



An
Bord
Pleanála

Inspector's Report ABP302085-18

Development

Retention of works carried out for refurbishment of protected structures permitted under Reg. Ref. 1461/08 and permission for a mixed use, predominantly office development including new 4-storey office block to the rear.

Location

Nos. 3-8 Hume Street and No. 16 Ely Place, Dublin 2.

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

2168/18.

Applicant

Green Sea Property Limited.

Type of Application

Retention of Permission and Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party -v- Grant.

Appellant

Beck Inc.

Observers

Transport Infrastructure Ireland.

Date of Site Inspection

23rd November, 2018.

Inspector

Paul Caprani.

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1.0 Introduction

ABP302085-18 relates to a third party appeal against the decision of Dublin City Council to issue notification to grant retention of planning permission for the conservation/restoration of buildings at No. 3-8 Hume Street in Dublin City Centre and the provision of a mixed use development (office, restaurant, commercial art gallery and single residential unit together with the construction of a four storey extension to the rear over three basement levels to provide office accommodation together with a 11 car parking spaces). The grounds of appeal argue that the proposed development will have an unacceptable impact on the residential amenity of No. 18 Ely Place and will adversely impact on the visual amenities of the area.

2.0 Site Location and Description

- 2.1. The current application relates to the site at the former Dublin Skin and Cancer Hospital located on Hume Street in central Dublin. The 0.178 hectare site fronts onto Hume Street, Ely Place and backs onto Bell's Lane a small lane running to the rear of Hume Street accessed from Ely Place. The site is located in the commercial heart of Dublin with Merrion Row and Baggot Street located less than 100 metres to the north of the site and St. Stephen's Green located less than 100 metres to the east of the site. The Royal Hibernian Academy is located on the opposite side of Bell's Lane to the immediate south of the site. The site is located in an historic and architectural sensitive area with a large number of protected structures in the immediate vicinity of the subject site. The surrounding protected structures accommodate predominantly commercial uses, mostly office. The site is located within a conservation area and each of the buildings that make up the subject site are protected structures.
- 2.2. The building forms an amalgamation of six former Georgian houses to accommodate the former Dublin Skin and Cancer Hospital which was established on the subject site in 1911. As the hospital expanded, it progressively extended into adjoining buildings on Hume Street. The hospital vacated the site in 2006 as the buildings were deemed to be unsuitable to accommodate a modern day hospital. The building presents itself onto Hume Street as a 15-bay four-storey building. The central

portions of the building which accommodated the main entrance underwent significant alterations in the early 20th century incorporating a plaster render finish and new portico and pilasters on the front elevation.

- 2.3. The site also incorporates frontage onto Ely Place in the form of a Georgian four-storey over basement building incorporating Dutch-billy type gable on the front elevation. The buildings are currently unoccupied since the hospital vacated. Lands to the rear of no. 3-8 Hume Street have been substantially cleared and restoration works have been undertaken at no. 3-8 Hume Street. Planning permission was granted for a mixed-use development on the subject site under Reg. Ref. 1461/08. However, this permission expired in the summer of 2018.

3.0 Proposed Development

- 3.1. Planning permission is sought for the following on the subject site.

- A change of use of Nos. 3 to 8 Hume Street to provide office accommodation on all floors amounting to 2,972 square metres of office space. Much of the office space will be provided in the new four-storey extension over three basement levels to the rears of Nos. 4-7 Hume Street. This new extension will incorporate a slight setback on the south-eastern elevation at first floor level. The extension to the rear will be connected to the main buildings fronting onto Hume Street with a glazed atrium and internal bridges. The extension to the rear will, in the main, accommodate open plan offices and ancillary uses.
- It is also proposed to provide a new restaurant at basement level in the existing buildings fronting onto Hume Street and a new art gallery at ground floor level of Nos. 3 and 4 Hume Street.
- A new four-storey over basement residential unit will be provided at Ely Place. A breakdown of the proposal on a floor by floor basis is briefly summarised below.
 - Lower Basement Level (basement level -3). This area is to be provided as a part of the new extension of the building and is restricted to the rear part of the site adjacent to Bell's Lane. It is to accommodate 11 (reduced

originally from 12) car parking spaces, a car lift and staff shower and changing facilities.

- Middle Basement Level (basement level -2). It is proposed to provide office accommodation and plant room. The middle basement also forms part of the new works on site and is restricted to the rear of the building.
 - The Upper Basement Level incorporates the full footprint of the building and it is proposed to accommodate additional open plan office space to the rear and is proposed to provide restaurant use in the basement area between Nos. 6 – 8 Hume Street. A staff canteen is also to be located at this level as is ancillary storage and service space. The proposal will involve new internal partitions. These are mainly associated with new toilet facilities, changing rooms, staff and ancillary accommodation.
 - Separately at No. 16 Ely Place it is proposed to provide a kitchen and ancillary living accommodation at basement level.
 - The ground floor level is mainly given over to office accommodation with cellular offices being provided within the existing internal layout of the buildings fronting onto Hume Street. Open plan office is provided in the new extended area to the rear. A new art gallery is also proposed at ground floor level to the front of Nos. 3 and 4 Hume Street.
 - The main living area is associated with the residential unit on Ely Place is also located at ground floor level. As in the case of the basement level, very modest amounts of intervention are proposed in terms of the historic fabric. Any of the new alterations proposed are essentially associated with the provision of new toilets and lift shaft on each of the floors.
- The first, second and third floors are almost identical in layout and comprise on the whole of office accommodation with cellular office to the front within the existing building layout and open plan office to the rear. As in the case of lower floors the provision of a lift shaft and new toilet facilities constitute the main internal modifications within the existing buildings. A new kitchenette and break out area is also proposed to the rear of No. 3 Hume Street on each of the floors.

- Bedrooms are proposed on the first, second and third floor of No. 16 Ely Place.
- Other alterations to the existing building fabric include the modification, infill and reinstatement to openings (internal and external on all floors at Nos. 3 to 8 Hume Street) and the creation of new internal openings at first to third floor levels at No. 3 Hume Street. Alterations are also proposed at roof level including the provision of new rooflights and alterations to existing roofs to accommodate extensions to the rear of Nos. 3, 7 and 8 Hume Street.
- Alterations to the existing gate and railings are also proposed at ground floor and basement level. Other alterations include upgrading of existing windows and alterations to existing plinths at ground floor level on the elevation fronting onto Hume Street. It is proposed to provide an internal ramp at ground floor level at no. 5 Hume Street and the provision of new internal stairs between the upper basement level and ground floor level at Nos. 3, 4 and 6 Hume Street.
- Alterations will also include modification to ensure that the buildings in question are compliant with fire safety requirements.
- The proposed development will result in a mixed-use scheme with a total gross floor area of 7,449 square metres that will include 6,559 square metres of office space, 346 square metres of restaurant floor use, 361 square metres of residential use and 183 square metres of commercial art gallery. The floor area of buildings to be demolished to the rear of Nos. 3 to 8 Hume Street amount to 527 square metres.

4.0 Planning Authority's Decision

4.1. Decision

- 4.1.1. Dublin City Council issued notification to grant retention of planning permission and planning permission for the works undertaken and proposed to be undertaken on the 20th June, 2018 subject to 15 conditions.

4.2. Documentation Submitted with Application

4.2.1. The application was lodged on 29th January, 2018 and was accompanied by the following documentation.

Planning and Environmental Report

This report was submitted by Tom Phillips and Associates. It sets out details of the proposed scheme as well as details of the site location and description. It also comments on the key development statistics and the design rationale associated with the proposed development. It also comments on various other reports submitted with the application including:

- Impact on Protected Structures in the Area.
- Impact on Archaeology.
- Engineering Considerations.
- Flooding Considerations.
- Mobility Management Planning.
- Construction and Demolition Waste Management Planning.
- Appropriate Assessment Screening and Potential Impacts in terms of Flooding.

The report also sets out details of the planning history associated with the site and identifies, what are considered to be, the key development management issues. The key issues identified are the proposal's compliance with the key development standards set out in the development plan.

The report concludes that, having particular regard to the planning history and the extant permissions granted on the subject site, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Protected Structure Impact Assessment

4.2.2. This assessment was prepared by Shaffrey Architects. It argues that the level of intervention proposed under the current application has already been accepted in principle with the granting of planning permission under Reg. Ref. 1461/08. It notes that the buildings in question have already gone through considerable alterations.

However, their collective contribution to the South Georgian townscape and urban heritage is important. The significance of the houses has been significantly diminished through the substantial loss of original interiors due to previous development works on site. The key component in maintaining the historic integrity of the house is to keep them in use and it is noted that the houses in recent years have fallen into disrepair due to vacancy. The proposed development presents an opportunity to strengthen and maintain the historic integrity of the houses. The restoration and adaptation through the current application will recover the architectural legibility to the interior while responding to a changing environment.

- 4.2.3. A separate report sets out details of the schedule of areas associated with each of the buildings (3 – 8 Hume Street and No. 16 Ely Place).

Flood Risk Assessment

- 4.2.4. A flood risk assessment report was submitted with the application and assesses the proposed development in terms of risks from flooding from coastal flooding, fluvial flooding and pluvial flooding. The report also assesses the potential threat of flooding from groundwater and failures of mechanical systems. In all instances the report found that the instance of flooding was deemed to be low.

4.2.5. *Engineering Assessment Report*

An engineering report details the methods of foul drainage and surface water drainage from the building. Surface water drainage will incorporate high levels of attenuation which will offer significant benefit to the existing drainage network as the existing site is currently discharging all surface water to the public sewer network without any restrictions or attenuation on the flow.

The report also notes that there will be 12 car parking spaces provided as part of the development. This is based on maximum car parking standards of one space per 400 square metres gross floor area for the Z8 land use zoning objective. Deliveries will be provided from the existing loading bay on Hume Street.

Mobility Management Plan

- 4.2.6. An outline mobility management plan was also submitted. A more detailed mobility management plan will be prepared and the management company will appoint a member of staff as the mobility management co-ordinator. Any mobility management

plan will be monitored to ensure optimal use of the transport infrastructure is available.

Construction Management Plan

- 4.2.7. It sets out details in relation to general site preparation works, pre-commencement measures, site security and hoarding, deliveries and access, parking and storing of the dirt control, noise and vibration control.

Screening Report for Appropriate Assessment

- 4.2.8. Screening report for Appropriate Assessment concludes that significant effects are not likely to arise either alone or in combination with other plans and projects which would result in significant effects on any Natura 2000 sites in the area.

Planning Sustainability / Energy Report

- 4.2.9. The report addresses how the proposed development will comply with Technical Guidance Document Part L, and where technically and economically possible, compliance with the more stringent TGD (2017) will also be investigated and implemented although this is not currently a mandatory requirement. A thermal dynamic simulation model of the building has been constructed to ensure that all requisite energy ratings are achieved.

Construction and Demolition Management Plan

- 4.2.10. A construction and demolition management plan was also prepared. It sets out details of demolition waste management and construction waste management and sets out proposals for reuse, recycling and disposal. Procedures will also be put in place before the checking and handling of hazardous materials. Detailed record keeping and consultation with local authorities and other relevant waste management companies are also set out.

4.3. Initial Assessment by Planning Authority

- 4.3.1. A report from the **Roads and Traffic Planning Division** requested additional information in relation to the operation of the car lift, the assignment of car parking spaces and the type of cycle parking proposed are requested.

- 4.3.2. An observation from the current appellants objecting to the proposed development was also submitted and the contents of which have been read and noted.
- 4.3.3. A report from the **Waste Regulation Section – Waste Management Division** sets out a series of waste protocols which the applicant must comply with.
- 4.3.4. A report from the **City Archaeologist** stated that there was no objection to the proposed development subject standard archaeological conditions.
- 4.3.5. A report from the **Conservation Officer** required further information including details in relation to comprehensive 3D model before and after photomontages of critical views of the buildings in order to properly assess the impact of development. Further details are also required in relation to new buildings to the rear of No. 3 Hume Street include further details in relation to the atrium size, articulation of the link area. As are details in relation to the proposed connection between the protected structures and the new construction including atrium roof and extension to the rear of Nos. 3 and 8 and links in relation to same.
- 4.3.6. The **Planner's Report** assesses the proposed development making specific reference to the zoning objective relating to the site, the density of the development and the urban form together with the materials used in the construction of the extension. Concerns are expressed that no detailed assessment was undertaken in relation to daylight, sunlight and overshadowing. The report of the Conservation Officer and the comments set out in the Roads and Traffic Planning Division are also noted. While it is acknowledged that the proposed development will allow for the refurbishment, conservation and repair of existing protected structures, there are some reservations with regard to the scale and massing of the proposed rear extension and for these reasons further information is recommended.

4.4. **Additional Information Request**

- 4.4.1. Dublin City Council requested additional information in relation to the following:
1. Concerns are expressed in relation to the height, scale and mass of the proposed new office building and in particular increase in plant at roof level and its impact on protected structure within and adjoining the subject site. The applicant is requested to consider options to reduce the scale and mass of the proposed plant. To assess the impact of the proposed modern office building

on the Conservation Area, the applicant is also invited to submit a Visual Impact Assessment including photomontages which clearly indicates the impact of proposed rear extension on adjoining nearby protected structures.

2. The Planning Authority has concerns regarding the proposed changes in the previously permitted glazed atrium between the protected structure along the Hume Street and the proposed rear office extension. It is suggested that the previous development was 'lighter and a more sympathetic interjection' to the rear of the adjoining protected structures. With this in mind the applicant is invited to reconsider the design of the glazed link to ensure a similar lightweight and transparent design is maintained in the current proposal. In addition, the applicant is requested to evaluate the proposed layout of internal courtyard and landscaping therein and to reconsider the proximity of the proposed rear extension to the protected structures along Ely Place.
3. The applicant is requested to respond to concerns raised by the Conservation Officer, in relation to the proximity of the proposed extension on protected structures in the vicinity.
4. The applicant is requested to submit a daylight/sunlight and shadow analysis to demonstrate the effects on surrounding amenity.
5. The applicant is requested to submit further details in relation to drainage, flood risk specifically taking into consideration climate change factors.
6. The applicant is requested to submit further details to address the concerns expressed in the Roads and Traffic Planning Report.

4.5. Further Information Response

A response to the request for further information was received on 23rd May, 2018. It states that the scheme has been revised as follows.

- The proposal involves the modification of rooftop plant including the relocation of plant units and the back-up generator to basement levels.
- It is proposed to omit part third floor level to the proposed extension at No. 3 Hume Street.

- Amendments were made to the proposed atrium layout to address the Conservation Officer's concerns in respect of the original proposal.
- Modifications are also proposed in relation to the construction materials on the eastern elevation of the proposed extension to the rear of No. 8 Hume Street in order to soften the visual impact of the extension on surrounding protected structures.
- Alterations to the proposed atrium from basement level one to third floor level.
- The reduction in the width of the proposed bridges at the atrium.
- The reduction in the number of car parking spaces from 12 to 11.
- The provision of five car parking spaces for the proposed restaurant and commercial art gallery at basement level at No. 8 Hume Street.
- The provision of a larger landscaped area to the rear of No. 18 Ely Place. This has resulted in a reduction in the total gross floor area of the new element of the structure by 90 square metres.
- Also submitted were as follows:
 - A revised Protected Structure Assessment.
 - A revised outline Construction Management Plan.
 - A Revised Visual Assessment.
 - A Revised Flood Risk Assessment
 - A Sunlight and Daylight Impact Analysis of the proposed development.

Daylight and Sunlight Assessment

- 4.5.1. The report acknowledges that the adverse impact of the proposed development on daylight access within existing buildings in close proximity to the site. Specifically, the proposed development is likely to result in a moderate to significant reduction in daylight access to a small number of rear facing rooms at the buildings on Ely Place. However, it is argued that the impact could be considered consistent with an emerging pattern of very high-density development on backland or infill sites in

Dublin City Centre. The report also argues that the proposed development is unlikely to have an undue adverse impact within buildings in the wider area.

- 4.5.2. In terms of impact on sunlight, the report notes that the potential for the proposed development will result in overshadowing of lands outside the application site and is largely limited to neighbouring lands at No. 2 Hume Street and No. 16, 17 and 18 Ely Place. The impact is deemed to be imperceptible to moderate in terms of overshadowing lands to the rear of No. 2 Hume Street during the mornings and early afternoons throughout the year. Similar conclusions are reached in respect of the potential shadows cast at No. 16, 17 and 18 Ely Place. Details of the shadow casting analysis is set out for various times of the day throughout the year in the report.

A separate Report by Plus Architecture sets out the revised design of the glazed link between the existing buildings and the new structure states. It states that the quantum of glazing has been increased in the atrium design to create a lightweight and transparent appearance. An external atrium garden space has been introduced to the rear of No. 7 Hume Street and No. 18 Ely Place which is similar to the extant permission and the atrium curtain wall has been setback to the rear of the protected structure along Ely Place by an additional 2.85 metres.

In relation to the impact on protected structures in the vicinity, photomontages prepared and submitted in the further information response suggested that the proposed rear extensions at Nos. 3 - 8 Hume Street will largely not be visible in the surrounding area.

A revised flood risk assessment has been submitted which assesses all potential drainage and flood risk arising from the development including a 20% climate change factor. Furthermore, the assessment evaluates the impact of the development of the three-storey basement as per the additional information request.

Finally the applicant has provided further details in relation to car parking and cycle parking arrangements for the site.

4.6. **Further Assessment by Planning Authority**

- 4.6.1. A further report from the **Drainage Division Engineering Department** states that there is no objection to the proposed development subject to standard conditions.

- 4.6.2. A subsequent report from the **Conservation Officer** recommends a grant of planning permission subject to a number of conditions. The report notes and welcomes the beneficial impact arising from the proposed works which will refurbish and bring these important protected structures back into use. It is also acknowledged that the proposed new building will not be visible from pavement levels on St. Stephen's Green, Hume Street and Ely Place. It accept that the visual impact significant on Bell's Lane.
- 4.6.3. A subsequent report from the **Roads and Traffic Planning Division** states that the applicant's response is deemed to be acceptable and therefore there is no objection to the proposed development subject to several standard conditions.
- 4.6.4. A further **Planning Report** notes the additional information submitted and considers that the revisions submitted are deemed to be generally acceptable. It also notes the comments from the Conservation Officer, the Drainage Department and the Roads and Traffic Planning Division on the additional information submission. The planner's report considers that the proposed development will upgrade a prominent city centre site, contribute to the animation of the area and will result in considerable conservation gain and employment creation potential. As such it is considered that the proposed development is acceptable. The proposed design is considered to be positive in all respects and the proposal exhibits a distinctive contemporary design which will make a positive contribution to the subject site and Dublin's urban fabric. It is therefore considered that the proposed development is in accordance with the proper planning and sustainable development of the area and it is recommended that planning permission be granted for the proposed development.

5.0 Planning History

- 5.1. No history files are attached. However, details of the planning history relating to the site are set out in documentation submitted with the application and in the planner's report. The main relevant applications are set out below.

Reg. Ref. 4586/07 – This development sought the demolition, refurbishment and new construction of a business centre, restaurant, wellness centre and home based economic use for the gross floor area of 5,427 square metres. Dublin City Council in its decision dated 21st September, 2007 refused planning permission for two reasons

relating to the proposal's excessive scale, bulk and massing and the predominance of office accommodation which contravened the then, Z8 zoning objectives relating to the lands (2005 to 2011 Development Plan).

Reg. Ref. 1461/08 this application relates to what the applicant refers to as the parent or existing permission pertaining to the subject site. The development consisted of the demolition, refurbishment and construction works on the subject site which included a new glazed atrium to the rear of the site with a six-storey business centre together with the refurbishment of the existing protected structures and the provision of a restaurant and wellness centre to be provided within the basement of the existing structure. A public museum was also proposed at No. 3 Hume Street. The development also included the refurbishment of a doctor's surgery and a residential unit at No. 16 Ely Place. Dublin City Council granted planning permission on the 14th May, 2008 subject to seventeen conditions. No appeal was lodged in respect of the proposed development. Condition No. 3(a) required the omission of the fourth and fifth floors of the proposed new link building to the rear of the protected structures.

The life of this permitted development was extended in 2013 for a period of five years. This permission withered on 3rd July, 2018.

Under Reg. Ref. 4799/08 permission was refused on appeal for the construction of a two-storey extension (fourth and fifth floors) over previously approved four-storey business centre to the rear of the subject site. This application appears to seek the reversal of condition no. 3(a) of the parent permission which required the omission of the fourth and fifth floors of the proposed building to the rear. This application was refused planning permission by Dublin City Council and this decision was upheld on appeal (under Reg. Ref. PL29S.232468).

Under **Reg. Ref. 2718/15** planning permission was granted for conservation and restoration works including works to the brick facades and metal railing and iron work around Nos. 3 to 8 Hume Street. Dublin City Council granted planning permission on 5th August, 2016 subject to six conditions. It appears that this decision was not appealed to An Bord Pleanála.

6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council to issue notification to grant planning permission was the subject of a third party appeal by Marsden Consultancy on behalf of the owner/occupiers of No. 18 Ely Place. The grounds of appeal are set out below.
 - 6.1.1. The previous permission under Reg. Ref. 1461/08 has expired and this application before the Board should be assessed de novo. Under the previous application (Reg. Ref. 1461/08) No. 18 Ely Place, owned by the applicant was in office use. However, on foot of a grant of planning permission under Reg. Ref. 2905/14 a change of use has taken place from office to residential development. It is argued that this is a material consideration in adjudicating on the current application and that the proposed development would have a profound impact on the amenity of occupants of No. 18 Ely Place.
 - 6.1.2. It is argued that there is a need for a greater separation distance between the rears of Nos. 3 to 8 Hume Street and the new proposed extension. It is noted that there is an increase in the number of walkways through the atrium area than that previously granted by the Planning Authority under 1461/08 and this will also have a material impact on the appellant's amenity. The close proximity between the proposed atrium and the rear of No. 18 Ely Place will give rise to significant and unacceptable levels of overlooking.
 - 6.1.3. It is argued that it is an objective of the development plan to maintain this area as a primarily residential area and to avoid development which would impact on the architectural setting and integrity of the area. The office element of the proposed development amounts to 88% of the gross floor area and this represents a gross over concentration of open plan office space within the area.
 - 6.1.4. Concern is expressed that the height, scale and mass of the building to the rear will impact on the setting and character of protected structures in the area including the appellant's building which is also a protected structure. The extension to the rear it is argued will "visually compete" with protected facades in the vicinity.
 - 6.1.5. With regard to the separation distance between the new block and the appellant's dwelling, it is stated that the original application granted under Reg. Ref. 1461/08 was 10.6 metres from the rear boundary of No. 18 Ely Place. In the case of the

current application this has been reduced to a mere 6.8 metres. Concern is also expressed with regard to the scale of the extension to the rear of No. 8 Hume Street. The scale has not been reduced through additional information. The current proposal will result in a solid four-storey block wall adjacent to the appellant's rear garden. It is stated that the proposal is of a greater size and scale than that previously permitted under Reg. Ref. 1461/08.

- 6.1.6. Concerns are expressed that the party wall, (which forms part of the curtilage of the protected structure at Ely Place according to the grounds of appeal) will be damaged as a result of the proposed three level basement. In fact, it is suggested that such extensive works to incorporate the basement could in fact impact on the structural integrity of No. 18 Ely Place.
- 6.1.7. For all the above reasons it is argued that the proposed development will have a significant and material impact on property values in the area, particularly the appellant's property.

7.0 Appeal Responses

7.1. Applicants Response to the Grounds of Appeal

- 7.2. A response to the grounds of appeal was submitted on behalf of the applicant by Tom Phillips and Associates, Town Planning Consultants. It is summarised below.
 - 7.2.1. It is acknowledged that the parent permission relating to the site has expired. However, it is argued that the expiry date is not the 3rd July, 2018 but rather the 16th August, 2018. Nevertheless, it is acknowledged that the parent permission is likely to have expired by the time the Board makes its decision on the application.
 - 7.2.2. It is also suggested that the grant of planning permission for a change of use from office to residential at No.18 Ely Place took place in 2004, prior to the the parent permission relating to the subject site.
 - 7.2.3. Also contained in the grounds of appeal is an overview of the differences between the previously permitted scheme and the proposed scheme (see Table 4.1 of response). It indicates based on the parameters assessed (gross floor area, height, site coverage, plot ratio etc.) that there is a negligible difference between the current

scheme and that the extant permission. And this has set a precedent for the proposed development which fully respects the sensitive context of the site.

- 7.2.4. With regard to the separation distance between the appellant's building at No. 18 Ely Place and the proposed development to the rear of the buildings on Hume Street, it states that the glazed atrium is set back 6.85 metres from the boundary wall of No. 18 Ely Place and 10 metres from the rear elevation of the building. Under the parent permission the permitted separation distance was 7.15 metres from the boundary wall. The difference of 0.3 metres therefore, is considered to be marginal. It is stated that the proposed atrium will be constructed with a significant quantum of glazing to create a lightweight and transparent appearance. Furthermore, it is proposed to provide an enlarged landscaped area with a tree planter area between the atrium and No. 18 Ely Place. If the Board consider it appropriate opaque, glazing can be provided on the eastern elevation of the atrium to further ensure that the proposal does not impact on the amenity of No. 18 Ely Place.
- 7.2.5. With regard to the walkways linking the existing building with the proposed extensions to the rear, it is stated that two walkways/bridges each measuring 1.8 metres in width are constructed on each floor level approximately 1.1 metre of high glazed panels will be provided on each side of the walkway. It is not possible to omit any of the walkway/bridges for fire safety reasons.
- 7.2.6. It is argued that the extension to the rear of No. 8 Hume Street will not adversely impact on the residential amenity of 18 Ely Place. The extension is located to the north-east of Ely Place and as such will not result in any adverse overshadowing. Furthermore, there are no windows proposed on the extension and as such it will not cause any overlooking of the subject property.
- 7.2.7. It is not accepted that the proposed extension will have any adverse impact on the setting and context of the existing protected structure areas. The extension will not be readily visible from St. Stephen's Green, Hume Street or Ely Place. It will only be partially visible from certain sections of Ely Place along Bell's Lane. All windows along the eastern elevation of the proposed extension will have opaque glazing and as such there will be no overlooking resulting from the rear of the properties onto Ely Place. The applicant is happy that this issue could be adequately dealt with by way of condition.

- 7.2.8. In terms of daylight and sunlight reference is made to the daylight and sunlight analysis submitted by way of additional information to the Planning Authority. The grounds of appeal argue that the rear façades at No. 17 and 18 Ely Place face within 90 degrees of due north and as such do not enjoy a reasonable expectation of sunlight. It is stated that if a room is north-facing or if a building is in a high density urban area, the absence of sunlight is more acceptable. The report concludes that the proposed development will have no due adverse impact on daylight access within the buildings in the wider area surrounding the application site.
- 7.2.9. It is stated that the impact of the proposed development on the vertical sky component achieved by rear facing windows at Nos. 16 to 18 Ely Place is likely to be materially similar to that granted under the parent permission (Reg. Ref. 1461/08).
- 7.2.10. It is argued that the proposed basement can be constructed without adversely affecting the integrity of any structures in the vicinity and details of the proposed method statement to be undertaken is indicated in the grounds of appeal. Where An Bord Pleanála upholds the decision of Dublin City Council a pre-condition survey will be carried out on all properties adjoining the site.
- 7.2.11. With regard to compliance with the lands use zoning objective, it is stated that the proposed land uses are fully compliant with the Z8 land use zoning objective in that office and residential uses are both permissible uses under the zoning objective whereas restaurant and retail use are open for consideration. The use of the properties for office is appropriate having regard to their city centre location.
- 7.2.12. In respect of property values, it is argued that there is no evidence to suggest that the proposed development will impact on property values. House prices are influenced by a wide range of factors. The applicant is willing to conduct a pre-condition survey both internally and externally of the surrounding premises subject to the landowner's consent.

7.3. Further Submission on behalf of the Appellant

- 7.4. A further submission on behalf of the appellant was submitted by Marsden Planning Consultancy. It is briefly summarised below.
- 7.4.1. The applicant in his response to the grounds of appeal suggests that the change of use from office to residential took place prior to the grant of the parent planning

permission relating to the site. It is stated that this is incorrect. Planning permission was granted for the change of use from office to residential in 2014.

- 7.4.2. With regard to a separation distance between the building concerned and the proposed extension, it is stated that the planning drawings under the parent permission indicates a separation distance of 8.2 metres and (not 7.15 metres as indicated by the first party). The current application reduces the separation distance to 6.845 metres.
- 7.4.3. The first party dismisses the changes in height and scale of the proposed extension to the rear as being 'individually only small changes'. However, this approach fails to adequately assess the overall cumulative impact.
- 7.4.4. It is reiterated that the previously permitted two-storey extension and lift shaft to the rear of No. 8 Hume Street has been increased to four storeys under the current application. This will have a significant and negative impact on the setting of the protected structure and the amenity of the appellant.
- 7.4.5. In terms of sunlight and daylight, it is stated that the Dublin City Planning Officer in the case of the 2008 application, considered the loss of sunlight and overshadowing to be acceptable as No. 18 Ely Place was in office use at the time. The fact that the premises is currently in residential use means that the proposal will have a profound effect on residential amenity. It is argued that the majority of sunlight and daylight to this residential property is provided from its rear aspect. It is suggested that this matter has not been adequately addressed and assessed by the Planning Authority.
- 7.5. If the Board are mindful to uphold the decision of the Planning Authority, the appellant welcomes that a pre-condition survey will be carried out at No. 18 Ely Place.

8.0 Observations

- 8.1. An observation was submitted by Transport Infrastructure Ireland. It notes that the proposed development falls within an area designated under the Section 49 Supplementary Contribution for the Luas Cross City development. The Section 49 scheme lists several exemptions where the levy does not apply. If the notified decision of the City Council is upheld on appeal, and the development is not exempt,

it is recommended that a Section 49 Luas Cross City contribution scheme be included in any schedule of conditions.

9.0 Development Plan Provision

- 9.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022. The site is governed by the zoning objective Z8 which seeks to “*protect the existing architectural civic design character and to allow for only limited expansion consistent with this conservation objective*”. The plan states that lands zoned Z8 incorporate the main conservation areas in the city, primarily Georgian squares and streets. The aim is to protect the architectural character/design and overall setting of such areas. A range of uses is permitted in such zones, as the aim is to maintain and enhance these areas as active residential streets and squares during the day and night time. Offices may be permitted where they do not impact negatively on the architectural character and setting of the area and do not result in an over-concentration of offices. In the south Georgian core where residential levels are low, it is the aim to encourage more residential use in the area. Uses permitted under the zoning objective include ‘office’ and ‘residential’ and ‘cultural/recreational buildings’. A restaurant use is open for consideration.
- 9.2. Nos. 3 to 8 Hume Street and No. 16, 17 and 18 Ely Place are protected structures. The subject site is also located in a designated Conservation Area. Section 11.1.5.6 of the Plan specifically relates to Conservation Areas in terms of policy application. It states that all new development must have regard to the local context and distinctiveness and the contribution to the local scene of buildings, landmarks, views, open spaces and other features of architectural, historical or topographical interest.
- 9.3. Policy CHC5 seeks to protect protected structures and preserve the character and setting of Conservation Areas. The City Council will resist the total or substantial loss of protected structures in all but exceptional circumstances. It is stated that interventions to protected structures should be kept to the minimum necessary and all new works will be expected to relate sensitively to the architectural detail, scale, proportions and design of the original structure. This should take into account the

evolution of the structure and later phases of work which may also contribute to its special interest.

- 9.4. Where possible, existing detailing fabric and features of the structure should be preserved, repaired or if missing or obscured should be reinstated or revealed.
- 9.5. Policy CHC4 seeks 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. Reinstatement of architectural detail or other important features.
 3. Improvement of open spaces in the wider public realm and the reinstatement of historic routes and characteristic plot patterns.
 4. Contemporary architecture of exceptional design quality which is in harmony with the conservation area.

Development will not:

1. Harm building spaces, original street patterns or other features which contribute positively to the special interest of the Conservation Area.
 2. Involve the loss of traditional, historic or important building forms, features and detailing including roofscapes, shopfront doors, windows and other decorative detail.
 3. Introduce design details and materials such as uPVC aluminium and inappropriate designed or dimensioned timber windows and doors.
 4. Harm the setting of a conservation area.
 5. Constitute a visually obtrusive or dominant form.
- 9.6. Changes of use will be acceptable where in compliance with the zoning objective they make a positive contribution to the character, function and appearance of Conservation Areas and their settings. The Council will consider the contribution of

existing uses to the special interest of an area when assessing the change of use applications and will promote compatible uses to ensure future long-term viability.

9.7. In terms of development standards, the following apply to the Z8 land use zoning objective.

- Plot ratio 1.5
- Site coverage 50%

9.8. Section 16.10.15 relates to basements. It notes that in recent years there has been a significant growth in new basement development and extensions to existing basement accommodations. Basements can provide valuable additional accommodation for leisure or storage purposes. However, basements can be prone to flooding and there is a growing number of planning applications looking to maximise accommodation on restricted sites by proposing habitable basement accommodation. It is the policy of Dublin City Council to discourage any significant underground or basement development or excavations below ground level or adjacent to residential properties in Conservation Areas or properties which are listed on the protected structures.

9.9. In considering applications for basement developments the Planning Authority will have regard to:

- The permissible size of a basement development to the rear of a property will be guided by the characteristics of the site. Basements do generally not exceed the footprint of the original building. Measures should be taken by the applicant during demolition and construction works to ensure the structural stability of the existing property and adjoining property and that critical infrastructure is maintained in the provision of basements.

Chapter 6 of the development plan sets out various policies and objectives in relation to the city economy and enterprise. The overall thrust of the policies and objectives in this chapter seeks to enhance the role of Dublin as a national driver of economic investment and culture and tourism.

10.0 Planning Assessment

I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I consider the following issues to be critical in determining the current application and appeal before the Board.

- Strategic Issues
- Previous Permission granted under Reg. Ref. 1461/08
- Daylight and Overshadowing Issues
- Overlooking Issues
- Impact on Setting and Character of Existing Protected Structures
- Land Use Zoning Issues
- Impact on Structural Integrity of Adjoining Buildings

10.1. Strategic Issues

10.1.1. As indicated in the planning and environmental report submitted with the application the subject site is very centrally located within Dublin City Centre with excellent public transport links. It is also located in the Central Business District close to government offices and in close proximity to the central retail area within the city. It can be reasonably expected that there will be a high demand for office space in and around the subject site. The proposed development will also bring back into use important and high quality protected structures on an important and historic street contiguous to St. Stephen's Green. The buildings which form part of the subject site, while historically and architecturally important, do not currently contribute to the creation of an active and vibrant streetscape. The bringing of the said buildings back into use would be most beneficial in conservations terms and would also represent a significant planning gain in eradicating dead frontage on a historic street within the city centre.

10.1.2. The proposal before the Board was also advantageous in that the architectural intervention on the existing historic fabric of the buildings is minimal. The proposal does not involve any wholesale or significant alterations to the layout of the buildings either internally or externally in order to accommodate the contemporary

office use proposed. In this regard I consider the historical integrity of the buildings in question are both respected and protected as part of the current application.

- 10.1.3. The subject site in my opinion can be characterised as an underutilised brownfield site located strategically and centrally within the city centre. The National Planning Framework highlights the importance of developing the potential of brownfield underutilised sites in order to avail of their maximum potential. Utilising and maximising the potential of such city centre sites will improve the viability of public transport and will maximise the efficient use of other infrastructure services. The proposal in my view will also contribute towards attaining one of the major strategic objectives set out in NPS namely the creation of more compact urban development.
- 10.1.4. In conclusion therefore the proposal represents a significant planning gain both in terms of strategic land use within the city centre and also the proposal should be seen in a positive light in terms of conserving the important architectural and built fabric of the city.
- 10.1.5. With this in mind I consider the Board can restrict its deliberations to the specific issues raised in the third party appeal.

10.2. Previous Permission granted under Reg. Ref. 1461/08

- 10.2.1. The applicant in his response to the grounds of appeal is in fact incorrect in stating that the change of use of No. 18 Ely Place from office to residential took place in 2004. Having inspected the Dublin City Council Planning website, it appears that the appellant is in fact correct in stating that planning permission was granted for a change of use in September 2014 which was after the original grant of planning permission under 1461/08 and after the extension of planning permission was granted in 2013. Whether or not this permission expires in either July, 2018 as stated in the grounds of appeal or August, 2018 as suggested in the appellant's response to the grounds of appeal is immaterial at this stage in the deliberations of the appeal.
- 10.2.2. The appellant argues that the change of use from office to residential of No. 18 Ely Place is a material consideration in determining the application as different standards should be applied to habitable residential rooms as opposed to office accommodation in terms of amenity. I would agree in one respect that a residential use at No. 18 would make the receptor building more sensitive in terms of amenity

issues such as overlooking and overshadowing than would be the case if the building was retained in office use.

- 10.2.3. Notwithstanding this point the Board should bear in mind that at the time of the grant of planning permission for the change of use for any future residential development at No. 18, that the residential use in question would have to contend with the possibility or indeed probability of the adjoining appeal site being developed under the previous planning permission granted under 1461/08. That is to say that, the applicant in this instance was entitled to carry out the parent permission up and until the summer of 2018 which would have had similar adverse effects on the amenities of the residential occupants of No. 18 as the current proposal before the Board.
- 10.2.4. This is a salient point in my opinion from the perspective of the precedent of development on the subject site. The applicant considers that the change of use from No. 18 to residential use was appropriate or indeed desirable notwithstanding the fact that there was an extant permission to develop a four-storey office development to the rear of No. 18. Dublin City Council in granting this permission for a change of use at No. 18 Ely place considered the juxtaposition of both uses (i.e. office and residential) to be acceptable and in accordance with the proper planning and sustainable development of the area.
- 10.2.5. For the appellant in this instance to suggest therefore that any planning history or precedent decision on the subject site should be disregarded and that any new development on the subject site should be assessed in the context of adjoining residential development would not be entirely appropriate in my opinion. The key question before the Board is whether or not the current application diminishes the residential amenity of No. 18 over and above that associated with the previous permission on site as the previous permission was deemed to be an acceptable adjoining use and was deemed to be compatible with residential development.

10.3. **Daylight and Overshadowing Issues**

- 10.3.1. The site city centre location incorporates a very tight urban grain and the existing protected structures fronting onto Hume Street, particularly Nos. 7 and 8 results in a configuration of buildings which already adversely impact on the rear of No. 18 in terms of overshadowing and access to daylight. In fact, it is unlikely that no. 18 Ely

Place is likely to receive much direct sunlight penetration particularly during the winter months.

- 10.3.2. The sunlight and daylight access impact analysis submitted as part of the applicant's response to the additional information request clearly indicates that the proposed office block to the rear does not result in any significant adverse impact in terms of additional overshadowing over and above that which currently exists on site. The greatest potential for increased overshadowing occurs in the late afternoon period when the sun is to the west of the subject site. It is clear however during the vernal and autumnal equinox, that the azimuth of the sun path in the early and late afternoon period is so low in the sky that there is no material increase in shadows cast as a result of the presence of existing buildings surrounding the site, particularly to the west of the site. The shadow casting analysis for the summer solstice also suggest that there will be negligible difference in the early to late evening period to the rear façade of No. 18 as a result of the proposed development. I refer the Board to the shadow casting drawings submitted in the report submitted as further information by the applicant.
- 10.3.3. The grounds of appeal also express concerns in relation to the proposed new toilet block and lift shaft located to the rear of No.8 Hume Street. It is stated that this new block will have an adverse impact on amenity and outlook from the residential dwelling at No. 18. This proposed new block is relatively modest extending to a depth of c.4 metres. It does not directly face onto the rear of No. 18 but is in fact located to the immediate north of the appellant's site. The roof profiles of Nos. 7 and 8 Hume Street rise c.2 metres above the height of the lift shaft and the proposed block will in no way exacerbate or accentuate levels of overshadowing in the area having regard to the close proximity of existing buildings namely Nos. 7 and 8 Hume Street to the appeal site. As the proposed block does not directly face the appellant's rear façade, and only obscure views of the block will be available from the rear façade, I do not consider that the toilet block or lift shaft will have a significant impact on amenity terms.
- 10.3.4. I am therefore satisfied that the proposed development will not result in any significant or material impact in terms of additional shadow casting and the proposal is therefore acceptable in this regard in my opinion.

10.4. Overlooking

10.4.1. In terms of overlooking, the proposed atrium area and bridges linking the existing structures with the proposed office block could potentially give rise to some overlooking. However, the provision of a glazed curtain wall incorporating obscure glass along the eastern elevation of the atrium area would in my view satisfactorily address this issue.

10.5. Impact on Setting and Character of Existing Protected Structures

10.5.1. The proposed development represents a contemporary style office extension which is discreetly located to the rear of the existing buildings which front onto Hume Street. Having inspected the site and having inspected the visual analysis and photomontages submitted with the planning application I would concur with the applicant that the new office block will not be visible from any vantage points along Hume Street and Merrion Row or St. Stephen's Green. The proposed new office block will be partially visible along a section of Ely Place. However, only oblique views of the office block will be available along a section of Ely Place to the south-east of the subject site. While the office development will be visible from Bell's Lane, the Board will note that views of the rear of the buildings on Hume Street are not readily visible from Bell's Lane as there is a large c.3 metre high wall which runs along the southern boundary of the site. The Board should also be aware that there are contemporary style buildings including the newly constructed Royal Hibernian Academy located to the immediate south of the subject site. The proposed new four-storey office development to the rear will not in my view detract in any way from the setting, visual integrity or character of the protected structures surrounding the site. It is discreetly and neatly tucked to the rear of the protected structures fronting onto Hume Street and Ely Place. The proposed office extension is lower than the roof height of the existing protected structures on both Ely Place and Hume Street and is therefore ancillary and subordinate in scale. While the subject site is located in a designated Conservation Area, the streetscape in the vicinity of the site, particularly Ely Place, cannot be described as a pristine unaltered 18th century streetscape.

10.6. Land Use Zoning Issues

- 10.6.1. The grounds of appeal argue that there is already an overconcentration of large office developments in this area of the city.
- 10.6.2. While office use is the predominant use in the current application before the Board, it is not the sole use proposed under the current application. The current application before the Board constitutes a mixed use development incorporating residential use, restaurant use and cultural/recreational use in the form of an art gallery. All the above uses with the exception of restaurant use are designated permissible uses under the Z8 land use zoning objective. The restaurant use is a use which is open for consideration under the zoning objective.
- 10.6.3. The incorporation of office use lends itself to the maintenance and enhancement of Georgian Conservation areas as it provides active uses during the day and requires minimal intervention in the protected fabric of the buildings. Section 14.8.8 of the development plan clearly states that offices may be permitted where they do not impact negatively on the architectural character and setting of the area and do not result in an overconcentration of offices. The development plan does not specify as to what amount of office use constitutes an overconcentration of offices. The wider area accommodates a mixture of commercial and residential uses including significant levels of office development. There is obviously a strong demand for office space in this area having regard to its central location. Office use constitutes an intensive employment use and as such it is most suited to city centre areas which are easily accessible particularly by public transport. I am satisfied therefore that the proposed office use on the subject site would be appropriate. I have also argued above that the proposed office extension would provide a viable reuse of a row of protected structures which is appropriate in conservation terms and that the proposed new office development to the rear in no way impacts negatively on the architectural character and setting of the area. As such, I consider the proposal fully accords with the land use zoning provisions of the development plan.

10.7. Impact on Structural Integrity of Adjoining Buildings

- 10.7.1. Concerns were expressed in the grounds of appeal that the applicant is proposing to construct a three-storey basement to the rear of the subject site and this could undermine the integrity of adjoining structures including the common boundary wall between the subject site and the appellant's site and indeed the foundations of the building at No. 18 Ely Place.
- 10.7.2. The development plan acknowledges that basements can provide valuable additional accommodation on restricted sites in the city centre. A basement level already exists beneath the protected structures fronting onto Hume Street and beneath No. 16 Ely Place. Under the previous planning application Reg. Ref. 1461/08 planning permission was granted for an additional basement. A further additional basement beneath the footprint of the proposed office extension to the rear is proposed under the current application. This lower basement is to essentially accommodate plant rooms and 11 car parking spaces which is accessed via car lift.
- 10.7.3. It is not unusual in the case of city centre locations that additional basement areas would be constructed for purposes associated with accommodating plant room and car parking. There are numerous precedent developments throughout the city centre where largescale excavations have taken place for the purposes of providing deep basement areas (The Royal College of Surgeons for example) and the applicant in this instance has set out in the outline construction management plan submitted with the original application. Details of mitigation measures which will be incorporated to ensure that best construction practice methods will be incorporated in the construction of the basement areas. Furthermore, the applicant in his response to the grounds of appeal states that a pre-condition survey will be carried out on all properties adjoining the site and this will include an external and internal examination of the properties subject to the landowner's consent. If the Board are minded to grant planning permission in this instance, I consider that this requirement should be attached by way of condition.

11.0 Conclusions and Recommendation

Arising from my assessment above I consider the proposed development to be acceptable and in accordance with the land use zoning objectives associated with the site. I also consider that the proposed development will result in the reuse of important protected structures located along Hume Street and this will be beneficial in conservation terms. Furthermore, I consider that the proposed development will not have a significant or material adverse impact on the residential amenities of any future occupants at No. 18 Ely Place. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity 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.

13.0 EIAR Screening Determination

On the basis of the information contained on file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

14.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

15.0 Reasons and Considerations

Having regard to the zoning provisions contained in the Dublin City Development Plan which seeks to protect the existing architectural and civic design character of the subject site and its surroundings, it is considered that the proposed development which involves the refurbishment and reuse of existing protected structures fronting onto Hume Street together with the layout, form, mass, height and material finishes associated with the proposed four-storey office development to the rear, the proposed development would not seriously injure the residential amenities or property in the vicinity, would not be prejudicial to public health and will be generally acceptable in terms of traffic safety and convenience and would otherwise be in accordance with the proper planning and sustainable development of the area.

16.0 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 information received by the planning authority on the 23rd day of May, 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 agreement particulars.

Reason: In the interest of clarity.

2. 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.

3. Details of the proposed materials, textures and colours of all proposed external finishes including details of the durability and weathering capacities of such materials shall be submitted to and agreed in writing with the planning authority prior to commencement of construction. A panel displaying samples shall be displayed on site following demolition and site clearance.

Reason: In the interest of clarity and the visual amenities of the area.

4. The primary function of the restaurant shall be for the sale of food and meals for consumption on the premises and the unit shall not be used solely as a public house. Any subsequent change of use including use for take-away food or for the sale of hot food for consumption off the premises shall be the subject of a separate planning application for permission.

Reason: In the interest of orderly development.

5. 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.

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 or amending or replacing them, shall be displayed or erected on the building within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

7. A plan containing details for the management of waste (and in particular recyclable materials) within the development including the provision of facilities for storage, separation and collection of the waste and in particular recyclable materials for the on-going operation of these facilities shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Thereafter the waste shall be managed in accordance with the agreed plan.

Reason: To provide the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

8. Site development and construction works shall be confined to the hours of 0700 to 1800 hours Mondays to Fridays excluding bank holidays and 0800 hours to 1400 hours on Saturdays and not at all on Sundays. Deviation from these times will be only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of amenity and clarity.

9. The following shall be agreed in writing with the planning authority prior to the commencement of development.

- (a) Details of the appointment of a contractor and a construction management transport plan shall be submitted to the planning authority for written agreement. This plan shall provide details of the intended construction practice for development including traffic management, hours of working, noise management measures and off-site disposal of construction and demolition waste.
- (b) Details of traffic management on and off the site via Bell's Lane.
- (c) Details of all car parking space contracts. Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sublet or leased to other parties.
- (d) Details of all cycle parking on the subject site.
- (e) Details regarding the implementation of the measures outlined in the mobile management plan submitted with the application. A mobility manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.
- (f) All costs occurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the applicant.
- (g) The applicant shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of orderly development.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

11. The developer shall comply with the following conservation requirements of the planning authority.
 - (a) A conservation expert shall be employed to design, manage, monitor and implement the works on site and to ensure that 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 existing protected structures and façades of the said structures.
 - (b) All works to the protected structures shall be carried out in accordance with best conservation practice and the “Architectural Heritage Protection Guidelines for Planning Authorities” and any advice series issued by the Department in respect of architectural, heritage protection and conservation. Any repair works shall retain the maximum amount of surviving historic fabric in situ including structural elements, plasterwork (plain or decorative) and joinery. Items to be removed for repair off-site shall be recorded prior to removal catalogued and numbered to allow authentic reinstatement.

- (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 of the original fabric shall be scheduled and carried out by appropriately experience conservation experts of historic fabric, and reference is made in particular to the external stonework, replacement windows, brickwork, decorative plasterwork, joinery etc. Full repair and reinstatement schedules (conditions, surveys, specifications and methodologies) shall be submitted to the planning authority for written agreement prior to the commencement to avoid loss or damage to the original fabric and to ensure that the character of this protected structure is not altered.
- (e) Samples of materials and exemplars of site workmanship in respect of repairs and restoration to be carried out shall be submitted to the planning authority for written approval including repointing of the rear façade and any granite repairs.
- (f) Details of all fire upgrading services required shall be submitted for the written approval of the planning authority.
- (g) The applicant shall submit a schedule of repairs to all surviving historic fabric associated with the protected structures including plasterwork, joinery, doors and any flooring to the planning authority for written approval in advance of work commencing.
- (h) Full details of all connections proposed between the protected structures and the glazed atrium on a scale of 1:20 shall be submitted to the planning authority for written approval prior to the commencement of development.

- (i) A record of completed works including key drawings, details and selected photographs to be submitted to the local authority conservation section and to the Irish Architectural Archive.

Reason: To ensure that the integrity of the protected structures is maintained during the course of the work carried out.

- 12. The applicant shall carry out a pre-condition survey of all contiguous properties adjoining the subject site. This survey will include an external and internal examination of the properties subject to landowner's consent. Details of the pre-condition survey shall be submitted to the planning authority prior to any works commencing on site.

Reason: To ensure the structural integrity of adjoining structures are maintained.

- 13. The developer shall pay to the planning authority a financial contribution of €121,624 (one hundred and twenty-one thousand six hundred and twenty-four euro) 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. The application of any indexation required by this condition 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.

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.

14. The eastern elevation of the proposed atrium on each floor shall incorporate obscure glazing. Details shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To protect adjoining residential amenity

15. The developer shall pay to the planning authority a financial contribution of €65,968 (sixty-five thousand nine hundred and sixty-eight euro) 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. The application of any indexation required by this condition 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.

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.

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.

Paul Caprani,
Senior Planning Inspector.

30th November, 2018.