First / Third Party
<b>Appellant(s)</b>	North Great George's St/ Preservation Society
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> October 2018
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The site of 1033sq.m. relates to an established hotel premises on the northern side of Denmark Street Great which is a continuation of Gardiner Row which links to Parnell Square to the south west of the site. The site is adjoined to the west by 7 Gardiner Row and to the east by Belvedere College which comprises a campus of old and new building and which dominates the predominantly Georgian streetscape.
- 1.2. The site backs onto Frederick Court which is accessed off Frederick street North via Hardwick Lane. Frederick Court is dominated by the Hardwick Street flats on the northern side which are set back at angle from the lane. Development form comprises a mix of old new style properties and more recent 5 storey development such as a hotel extension at Gardiner Row.
- 1.3. The hotel on site extends across two original mid terraced three bay Georgian houses in numbers 1 and 2 Denmark St Gt. It has been extended to the rear at ground level covering the entire site to the boundary. The extension has divided original openings and altered and obscured the rear façade.

## 2.0 Proposed Development

- 2.1. It is proposed to add 44 bedrooms to the existing hotel and this involves:
  - Demolition of the ballroom addition to the rear.
  - Construction of a new L shaped building 15m high building with up to 5 storeys- ground floor at 16.14 and roof height at 31.04mOD. This is proposed to substantially back from the original terrace and connected by a narrow corridor 2.7-4.7m in width. The wide part is towards the rear of the site and the intervening space provides for an intervening courtyard.
  - Removal of the bathroom annex and other landing structure to the rear façade and reinstatement of windows in openings on both half landings.
  - A Mural wall
  - In further information the footprint is reduced by reducing the central block. The intervening courtyard layout is modified by a relocated stair case and remodelling

of connection. Material are changed from render to brock in the courtyard elevations. The rear elevation materials are also modified with a reduction in cladding and a variety of materials. Glazing is specified as 'schuco' high performance glazing with colour to match frames. The setback features metal cladding.

2.2. A Conservation report is attached and concludes:

- The development would benefit the protected structure by removing the substantial ballroom and replacing with a structure with minimal physical connection while opening the rear façade. The proposed new building to the rear would not be seen from Denmark Street while in the view of the rear it would be subservient to the protected structure. The existing bath is unsightly. As an additional positive development, the development would allow for the reinstatement of traditional style windows in the opening that would no longer be blocked by the present buildings. It is considered that the proposal would provide for additional hotel rooms while also making a positive construction to the conservation of the protected structure at Barry's Hotel.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The planning authority decided to request further information and following assessment of the subsequent response, issued notification of a decision to grant permission subject to 18 conditions.

- Condition 1 - standard compliance
- Condition 2 - Section 48
- Condition 3 – Section 49 Luas Cross City
- Condition 4 – omission of 3<sup>rd</sup> floor. Reason: visual amenity and appropriate transition of scale in context of protected structure.
- Condition 5 – Materials, colours and textures of external finishes

- Condition 6 – building conservation and revised drawings of central block to 3 stories, details of copings and boundary wall to /no7 Gardiner row., details of windows and glazing.
- Conditions 7, 15 – drainage
- Condition 8 signage restrictions.
- Condition 9 – landscaping
- Condition 10 – commission of the mural wall
- Conditions 11, 12, 13 – construction and demolition phase
- Condition 14 No additional development at roof level
- Condition 16 – archaeology
- Condition 17 – waste management
- Condition 18 - bond

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- Has regard to compatible hotel use with land use objective, the tourism sector, previous permission for a six-level building (4827/06), alignment of the 15m height with building height permitted in 2107/17 and the exclusion of Frederick Court from conservation area in support of the proposal in principle.
- Has regard to the opportunity for a courtyard and formation of a garden space between the rear of the protected structure and new extension
- Concern about external finishes and interface of courtyard.
- Concern about proximity and scale of central building in the context of the need to respect the hierarchy of scale of the Georgian arrangement.
- Further information was sought in respect of above concerns.
- The applicant increased the setback to 7.1m of the central wing of the extension from the rear elevation of the protected structure. Which is an increase of 5.7m.

- Notwithstanding these changes the central element is considered to remain too high and should be reduced to three storeys. To provide an appropriate scale and transition to the rear and to reduce the impact on the setting amenity and aspect of the adjoining protected Structure at no. 3 Denmark Street.
- The relocated escape stairs and modified 3m wide connection improve layout.
- No plant on the roof of the central element substantially addresses visual issues.
- Modified materials and variety address extensive render and cladding.
- The conservation issues are considered to be satisfactorily addressing while noting further clarification of some details.
- Overall it is considered the proposed developed will contribute to the regeneration of the area and will have a positive impact. The extended hotel will by its nature contribute to the vibrancy of the inner-city street as well as meeting demand for hotel accommodation

### 3.2.2. Other Technical Reports

Conservation Officer: No objection subject to further details on

- Direct connections, boundary walls, fenestration, landscaping materials

Drainage Division: No objection subject to conditions

City Archaeologist: No objection subject to a condition for archaeological monitoring of all ground works as the development in within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 Dublin City.

### 3.3. Prescribed Bodies

TII: Section 49 Luas Cross City Levy applies to this site subject to exemption provisions.

### 3.4. Third Party Observations

North Great George's Street Preservation society objects on grounds of overdevelopment and impact on architectural character of protected structures.

## 4.0 Planning History

### 4.1. The site

- 4.1.1. Planning Authority ref: 4827/06 refers to a grant of permission for a four and five storey extension to the hotel. The proposal include façade/window restoration.

### 4.2. Adjacent site

- 4.2.1. An Bord Pleanala ref 234266 refers to refusal for Restoration of a four-storey over basement protected structure, provide wheelchair lift, demolish external fire escape, extensions and returns -- construct four-storey over basement building to rear containing teaching and ancillary service and sanitary accommodation, stairway and lift at 3, Denmark Street Great, Dublin 1.

## 5.0 Policy Context

### 5.1. National Policy on Height and Conservation - Urban Development and Building Heights Guidelines for Planning Authorities

- 5.1.1. The guidance document *Urban Development and Building Heights Guidelines for Planning Authorities* provides a more detailed framework for implementing National Planning Framework and Project Ireland 2040 in its commitment to a compact urban form.
- 5.1.2. Notwithstanding the above, the provisions contained within Part (IV) Planning and Development Acts 2000, as amended, regarding architectural heritage and associated character/setting remain in place. Planning Authorities are the primary consent authority in establishing if proposals align with best practice in this area and which design standards are to be used in certain circumstances. Planning Authorities can reference *Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG)* and *Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG) 2012*.
- 5.1.3. In determining height and the scale of the site/building the form, massing and height of proposed developments should be carefully modulated so as to maximise access

to natural daylight, ventilation and views and minimise overshadowing and loss of light.

- 5.1.4. Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's '*Site Layout Planning for Daylight and Sunlight*' (2nd edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'.
- 5.1.5. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration.

## 5.2. Development Plan

- 5.2.1. The site is governed by the objective 'to protect the existing architectural and civic design character, to allow only for limited expansion consistent with the conservation objective. The site is adjacent to Parnell Square and Section 11.1.5.6 sets out conservation considerations.

- **CHC4:** To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible. Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns
4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area

5. The repair and retention of shop- and pub-fronts of architectural interest.

5.2.2. The plan also identifies cultural clusters emerging around Parnell Square among other centres such as Heuston gateway, North and South Docklands, the Liberties and Smithfield and the City Council will continue to support their development.

- **CHCO32:** To promote and facilitate the development of a mixed-use cultural facility in Parnell Square anchored by a new City Library, stimulating the regeneration of the north inner city.

5.2.3. Plot ratio - Indicative: 1.5:1 in Z8. Plot ratio standards need to be used in conjunction with other development control measures, including site coverage, building height, public and private open space.

5.2.4. Site Coverage for z8 is guided at 50%.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

An appeal has been lodged by John Spain and Associates on behalf of North Great George's street Preservation Society. The grounds centre on :

- Contrary to zoning policy as it constitutes overdevelopment in an area where only limited expansion is permitted. For example, plot ratio is 3.23:1 where 1.5:1 is the indicative quantum in a Z8 area which is also governed by the objective to protect the existing architectural and civic design character. Nor does the proposal contribute to the enhancement of the protected structures or public realm.
- Impact on Belvedere College by way of blank façade, excessive height and loss of light.
- Previous refusal of permission for 18 apartments - a proposal with which there are direct comparisons. A comprehensive proposal should be put forward to repair refurbish and reinstate the features of the protected structures rather than just maximising expansion.



- The demolition of the ballroom is an opportunity to reinstate gardens in their entirety. Alternatively, a two storey proposal would have a less overbearing impact.
- Insufficient regard to conservation policies as set out in section 11.1.5.6 and policy CHC4 which seek to protect the setting of a Conservation area through measures including replacement and reinstatement of features, buildings or elements – in particular the facades which are in poor condition and significantly detract from the area.
- In line with the approach in the 2006 permission, a list of restoration works are proposed as part of any further expansion or intensification on site. These relate to plastic window, surrounds, colour scheme, tile steps railings signage and partitions to expose Rococo ceilings.
- Conservation Officer: issues not entirely addressed
- Impact on Belvedere College: It is explained how this school is a key stakeholder in the area and its grounds include the adjoining property at 3 Great Denmark St which is to be incorporated into the school campus. It is submitted that insufficient regard has been had to the impact on the school campus by way of daylight on classroom and expansion of school facilities in no.3 The 5 storey abutment will have a significant negative impact.
- Roof plant condition 6 and 14 conflict with respect to regulating roof plant. Having regard to the context and proximity to classrooms all such development should be subject to planning permission to facilitate third party comment.
- An opportunity for further comment requested.
- Procedural issues regarding address and rights of way are raised.
- Attachments:
- Outline of site of Belvedere College.
- Impact on daylight and sunlight in classrooms.

## 6.2. Applicant Response

- Hotel use is permissible and contributes to day and night activity in the city.
- The extension is essential to the hotels continued use
- The rear of the site is not included in the conservation area designation
- Tourist accommodation is one of the biggest challenges
- Section 16.5 provides for higher plot ratio than indicative ratios on the basis of facilitating comprehensive redevelopment in areas in need of urban renewal and where a site already has the benefit of a higher plot ratio and these circumstances apply. Section 17.4 allows for other development.
- In transport terms the strategic location supports higher density.
- The proposal includes several elements of direct benefit to the Protected Structures.
- Reinstating of original opening which will be fully revealed following removal of dancehall, removal of 'outshot' bathroom and attached structures to rear between 1<sup>st</sup> and 2<sup>nd</sup> floors on the rear elevation,
- Demolition of ballroom which facilitates visibility of the rear façade.
- Partial reinstating of a garden in a new courtyard which will enhance the setting of the protected structure.
- Further measures set out in condition 6 regarding monitoring and safeguarding conservation elements are not disputed.
- A detail conservation report by Rob Goodbody Historic Buildings Consultant
- Material will be of high quality which is also in the interest of the hotel as a business. This is to the satisfaction of the planning authority and subject to more scrutiny in condition 5.
- Conservation report
- Request for planning gain elements is unreasonable

### 6.3. **Planning Authority Response**

- No further comment

### 6.4. **Observations**

- TII:
- Failte Ireland: the additional accommodation would be valuable contribution to hotel accommodation in Dublin City where accommodation is a challenge.

### 6.5. **Further Responses**

6.5.1. The appellant submitted a further response on 10<sup>th</sup> th July stating:

- Despite an acknowledgement of falling into neglect there remains No commitment to upgrading façade and accordingly the development remains non-compliant with the requirement to maintain and protect special character...
- A five storey replacement of a single storey extension is not an improvement.
- There is an overarching requirement to protect architectural heritage in this location.
- Belvedere College remains concerned about impact of five storeys and a blank façade on both the classroom environment and the development potential of no.3 Denmark St. A 3 storey blank gable for future abutment would be preferable in event of a grant.

## 7.0 **Assessment**

### 7.1. **Issues**

7.1.1. This appeal relates to the replacement of a ground level hotel ballroom extension across the entire site with a multi-floor bedroom wing on a significantly reduced footprint. The issues centre on the impact on protected structures and a conservation area and impact on amenity of an adjacent school.

## 7.2. Impact protected structures

- 7.2.1. There are two aspects of concern; one relates to historic fabric of structures and the other relates to the impact on setting.
- 7.2.2. With respect to the building fabric the removal of the existing extension across the rear façade together with the removal of an upper level timber clad outshot bathroom will result in significant steps to the reinstatement of the building form to the rear. The removal of the more recent ballroom which is devoid of any architectural features and has disregarded the original openings provides for a significant part of this reinstatement of the rear façade and the related openings. I am satisfied from the details submitted that there will be no further loss of original fabric or features of architectural merit and that the works will on balance have a positive impact to the historic fabric.
- 7.2.3. The impact on the setting is more complex. While on the one hand the reinstated garden marks a return to the original layout, the new 5 level extension could be viewed as negating the benefits. The applicant makes the case that the laneway to the rear is not a conservation area (not being hatched red in the development plan maps) and the context does not support a low-rise scheme – with particular regard to the most recent development to the rear of the neighbouring hotel.
- 7.2.4. The appellant argues that the proposal constitutes over development by reference to development plan quantitative standards and policies to protect conservation areas. It is conceded by the applicant that the plot ratio guide for a z8 area is exceeded. However, it is presently 2.13:1 and while this is to be further increased to 3.23:1, it is in conjunction with a reduced site coverage from 100% to 70% which is a preferable scenario in my judgment from a conservation perspective. The reinstatement of garden area by way of an extensive landscape courtyard is also to be welcomed. I consider this to constitute an enhancement of the protected structures and while I accept that it excludes façade enhancement which would be desirable and which were part of previous larger expansion proposals, the subject proposal does on balance constitute an improvement. In these circumstances the proposal complies with the provisions of the development plan.
- 7.2.5. The applicant has indicated that it is intended to reinstate the facade over the longer term which I accept is non-binding and has to be treated as a bona fide plan. It is

explained that it is simply not viable presently and that the hotel has been periodically closed. The provision of extended bedroom accommodation will I accept contribute to the ongoing viability of the hotel use and it is appropriate in terms of use and development plan support for tourism strategy in the area together with the benefit of contributing to vibrancy of the area. The proposal is accordingly a compatible type of regeneration of the area. In this regard I note the acknowledgement by the planning authority of its contribution to the regeneration of the area and its positive impact.

7.2.6. In conclusion, I do not consider impact on the integrity or setting of protected structures to constitute reasonable grounds for refusal.

### **7.3. Impact on Belvedere College.**

7.3.1. There is a three storey classroom block with single aspect classrooms set back about 14.5m from the eastern boundary of the subject site. The classroom windows at each level face south west onto the subject site. The former premises and plot owned by DIT at no 3 Denmark street intervenes between the classroom block and the site. This former DIT site which was refused permission previously on grounds of impact on classrooms, now forms part of the school campus providing a buffer under the control of the school between the school and subject site.

7.3.2. The original garden depth is about 42m. The proposal will rise to a height of some 9m (following a three storey restriction by condition) over a distance of 13m along the site boundary and then further rise to about 15m over 18m along the boundary up to the rear lane. The appeal submission illustrates the existing situation and potential shadows cast based on the three and five storey elements in winter and summer. Based on this, the three storeys would have imperceptible impact in the winter due mainly to the existing intervening buildings however the five storey block blocks more significant levels of sunlight in the winter months and effectively during much of school term. In response to the grounds of appeal the applicant has submitted a more comprehensive shadow analysis under a range of scenarios illustrating the limitations of such an impact in this urban context. The 3D images illustrate how about a third of the southwest facing windows will be overshadowed at 3pm in March/September sun angles. The response letter further states that ‘...the 3D study modelling presented clearly demonstrates that there is no material effect on

the daylighting to the Kerr Wing as a result of the approved extension to the rear of Barry's Hotel. The 9am and 12pm shadow analysis on March 21<sup>st</sup> and June 21<sup>st</sup> September 21<sup>st</sup> and December 21<sup>st</sup> show no additional shadow being cast onto the Kerr Wing. The Kerr Wing itself is cast in shadow as a result of the adjoining buildings at nos.3-6 Denmark St and the existing buildings adjacent. The sun studies also show that the potential for overshadowing on no.3 occurs largely in the late afternoon from Spring to Autumn. There is little discernible change to overshadowing on this area during the winter months. It is important to note that some overshadowing is to be expected in such dense urban areas as is the nature of city development. ...contrary to the declaration on the appellant's shadow analysis diagram there will be no shadows cast onto the Kerr Wing by the approved development in the morning... only overshadowing to occur from the approved development into the Kerr Wing will be well into the afternoon during winter months when levels of daylight and sunlight are naturally low...'. It is further stated that it would be unreasonable to hinder the expansion of Barry's Hotel on the basis of curtailing no.3 expansion which would be naturally limited due to its tight nature and I would add, possibly its proximity to classrooms.

- 7.3.3. I do not consider it entirely accurate to state that there will be no material impact. While I accept that some of the classroom windows at the lower level will be most affected, consideration however should be given to the transitory use- classrooms at secondary level are typically occupied by multiple classes through the day. I consider the combination of a stepped height and set back serves to protect a fair degree of daylight and sunlight. The omission of bedroom 3 in the top floor would however further enhance the sunlight penetration and also visually enhance the transition between the school and hotel site, notwithstanding the dense urban context.
- 7.3.4. In a wider context I also consider the replacement of a ballroom with hotel accommodation to constitute an improvement that is appropriate to the neighbouring residential and community uses.
- 7.3.5. In conclusion, I do not consider impact on the amenities of the neighbouring school or area to constitute reasonable grounds for refusal of permission.

#### **7.4. Other Matters**

- 7.4.1. Roof Plant: Due to concerns relating to conservation and noise, the appellants dispute the manner in which roof plant has been permitted, that is, subject to further agreement by condition, following absence of clarity in further information. The applicant has submitted further details and clarifies the specification of the fans and heat pump and explains that amenity of residents is paramount. It is further argued that the resulting noise would be less than the disturbance generated by the school sports facilities on the roof. In the absence of further comments by the planning authority in this regard, I consider this matter of detail should be subject to further assessment by the planning authority in accordance with its conditions.
- 7.4.2. Procedural issues: The appellant raises procedural issues in relation to the address and also to wayleave rights over the property. I am satisfied that the site has been adequately described for the purposes of the Planning Regulations and that third-party rights have not been compromised. I also note the applicant has submitted a drawing confirming the subject wayleave which is in the registered legal ownership of the applicant and I am satisfied that the applicant has sufficient legal interest to make a planning application. In any event the planning acts cannot override other land rights conferred by legislation and in the event of a dispute such matters are for the courts to decide.

#### **7.5. Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, an extension and redevelopment of an existing property within an established urban area, and the distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### **7.6. EIA Screening**

- 7.6.1. Having regard to nature of the development comprising an extension and redevelopment of an existing hotel and the urban location of the site there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.0 Recommendation

- 8.1. It is recommended that permission be granted based on the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the site location on lands zoned Z8 and bordering Z1 where it is an objective 'to protect and improve residential amenities' and to the pattern of development along and in the environs of Frederick Court and arrangement and date of the existing building elements to be demolished on site, it is considered that the proposed replacement building, by reason of its design, use and the provision of frontage on the residential area would, subject to conditions be in accordance with the policies and objectives of the Dublin City Development Plan 2016-2022, would not detract from the integrity of the Protected Structures on site, would be consistent with the proper planning and sustainable development of the area and would not seriously injure the amenities of property in the vicinity subject to compliance with the conditions set out below.

### 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 22<sup>nd</sup> 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 development shall be revised as follow:



- a) The third floor of the proposed central wing shall be omitted.
- b) Bedroom three of the top floor of the proposed five-level wing shall be omitted.

Revised drawings which shall include section and elevation drawings, details of roof plant, and details of fenestration and materials shall be submitted for written agreement prior to commencement of development on site.

**Reason:** In the interest of the visual amenity and to provide for an appropriate transition in scale and context of its proximity to the adjacent single aspect school classroom block.

3. Details of the rooftop plant screening shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. 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.

5. In respect of works to historic fabric and restoration the following shall apply:

(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 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 Environment, Heritage and Local Government in 2004. 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, 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 work of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric with reference to existing and replacement windows.

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

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building 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.

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 comply with the requirements for the Roads, Streets and traffic department of the planning authority.

**Reason:** To ensure a satisfactory standard of development.

9. 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:

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 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.

10. 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.

11. Site development and building works shall be carried out generally 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. A detailed schedule shall be submitted for prior written agreement which shall take account of school terms and significant examination times and effective control of noise. 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.

12. No additional development shall take place above roof level including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved unless authorised by a prior grant of planning permission.

**Reason:** To safeguard the amenities of surrounding occupiers and in the interest of visual amenity.

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 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.

14. 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.

15. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer’s expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

16. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

17. 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.

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

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Suzanne Kehely  
Senior Planning Inspector

31<sup>st</sup> December 2018

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