



An
Bord
Pleanála

Inspector's Report ABP-305840-19

Development	PROTECTED STRUCTURE: Partial demolition, change of use from offices to hotel use and refurbishment & upgrade of existing hotel
Location	24-28, Dame Street, which includes The Mercantile Hotel and Dame House, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2505/19
Applicant(s)	Orangeaseed Designated Activity Company
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John Synnott & Co.
Observer(s)	None
Date of Site Inspection	14 th February 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site comprises the Mercantile Hotel and bar, No. 26-28 Dame Street and No's 24-25 Dame Street, Known as Dame House. The site is located at the junction of Dame Street and South Great Georges Street. The site is bounded by Dame Street to the north, Dame Lane to the south, South Great Georges Street to the west and a row of terrace buildings fronting Dame Street to the east. An area of open space adjoins the site to the south and is currently in use as a cycle parking/seating area.
- 1.2. The existing Mercantile Hotel is a six storey (including mansard roof level) over basement mid-terrace building. Dame House is a five storey over basement end of terrace building comprising of a cafe/restaurant at ground floor level with offices on the upper floors.
- 1.3. The general area reflects a mix of land uses including retail, restaurant, commercial and residential uses. The site is located approx. 100m from College Green.
- 1.4. The buildings on site are listed as protected structures RPS Ref. 2105 – Mercantile Hotel, RPS Ref. 2103 and RPS Ref. 2104 – No. 24 and No 25 Dame Street. The site is located within the Zone of Architectural Constraint for the Recorded Monument DU018-020 (Dublin City).
- 1.5. The site is 0.75 ha. in area.

2.0 Proposed Development

- 2.1.1. The development seeks permission for the partial redevelopment and refurbishment of the existing Mercantile Hotel and Dame House, No's 24-28 Dame Street, Dublin 2.

The development comprises of the following:

- Partial demolition of existing structure (internal and external);
- Refurbishment and upgrade of the existing Mercantile Hotel;
- Change of use of the existing office development at 1st to 4th floor level of Dame House to hotel use;
- Amalgamation of Dame House with the existing Mercantile Hotel from 1st to 4th floor levels;

- Removal of existing 5th floor (6 no storey) level mansard roof of the Mercantile Hotel and provision of a new amalgamated mansard roof level to the Mercantile Hotel and Dame House;
- Provision of new set back 6th floor (7 no. storey) to Mercantile Hotel and Dame House;
- Provision of 5 no. storey extension over existing ground floor level (6 no. storey in total) including set back 7 no. storey to south of the site fronting Dame Lane;
- Provision of glazed atrium space between the protected structures and proposed extension;
- Revised internal layout and reconfiguration of all buildings including the existing bar / restaurant / café units at ground and first floor level;
- Provision of plant at 5th floor level and roof level;
- Modifications to all elevations to facilitate the proposed development;
- Revised shopfronts and signage;
- Revised basement level and inclusion of additional plant areas;
- General improvements and repairs to the existing protected structures and all other works necessary to facilitate the proposed development.

2.2. The proposed development will result in an increase in the total number of bedrooms from 28 no. to 109 no. and will include a restaurant / café / bar use. A separate café / restaurant use will also be provided at the junction of Dame Street and South Great Georges Street. The overall development will increase from 4,158 sq.m to 5,311 sq.m in total.

2.3. The design was revised following a request for further information whereby the additional seventh floor level above the mansard roof was omitted.

2.3.1. An Archaeological Assessment, An Architectural Heritage Assessment, Noise Impact Assessment, Outline Construction and Operational Management Plan, Outline Construction Management Plan, Structural Design Statement, Transport Statement, Townscape and Visual Impact Assessment (TVIA) and Photomontages, Sustainability

and Engineering Services Report, Appropriate Assessment Screening Report and Flood Risk Assessment accompanied the planning application.

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. The decision to grant permission was subject to 15 no. conditions. The following conditions are of note.

Condition no. 3

The developer shall pay the sum of €13,955.88 to the Planning Authority in respect of the LUAS Cross City Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the Planning Authority. The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution in respect of the public infrastructure and facilities benefitting development in the Luas Cross City area as provided for on the Supplementary Development Contribution Scheme made for the area of the proposed under Section 49 of the Planning & Development Act 2000 (as amended)

Condition 10 (c) requires all internal basement drainage to be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.

Condition no. 15 relates to the requirement to employ a Conservation Expert.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

- 3.2.2. Further Information was requested on the 13th May 2019 regarding a visual impact assessment, reduction in height, scale and mass to a maximum of five storeys, additional design and conservation details.

The Area Planners report (24th October 2019) reflects the decision to grant permission and notes that the proposed development respects the historic character and fabric of the Protected Structures on the site and the proposed mansard and rear extensions will sit comfortably above and to the rear of these Protected Structures along Dame St. The proposal is considered a considerable improvement on the existing subject site and is appropriately scaled and designed in its setting. Subject to compliance with the conditions set out below, it is considered that the proposed development accords with both the City Development Plan and the proper planning and sustainable development of the area.

3.2.3. **Other Technical Reports**

The Roads & Traffic Planning Division (report of 30th April 2019) - No objection subject to conditions.

Drainage Division (report of 18th April 2019) - No objection subject to conditions.

City Archaeologist (report of 3rd April 2019) - No objection subject to conditions

Conservation Officer - In her report dated 3rd May 2019 the Conservation officer recommends revised design and further details be submitted. The final report from the Conservation Officer (dated 7th October 2019) notes the response to the further information requested and sets out no objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. The **TII** in their report dated 1st April 2019 recommends a Section 49 Development Contribution (Luas Cross CITY) be imposed on any grant of permission.

3.4. **Third Party Observations**

John Synott & Co – A submission was made to Dublin City Council on 15th April 2019. The following is a summary of the issues raised:

- It is set out that John Synott & Co occupy the first floor of Dame House and that the practice does it intend on surrendering its lease.
- Impact of the development on access to daylight and sunlight and on the overbearing impact on the development.
- Potential impact on privacy and security
- Impact on the protected structure

An Taisce – In their report dated 18th April 2019 An Taisce set out the following:

- The proposal does not address the previous Refusal on the subject site (4523/17), in particular relating to the significant of the Protected St and the surviving terrace
- Any development to the roof should be restricted to 1 storey above roof level
- Any further development at roof level should mirror the existing roof profile and be broken into sections in its design
- The existing chimney stacks should be maintained
- Clarification regarding leasehold agreements by occupants of the upper floors of No.24, 25 and 26

Failte Ireland - In a letter dated 11th April 2019 Failte Ireland states that it supports the proposed application and that the development would be a valuable addition to the accommodation stock in Dublin.

4.0 Planning History

Site

DCC Reg. Ref. 4523/17 - Planning permission Refused for the change of use from office to hotel use, internal and external modifications to facilitate this change of use and for a five-storey hotel extension to the rear.

The two reasons for Refusal included the in loss of the traditional roofscapes, including the chimney stacks and the design, form, scale, height and proportions of the proposal would constitute a visually obtrusive form of development.

DCC Reg. Ref. 5305/06 -Planning permission Refused for the retention of 4 no retractable awnings which feature limited advertising signage, retention of the use of part of the forecourt area within the site as a seating area in front of no's 26, 27 -28 Dame Street and the retention of the terrace screens.

ABP PL.29S.109836 /DCC Reg. Ref. 2903/98 -Planning permission granted for alterations incorporating restaurants, Toilets and storerooms and new shop front.

DCC Reg. Ref. 3081/97 -Planning permission was Refused for alterations to the existing shop front and also the insertion of a new window in the side elevation to Georges Street.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject site is zoned **Z5 City Centre**, which has the stated objective ‘to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity’.
- 5.1.2. **Section 14.8.5** of the development plan states that the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. Permissible uses within the mixed use Z5 zone include hostel, hotel, office and residential.
- 5.1.3. **Development management standards** for Z5 zones include an indicative plot ratio of 2.5-3.0 and indicative site coverage of 90%.
- 5.1.4. **Policies and objectives**

Policy CHC1: seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

Policy CHC2/4/5: seeks to ensure the protection of the special interest, character and setting of Protected Structures and all Conservation Areas.

Policy CHC9: seeks to protect and preserve National Monuments:

Section 11.1.5.6 refer to Conservation Areas

5.1.5. National Policy and Guidelines

Architectural Heritage Protection Guidelines (2004)

Section 7.8.3 states “*Where new alterations and additions are proposed to a protected structure, it should be remembered that these will, in their turn, become part of the structure’s history and so it is important that these make their own positive contribution by being well designed and constructed*”.

5.2. Natural Heritage Designations

The site is not located within or directly adjacent to any Natura 2000 sites. The South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.8km northeast of the site and South Dublin Bay SAC (site code 00210) is located 3.7km east of the site.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the appellant occupies a number of rooms on the first floor of Dame House and is not planning to leave the business premises.
- It is set out that the appellant has a long-term lease which ensures the continued occupation of his premises is protected.
- It is set out that the planning authority did not adequately address the matter of developing the site noting the above concerns.
- The impact of the proposed development on the character and setting of the protected structures has not been adequately addressed by the planning authority. The works are neither minimal nor reversible and will result in the loss of a traditional streetscape elements when viewed from George's Street and Dame Lane.
- Concern is expressed regarding the impact of the development on access to daylight and sunlight and the overbearing impact of the proposed development within 5 metres of the appellants legal practice. No

sunlight/daylight analysis has been submitted in relation to the impact on the existing building.

- The design provides for an atrium space 2.5m from the windows of the appellants office. It is set out that this is not acceptable from a security /privacy point of view. It is further stated that access to the atrium space is via the appellants premises.

6.2. Applicant Response

- It is set out that the tenancy of the building is a legal agreement between the landlord and the tenant and any disputes over this are a separate legal matter.
- It is set out that the proposed development does not provide for the offices to remain in situ in so far as the proposed development provides for the change of use of the offices to hotel use, therefore the impact of the development on the existing offices was not addressed.
- It is stated that the design has considered natural light and sunlight penetration through the provision of the fully glazed atrium space.
- It is set out that the site is located in a dense urban environment.
- In terms of impact on privacy it is set out that most of the appellants offices front Dame Street with one room to the rear. Noting that the development was not designed to retain the office use, it is further stated that if the offices were to be retained measures to protect privacy could be implemented.
- It is set out that the design was revised as part of the further information request and reduced in scale, height and mass. The design is considered to represent an appropriate relationship with the protected structure in conservation terms.
- It is set out that the detailed visual impact assessment indicates that the development is appropriate to the site as is noted by the Conservation officer and Planning officers in their assessments.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Impact on Existing Tenants
- Impact on Architectural Heritage
- Other Matters
- Appropriate Assessment

7.1.1. The site is zoned Z5 City Centre, which has the stated objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'. Section 14.8.5 of the development plan states that the primary purpose of this use zone is to sustain life within the centre of the city through intensive mixed-use development. Permissible uses within the mixed use Z5 zone include hostel, hotel, office and residential. In this regard, the provision of a modern hotel will clearly improve the overall vibrancy and vitality of this area and the continued active use of the protected structures will ensure the longevity of the buildings. I consider that in terms of the principle of development, there is policy support for this development.

7.2. Impact on Existing Tenant

7.2.1. The grounds of appeal set out that the appellant occupies a number of rooms on the first floor of Dame House for which he has a long-term lease which ensures the continued occupation of his premises is protected. The appellant states that he is not planning to leave the business premises, and the development proposal fails to take account of this fact.

7.2.2. Further to the above, I agree with the first party that the tenancy of the building is a legal agreement between the landlord and the tenant and any disputes over this are a separate legal matter. I also note that the first party does not discount the business

premises remaining operational on site noting the appellants concerns regarding security and privacy and indicating measures to protect same.

7.2.3. Notwithstanding the above, the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Should planning permission be granted, and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

7.2.4. The appellant has also expressed concern with regard to the impact of the development on access to daylight and sunlight and the overbearing impact of the proposed extension within five metres of his legal practice. In response the first party state that the development was not designed for the office use to remain in situ in so far as the proposed development provides for the change of use of the offices to hotel use, therefore the impact of the development on the existing offices was not addressed. It is set out that the site is located in the tight urban grain of the city centre and the design has considered natural light and sunlight penetration through the provision of the fully glazed atrium space.

7.2.5. Any potential impact in terms of the impact of sunlight/daylight and overshadowing on the existing office use must be balanced against the wider strategic objectives for the city. I am satisfied that the changes in terms of daylight and sunlight would be negligible and any potential adverse impact in terms of overshadowing within the city centre must be balanced against the need to provide a quantum of development which seeks to provide a more compact urban form. I am satisfied that the overall impacts are considered minor and appropriate in an urban context

7.3. Impact on Architectural Heritage

7.3.1. The appellant argues that the impact of the proposed development on the character and setting of the protected structures have not been adequately addressed by the planning authority. The appellant contends that the works are neither minimal nor

reversible and will result in the loss of a traditional streetscape elements when viewed from George's Street and Dame Lane.

- 7.3.2. The development provides for the removal of existing 5th floor (6 no. storey) level mansard roof of the Mercantile Hotel and provision of a new amalgamated mansard roof level to the Mercantile Hotel and Dame House. In my opinion, the replacement and extension of the mansard roof reflects a unity and balance to the roofline and when viewed in a wider context the roof is recessed behind the primary building line and therefore does not represent a visual intrusion nor does it detract from the character of the protected structure.
- 7.3.3. In addition to internal alterations and upgrade works, revised shopfronts, it is also proposed to erect a new extension to the rear of the site. In terms of the relationship with the protected structures, the Mercantile Hotel and No. 24 and No 25 Dame Street, I note that the new extension would be separated from the rear of the existing 24-28 Dame Street façade by the creation of a fully glazed atrium allowing views of the protected rear facades and creating a clear distinction between the protected structures and the contemporary glazed light weight steel structure of the new extension. The contemporary design approach and finishes sets a clear distinction between the old and the new and contrast effectively with the character of the protected structures.
- 7.3.4. An Architectural Heritage Assessment accompanied the planning application and includes a schedule of impact assessments associated with the proposed interventions. The works have been reviewed by the Conservation Section of Dublin City Council and considered acceptable. In most cases the works range from minor to moderate impact with the most significant works relating to the introduction of opening sections within the presently blank gable at the junction of Dame Street and South Great George Street. The Architectural Heritage Assessment considers the introduction of openings in the façade particularly at street level will improve the currently unresolved appearance and provides a welcome corner enhancing the streetscape, I would agree.
- 7.3.5. The potential visual impact of this increased massing has been considered in the Townscape and Visual Impact Assessment (TVIA) and photomontages submitted with the planning application. Key changes considered to have the potential to result in

townscape and visual impacts relate to the interconnection of the protected structures and the contemporary extension. With respect to contextual references, the building would be subordinate to the protected structures and the massing and horizontal plane of the extension does not perch above the framed view of the site. The photomontages also indicate that the articulation of building scale and the building line setback demonstrate an appropriate backdrop and will ensure the proposal, is in alignment with the surrounding context.

7.3.6. I have reviewed the TVIA and photomontages submitted, and I am satisfied that the TVIA identified that at no viewpoint location were the effects of the proposal considered adverse in the context of the site setting and the wider streetscape setting.

7.3.7. I acknowledge that the extension will be a prominent feature in the streetscape. However, in the context of the site, I consider the proposed development would represent the evolution of architectural form and expression. The juxtaposition of the contemporary form and the protected structures would achieve a significant architectural contrast that would not detract from the setting of the protected structures or the streetscape. The development would create an attractive and interesting vista on the approach to the site from all directions and enhance the overall character of the area reflecting a renewed vibrancy to the site. The development including contemporary extension would not appear over dominant or incongruous in the streetscape, so as to negatively affect the visual amenities of the area.

7.4. **Other Matters**

Flooding

7.4.1. The site-specific **Flood Risk** Assessment was carried out. A review of the Dublin City Council flood maps determined the site to be located in Flood Zone C – Low Probability of Flooding. As such a justification test is not required.

7.4.2. The report concludes that the site is at low risk of fluvial or tidal flooding. The report sets out that the ground flood risk to the site is unknown and recommends that ground water levels are monitored during ground construction works to determine the site-specific groundwater levels and construct floor levels proposed based on being above the minimum levels recorded. The Engineering Department – Drainage Division of Dublin City Council report dated 18th April 2019 stated that to minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a

maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer. The planning authority attached a condition in this regard. Should the Board be minded to grant planning permission, I consider this condition should be repeated in this instance.

Archaeology

7.4.3. The proposed development is located within the Zone of Archaeological Constraint for the Recorded Monument DU018-020 (Dublin City), which is listed on the Record of Monuments and Places (RMP) and is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. Further, the site is located within the Zone of Archaeological Interest in the Dublin City Development 2016-22. An archaeological assessment was submitted with this application.

7.4.4. The report identifies an extant basement as occupying the footprint of the subject site and states that no excavation will be undertaken underneath the basement level as part of the proposed development. The subject site houses three protected structures (RPS Ref: 2103-2105). Medieval subsurface archaeological deposits have also been recorded beneath a basement level c.25m east of the proposed development. I note the report from the City Archaeologists dated 3rd April 2019 recommends a relevant condition be attached to the grant of planning permission stating that If, during the course of site works and construction archaeological material is discovered, the Planning Authority should be notified immediately. In the context of the archaeological significance of the site and the works proposed at basement level, I consider it appropriate to attach a condition requiring archaeological monitoring of the site, should the Board be minded to grant planning permission.

7.5. Appropriate Assessment

7.5.1. The site is not located within or directly adjacent to any Natura 2000 sites.

7.5.2. Stage 1 AA Screening Report

The applicants Stage 1 AA Screening report described the site, the location and the proposed development, it summarised the regulatory context, it carried out a desk top surveys and identified the European sites considered to fall within the zone of influence of the works. It confirmed that the proposed development would not be located within

any European sites. Two European sites that could be affected were assessed; the South Dublin Bay SAC (site code 00210) located 2.8km northeast of the site, the South Dublin Bay and River Tolka Estuary SPA (site code 004024) 3.7km east of the site. The Poulaphouca Reservoir SPA (site code 004063), from which drinking water supply for the development will originate was also considered to fall within the zone of influence. The North Dublin Bay SAC (site code 000206) and the North Bull Island SPA (site code 004006) are also included. It described these sites and their respective qualifying habitats and species, it listed their conservation objectives and targets and attributes.

7.5.3. Appropriate Assessment Screening Assessment

Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA'S have been selected.

European Site	Site Code	Relevant QI's and CI's	Distance
South Dublin Bay SAC	000210	Mudflats and sandflats not covered by seawater at low tide	2.8km
South Dublin Bay and River Tolka Estuary SPA	004024	Light-bellied Brent, Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, Wetland and Water birds	3.7km
North Bull Island SPA	004006	Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover. Knot, Sanderling, Dunlin,	c.6km

		Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone.	
North Dublin Bay SAC	000206	Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines , Salicornia and other annuals colonising mud and sand , Atlantic salt meadows (Glauco-Puccinellietalia maritima), Mediterranean salt meadows (Juncetalia maritimi), Embryonic shifting dunes, Shifting dunes along the shoreline with Ammophila arenaria (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks, Petalophyllum ralfsii (Petalwort)	c. 7km
Poulaphouca Reservoir SPA	004063	The site is a Special Protection Area under the E.U. Birds Directive, of special conservation interest for the Greylag Goose and Lesser Black-backed Gull. Part of Poulaphouca Reservoir SPA is a Wildfowl Sanctuary.	c.23.5km

7.5.6. The Stage 1 AA screening report concluded that because of the significant distance separating the development site and Natura sites there is no pathway for loss or disturbance of habitats.

- 7.5.7. It is further stated that because there is no change to the area of hard surfacing, there can be no impact from this development to the quantity or quality of surface water leaving the site and the proposal will not affect volumes of discharge from the site.
- 7.5.8. Having regard to the nature and scale of the development and nature of the receiving environment, the proximity to the nearest European Site and the absence of a pathway, 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 and projects on a European Site.
- 7.5.9. It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

8.0 Recommendation

Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the city centre location of the development, the pattern of development in the area, to the provisions of the Dublin City Development Plan 2016-2022 and to the nature, scale, layout and design of the proposed development, it is considered that the proposed development would provide for a strong and architecturally appropriate building on this site. Subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and would not adversely impact on the character of the Protected Structure and would be acceptable in terms of traffic safety and

convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and particulars submitted on the 24th September 2019, except as may otherwise be required in order except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The proposed awnings, four flag poles and projecting sign on Dame Street Elevation shall be omitted.

Reason: In the interests of visual amenity.

3. Details, including samples, of the materials, colours and textures of all the external finishes including signage to the proposed development and the boundary wall treatment 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. Notwithstanding the provisions of the Planning & Development Regulations 2001 (As Amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity

5. A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building 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.

All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Arts, Heritage and the Gaeltacht. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: To ensure that the integrity of the protected structures is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

6. 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.

7. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roof of the building; or any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

8. (a) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) All internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure a satisfactory form of development and to minimise the risk of basement flooding and in the interest of public health

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

Reason: In the interest of public health.

10. Site development and building works shall be carried out 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. 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 residential amenities of property in the vicinity.

11. 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.

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

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

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

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

14. 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.

15. The developer shall pay to the planning authority a financial contribution in respect of LUAS C1 Line 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.

Irené McCormack
Planning Inspector
27th February 2020