



An
Bord
Pleanála

Inspector's Report ABP 308870-20.

Development	Refurbishment, reconfiguration and expansions (including partial demolitions and sundry works) providing for an amalgamated, 125 bedroom five and six storey over basement hotel. <i>(Full description – see page 3)</i>
Location	Central Hotel, (Protected Structure), Nos 1-5 Exchequer Street and Nos 11, 14, 15 and 16 South Georges Street & No 12 Dame Court, Dublin 2.
Planning Authority	Dublin City Council,
P. A. Reg. Ref.	2974/20.
Applicant	Exchequer Development Ltd.,
Type of Application	Permission.
Decision	Grant Permission.
Appellants	<ol style="list-style-type: none">1. Phillip O'Reilly,2. Rodney Senior, Trustees of First Church of Christ the Scientist.3. Dr Conor Galligan. Medipharm.
Observers	<ol style="list-style-type: none">1. Councillor Darragh Moriarty
Date of Site Inspection	5 th March 2021.
Inspector	Jane Dennehy.

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1.0 Site Location and Description

1.1. The site has a stated area of 1,265 square metres and comprises the Central Hotel, a late nineteenth century Victorian building with frontage onto the northern side of Exchequer Street at Nos, 1-5, to the west onto the east side of South Georges Street, (Nos 11,14, 15 and 16) and the east along the west side of Dame Court where No 12 Dame Court at the northern end comes within the site area. There is an access lane (gated) off Dame Court to the south side of N0 12 over which there a wayleave and it extends southwards at the rear of the Buildings on South George's Street and Dame Court.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for:

1. Demolition of existing 2 storey building No.12 Dame Court (c. 245 sq. metres) and its replacement with a 6-storey building (overall height c.22.205m) including a basement area amalgamated with the hotel with lift and stairs, access for deliveries and refuse storage, and electricity sub-station at ground floor level and hotel bedrooms from mezzanine through fourth floor levels with plant level above building. The external elevational treatment to street is a profiled glazed façade with perforated/profiled metal panels to match the adjacent rooftop extension.
2. Refurbishment and reconfiguration of existing Central Hotel and associated premises as follows: -
 - A) Basement level - Removal of internal partitions/walls to facilitate reconfiguration/refurbishment of basement areas of Central Hotel and Nos 11, 14, 15 & 16 South Great George's Street to provide ancillary hotel areas including the internal alterations to the Rí-Rá nightclub as a speakeasy and the creation of its entrance lobby, toilets, storage/plant/attenuation & staff areas. Change of use of basement areas of Nos 14, 15 & 16 South Great George's Street from ancillary retail storage to form part of an amalgamated hotel use as plant, administration space, public and staff toilet areas and part kitchen.

B) Ground floor level - Amalgamation of Nos 14, 15 & 16 South Great George's Street into the Central Hotel and associated change of use from retail to cafe/delicatessen and bar/restaurant.

reconfiguration/refurbishment of internal areas of reception, lounge and associated backroom areas and a covered winter garden link to The Exchequer Lounge. The change of use of the following; ground floor of No.11 South Great George's Street from public bar to retail use (as Christian Science Reading Room moved from its current location at No.15 South Great George's Street); ground floor of No.14 South Great George's Street from retail use to bar/restaurant use; ground floor of No.15 South Great George's Street from retail use to bar/restaurant use; ground floor of No.16 South Great George's Street from retail use to café/delicatessen use; ground floor area at entrance to existing Exchequer Bar to change to become part of hotel reception; ground floor area as part of the existing Globe Bar/Rí-Rá nightclub from public bar use to retail use as part of the amalgamated hotel.

C) First floor level - Refurbishment and provision of bedrooms (to include removal and insertion of partitions/WC facilities, insertion of risers); refurbishment of existing 'library bar' (and associated alterations); change of use of part of Library bar as 2 no. bedrooms; removal of infill block connected by stair to existing retail unit at No.14 South Great George's Street; removal of existing keg room and addition of a garden terrace; removal of ancillary space in courtyard to provide a landscaped platform area (including void to existing basement passageway), maintenance access only.

D) Second and Third floor levels - Refurbishment and provision of bedrooms (to include removal and insertion of partitions, insertion of risers and removal of exit passageway (external) between existing east and west parts of hotel), introduction of an inaccessible landscaped terrace at second floor level.

E) Fourth floor level - Removal of existing fourth floor level Mansard roof structure of the Central Hotel fronting onto Dame Court and Exchequer Street and its replacement with a new fourth floor level in its

place to comprise a screen of narrow vertical metal fins, in front of a wall of glazing and metal panels with a standing seam metal roof in the same colour and material and 2 no. dormers facing onto Exchequer Street (new plant areas within pitched roof space); removal of eastern side of pitched slate roof along South Great George's Street and provision of bedrooms/storage (with flat roof above), the removal of a chimney on Dame Court close to Exchequer Street and the heightening of the remaining chimneys to the ridge height of the new roof to Dame Court; replacement of the 2 no. pediments on the South Great George's Street elevation in terracotta and brickwork; provision of external balcony/terrace areas.

F) Removal of existing lift shafts and stair cores (including chimney) from basement/ground to 4th floor levels and provision of new stairwells/lift shafts/servicing ducts/risers/dumb waiters as well as revisions to circulation/access (including provision of new opes) and removal of internal walls/partitions/replacement of doors as necessary; new glazed opening in existing staircase; glazed finish to internal facade of new northern 'wing' (which includes bedrooms and access 1st to 4th floor levels);

G) External works to include; new canopies/signage, refurbished and replacement shopfronts (and lighting) on Exchequer Street & South Great George's Street facades (including replacement of existing non-original entrance canopy), replacement of windows at ground floor level; repointing and replacement of existing windows with matching timber sliding sash windows as required; the new façade to the courtyard comprises a glazed screen with vertical metal fins incorporating some metal panels and solar shading devices in the same metal finish; installation of secondary glazing units to bedrooms; revised entrance treatment and signage throughout above shopfronts to South Great George's Street and Exchequer Street including the new centralised entrance and the replacement glazed screens to Dame Court; the introduction of 5 no. basement lights on Dame Court; and all associated site development works. A services and staff entrance is

shown at the side of No Dame Court at the location of the existing right of way.

- 2.2. Included with the application are an architect's report, photographic survey, visual impact assessment, drainage layout details outline construction and demolition waste management plan, outline construction management plan, structural engineering report, civil infrastructure and flood risk assessment, historical appraisal, archaeological report, ecomeronme3ntl repot, GCS photomontages and an AA Screening Report.
- 2.3. The stated site coverage is 97 per cent and plot ratio is 4.8 The proposed height for the six-storey element on Dame Court is 22.5 metres, with a top floor setback) and for the five-storey element, the main hotel building is 21.095 metres.
- 2.4. The total floor area in existing structures to be demolished is 1050 square metres. The existing buildings which are to be retained have a stated floor area of 5,514 square metres and the total floor area for the additions is 1,040 square metres resulting in a combined total retained and additional new floor area floor area of 6,554 square metres.

2.5. **Decision**

- 2.5.1. A request for additional information in respect in respect of multiple items relating to historic building conservation issues and a construction traffic management plan to be prepared was issued. Further to receipt of the response, the planning authority decided to grant permission subject to conditions most of which are of a general of a standard nature. The requirements of conditions also include:
 - Removal of exempt developments entitlements for advertising under Condition No 5.
 - A compliance submission relating to an art piece to be displayed at the entrance to No 12 Dame Court under Condition No 4.
 - Several requirements subject to compliance submissions relating to best building conservation practice to include recording of surviving historic fabric and conservation methodology to provide for maximisation of retention of

fabric, floorplans and features to ensure the protection of integrity under Condition No 10.

- Requirements relation to construction and demolition management and construction traffic management Condition No 11.
- Archaeological monitoring requirements under Condition No 13

2.6. Planning Authority Reports.

- 2.6.1. The **Conservation Officer's** initial report dated, 22nd August, 2020 contains a detailed description, building history and assessment of the existing structures at the Central Hotel which has been recorded in the, (as yet unpublished) NIAH according to which it is of regional significance and of architectural, social and technical special interest. It is indicated that there is support in principle for the proposed development but that there are serious concerns as to several of the proposed interventions affecting historic fabric, planform, materiality, proportions, treatments and as to the visual impact of the proposed development. A multiple item request for additional information is recommended in this report.
- 2.6.2. The **Conservation Officer's** supplementary report dated, 13th November, 2020 issued following review of the further information submission indicated a recommendation for a grant of permission subject to appointment of a person with expertise in historic building conservation to oversee the design, monitoring and implementation of the work, preparation of an inventory of surviving historic fabric and the proposed works thereto, good building conservation practice and to several outstanding matters of detail being addressed by condition.
- 2.6.3. **The City Archaeologist's** report dated 5th August, 2020 notes the location within the zone of archaeological constraint for recorded monument DU018-020 (Dublin City) and Zone of Archaeological interest in the CDP. The desktop assessment submitted with the application in which the location of recorded monument DU020 018137 (Exchequer building in mediaeval Dublin) is noted. Reference is made to section 11.1.5.15 and CHC9 of the CDP and an archaeological monitoring condition is recommended.

- 2.6.4. **The Transportation Department's** initial report on the application indicated recommendations for an additional information request for a comprehensive Outline Construction Traffic Management Plan (OCTMP).
- 2.6.5. **The Transportation Department'** supplementary report on the OCTMP provided in the further information submission which included details for HGV routing, construction traffic management and construction stage impacts on pedestrian facilities and cycle parking was considered acceptable and conditions are recommended.
- 2.6.6. **The Drainage Division** indicates no objection in its report subject to standard conditions.
- 2.6.7. **The Planning Officer** in his initial report dated observes that many elements of the current proposal are similar to the previously permitted development under P. A Reg. Ref. 2151/17 with the current proposal differing significantly in the ground floor layout and incorporation of a retail unit facing Dame Court.
- 2.6.8. **The Planning Officer** in his final report issued further to review of the response to the additional information request and the relevant technical reports indicated satisfaction with the proposed development subject to outstanding issues being subject to compliance with conditions.

2.7. **Prescribed Bodies**

- 2.7.1. The submission of **Transportation Infrastructure Ireland** indicates a request for attachment of a section 49 development contribution condition, (unless the development is exempted from a requirement) should permission be granted.

2.8. **Third Party Observations**

- 2.8.1. The third-party objections lodged at application stage indicate concerns as to oversupply of hotel development, loss of retail use and over concentration of bars and restaurants, inappropriate design, height and form and negative impact architectural heritage and visual amenities and issues as to title and entitlement with regard to the ground floor pharmacy unit at No 15 Lower Georges Street.

3.0 Planning History

P. A. Reg. Ref. 2151/17 (PL 248944): The planning authority decision to grant permission for refurbishment and reconfiguration and demolition and expansion of the provide an amalgamated hotel of 116 rooms in a five storey over basement and six storey element with a plant level at No 12 Dame Court was upheld following appeal. The Board issued its order on 20th December, 2017.

P. A. Reg. Ref. 2652/12: Permission was granted for change from office to restaurant use at No 12 Dame Court, the adjoining two storey building included in the application site.

P. A. Reg. Ref. 3640/11 (PL 240241): The planning authority decision to grant permission at No 12 Dame Court for separation of the ground floor from the first floor to form two units and for change of use of the ground floor from office to restaurant was upheld following appeal.

P. A. Reg. Ref. 5655/04 (PL 212097): A split decision issued by the planning authority was confirmed following appeal in which permission was granted for a five-storey building at No 12 Dame Court but refused for a mansard roof at Nos 11-16 South Georges Street providing for additional hotel rooms.

P. A. Reg. Ref. 1468/97 (PL 104051): The planning authority decision to grant Permission for demolition at No 12 Dame Street and for an extension to the Hotel was upheld following appeal.

Section 5 Declarations were also issued by the planning authority under P. A. Reg. Refs. 0016/09 and 0055/16 to confirm that permission was not required for specified window replacements and refurbishment works to sash windows.

4.0 Policy Context

4.1. Development Plan

- 4.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective: *Z5: “consolidate and facilitate the development of the central area and to identify reinforce, strengthen, and protect its civic design character and dignity’*. The

indicative plot ratio is 2.5:3 and indicative site coverage is ninety percent. Hotel, café, public house are all permissible uses with retail use being the predominant use at ground floor on the principal shopping streets.

- 4.1.2. According to Section 14.8.5, the primary purpose of the zoning objective is 'to sustain life within the centre of the city through intensive mixed use development' and to provide a dynamic mix of which interact with each other, help create a sense of community and which sustain the vitality of the inner city both by day and night. Ideally, the mix of uses should occur both vertically through the floors of the building and horizontally along the street frontage. A general mix of uses including residential is desirable; however, retail should be the predominant use at ground floor level on principal shopping streets.
- 4.1.3. The Central Hotel building is included on the record of protected structures (Item 2719 "*Central Hotel and Shops*").
- 4.1.4. The site location (exclusive of No 12 Dame Court) is within the South City Retail Quarter Architectural Conservation Area (ACA) Policy 3.2 of the ACA provides for strict control of proposals for change of use from retail to non-retail uses so as to discourage over dominance of non-retail uses. Policy objective CHC 2 and CHC 4 apply.
- 4.1.5. Within the Retail Strategy, Exchequer Street is categorised as a Category 2 street.
- 4.1.6. Policy Objectives CEE 12 and CEE 13 provide for the promotion and facilitation of tourism and support for additional tourism at accommodation at appropriate locations.
- 4.1.7. Building heights are set out in section 16.7.12 in which a maximum for commercial development is 28 metres and nine storeys for residential or seven storeys for office use.

5.0 The Appeals

5.1. Appeal by Philip O'Reilly.

- 5.1.1. An appeal was received from Phillip O'Reilly on his own behalf on 11th December, 2020. According to the appeal:

- There is no justification for the proposed development especially with regard to the roof extensions. The original buildings especially the unique roof profile which should not be interfered with would be entirely destroyed: The existing building is a substantively intact fine Victorian building especially with regard to the significant profile to the street extending as far back as the junction with St Stephen's Street in its elevations along with the unique slate roof's profile and the chimneys in the style introduced with the City Markets building along the east side of South Great George's Street. The twentieth century alterations were sensitively implemented.
- The demolitions and destructions involved in the application is untenable from an architectural, historical, heritage perspective. The existing hotel is most suitable for refurbishment, possibly a boutique hotel with considerable success. There has been horrendous destruction of traditional buildings and unsuitable replacements over the years on South Great Georges Street.
- The propose demolition of the building at No12 Dame Court which itself is not of special value or interest, would result in that replacement that is totally out of character and has no respect to design or height adversely affecting the streetscape.

5.2. Appeal by Rodney Senior. (Trustees of First Church of Christ the Scientist.),

5.2.1. An appeal was received from Hughes Planning on behalf of Mr Senior, Trustee of First Church of Christ the Scientist and Christian Science Reading Room on 14th December, 2020. (The Christian Science Reading Room is located at No 15 Upper Georges Street.) Included is a copy of a Deed of Conveyance for the transfer of ownership of the shop premises at No 15 South Georges Street to the Appellant, (First Church of Christ the Scientist) dated 23rd June, 1993. (A copy of the annexed plan is not included.)

5.2.2. According to the appeal:

- The proposed development contravenes the "Z5" land use zoning resulting in loss of retail and commercial units at ground level, where there are long standing businesses (Ri Ra nightclub, the Library Bar the Globe Bar and a pharmacy) that contribute to the vitality of the vibrant cultural quarter. The

Christian Science Reading Room at No`15 which is to be removed entirely for which there are no relocation arrangements or agreement from the applicant.

- No consent to the application was sought or is available with the application as is required having regard to Article 22 (2) (g) of the Planning and Development Regulations 2001 as amended. The development therefore cannot be implemented.

5.3. Appeal by Dr Conor Galligan,

5.3.1. An appeal was received from Hughes Planning on behalf of Dr. Galligan, of Medipharm, occupant of the ground floor retail unit No 16 South Georges Street on 14th December, 2020. It is stated that the premises occupied by Medipharm, which the appellant describes as a flagship store at an important link to Grafton Street was previously occupied by a clothing instore and an Oil and Vinegar Store.

5.3.2. According to the appeal:

- There is no objection to a proposal for refurbishment with the Medipharm premises being returned to its previous (external) architectural quality and with the existing retail use retained but the loss of the appellant's viable retail use is unjustifiable.
- The commercial viability of the pharmacy business at the site which operates seven days per week has grown in vitality and is supportive to the policy for designated Category 1 and 2 streets within the retail core resulting in loss of viable retail use on a Category 2 Street. The statement in the application, and referred to by the planning officer, regarding the availability of five pharmacies within 450 metres of the location is not accepted as appropriate and relevant and three of the named ones have closed down.
- The proposed development contravenes CDP Objective RD 17 of the CDP seeking to promote active uses at street level on principle streets in the city centre's retail core; contrary to the Retail Strategy within the CDP where Dublin is the Level 1 Metropolitan Centre for the GDA.
- It is inappropriate that retail use should be eroded and retail frontage removed. The site is at the junction of two Category 2 streets (streets which potential for strengthening the retail and complementary uses on

underperforming streets but already with a mix of retail and non-retail uses. within the City Centre's retail core, the main shopping destination in the GDA especially for higher order comparison goods.

- The proposed development contributes to proliferation of bars, cafes and night-time oriented uses in a primary shopping street in the retail core. Three retail units at Nos 14-16 whereas section 16.32 of the CDP clearly states that development of super-pubs and concentration are to be discouraged or restricted in certain areas of the city where there is danger of overconcentration to the detriment of other land uses. Six lounge bars and cafes as part of a hotel refurbishment is an overconcentration at the expense of retail.

5.4. Applicant Responses

5.4.1. Three submissions, one each for the three appeals have been lodged and they are outlined below:

5.4.2. Response to Appeal by Philip O'Reilly

A submission was received from Avison Yong on behalf of the applicant on 18th January, 2021 according to which the appeal grounds are misplaced and the appeal should be dismissed. According to the submission:

- A thorough assessment was undertaken by the planning authority and responses were lodged on behalf of the applicant. The proposal is modern vibrant commercial redevelopment at an established landmark at a prominent city centre location and is responsive to the CDP. Policies and objectives.
- The planning history is of special relevance, particularly the prior grant of permission development similar to the current proposal, under P. A. Reg. Ref. 2151/17 (PL 248944) for refurbishment, reconfiguration, demolition and expansion to provide for 116 rooms in a six-storey element at No 12 Dame Court. The requirements for the proposals have been evidenced in that the current proposal provides for a consolidation and extend the hotel development further to the prior history of piecemeal developments evidenced in the planning history which involved loss of historic fabric. High quality visitor accommodation will be achieved in conjunction with the complementary

commercial uses such as bars, cafes and retail use which accord with the zoning and consolidate and facilitate the development of the central area as commented on in the planning officer report.

- Careful design providing for significant conservation and architecture is intended in the proposal and a strong and sensitive design response is proposed. Minimal historic fabric remains in the building but that which is present will be appropriately treated as provided for in the conservation statement and there is benefit to the streetscape and to the building. The plotlines are retained and the shopfront designs deliver continuity and rhythm and context in conjunction with the Markets Building and will enhance the visual amenities in the area. The planning officer acknowledges this with reference to the ACA and Policy Objective CHC 2 of the CDP in his report.
- The existing mansard roof is non original but the chimneys are to be retained. The replacement contemporary rooftop, as a modern intervention is a primary element of the development and the ridge and parapet heights are similar to those in the previously permitted development and are supported in the planning officer report. Reference is made to the verified views and CGIs included in the application.
- The existing building at No 12 Dame Court is incongruous in the street and the replacement (previously permitted) modern six storey structure matches the proposed roof top extension to the hotel. And creates interests that complements the setting of the Hotel through the modern presentation but it will be standalone in the streetscape which it animates and has with internal connections.

5.4.3. Response to Appeal by Rodney Senior.

A submission was received from Avison Young on behalf of the applicant on 26th January, 2021 according to which the appeal grounds are misplaced and the appeal should be dismissed. The submission includes a copy of the Deed of Conveyance between Thomas Patrick Ltd and the Trustees of the First Church of Christ the Scientist and a summary of the planning history.

According to the submission:

- For over a year, the appellant was consulted with regard to proposals to relocate the Christian Science Reading Room to No 11 South Georges Street and most recently the application documents were issued to the appellant. This demonstrates that the applicant's interest in No15 is established. Landownership was addressed in the planning officers report in which reference is made to section 34 (13) of the CDP. It is self-evident therefore that the application was neither vexatious or frivolous and that there was reasonable expectation of capacity to implement a grant of permission if forthcoming. Reference is made to *Frascati Estates Ltd v Walker* [1975], IR 177 and *McCabe v Harding Investments Ltd* [1984], ILRM 763 and recently, *Heather Hill v An Bord Pleanala* [2019]. IEHC 450
- The proposed development is not contrary to the zoning objective, will not have a negative impact on retail and commercial use or, overconcentration of any use. It will contribute positively to the South City Centre Retail Quarter adding to vibrancy and vitality and reinforcing the day and night-time economies. The land-use survey provided with the application showing 62 per cent of ground floor units in category 2 streets in the locality demonstrates a strong retail economy. It is recognised in the planning officer report that an appropriate range of appropriate commercial uses are included in the application at ground level, inclusive of refurbishment works. The removal of the pharmacy at No 16 and restoration of the shopfront is a planning gain, also noted in the planning officer report.

5.4.4. **Response to Appeal by Conor Galligan.**

A submission was received from Avison Young on behalf of the applicant on 26th January, 2021 according to which the appeal grounds are misplaced and ill-founded and, due cognisance should be taken of acceptability of the proposed development provided for in the prior grant of permission. According to the submission:

- The retail element, contrary to the appellant assertion as to removal of retail use overall there is no loss of retail use. the proposed retail uses in the current proposal being at No 11, Christian Science Reading Room (relocated

from No 14), Retail and part delicatessen (in conjunction with part café) at No 16 (part change of use from pharmacy) and Retail use being provided at No 12 Dame Court (change of use from bar). The loss of the pharmacy is not at issue due to the high level of pharmacies (five within 450 metres) and within walking distance of the site location. The proposal is consistent with the retail strategy within the CDP.

- Retail frontage and historic and visual presentation onto the streetscape will be considerably improved by the improvements and reconfiguration of the layout. Considerably planning gain is represented ton proposed new corner shopfront within the ACA at No 16.
- The cafe delicatessen proposed for No 16 will interconnect with the reconfigured hotel and commercial uses will be subservient to the hotel as a consolidated, complementary and legible part of the hotel contributing to the night-time economy in accordance with the Z5 zoning objective.

5.5. Planning Authority Response

There is no submission from the planning authority on file.

5.6. Observations

5.6.1. Councillor Darragh Moriarty

A submission was received from Councillor Darragh Moriarty on 18th January, 2021 in which concerns are expressed about over concentration of hotel development in the city, especially within one km radius of the application site, many constructed, under construction and/or permitted in recent years which should discontinue. He notes that permission was refused for a hotel development under P.A. Reg.Ref.3609/20 on grounds that residential development had not kept pace with hotel development which he considers to be a welcome precedent. He submits that the proposed expansion of the Central Hotel from seventy to 125 rooms should be assessed with regard to the CDP's mixed-use ethos and vision which encourages entertainment, culture and music and a vibrant nightlife for the area in which the site is located. He states that many recent hotel developments have displaced nightlife such as bars, clubs and theatres and the current proposal would necessitate the closure of the Globe Bar and Ri Ra nightclub.

5.7. Further Responses

5.7.1. Phillip O'Reilly - 18th January, 2021.

A further submission was received from Philip O'Reilly on his own behalf on 18th January, 2021. According to the submission:

- The proposed development will seriously damage the integrity, design and character of the protected structure and may even destroy it. The proposed development should not be permitted having regard to the points raised in the appeal regarding the roof and, elevation profiles and internal alterations may even destroy it.
- Expansions to and additions to hotels are unwarranted due to overconcentration in the city but the building could be successfully redeveloped as a boutique hotel.

5.7.2. Phillip O'Reilly – 22nd January, 2021.

A further submission was received from Philip O'Reilly on his own behalf on 22nd January, 2021. According to the submission:

- The proposed development is contrary to the 'Z5' zoning objective with regard to protection of civic design character and loss of retail units. It is noted that permitted developments have not been constructed, that there is an overconcentration of hotel developments in the area which should not be continued. Also, there is an over concentration of bars the further expansion of which would be negative in impact on the retail function of Category 2 streets and contrary to the CDP. Further erosion of retail use should not be permitted.
- With regard to leasehold over the ground floor at No 15, reference is made to the requirements of consent from lawful owners for an application to be valid.
- Future development should be confined to upgrading of the hotel within the confines of the site in which the historic significance of the locality and the building are respected.

6.0 Assessment

6.1. The issues central to the determination of the decision are considered below under the following subheadings:

Procedural Issues

Overdevelopment.

Interventions and reconfiguration of interior:

Roof Profile.

Shopfronts.

No 12 Dame Court - New Build.

New Build at No 12 Dame Court.

Nature of Use

Change of Use.

Archaeology

Construction stage impacts.

Construction traffic, and construction traffic management

Operational Stage Vehicular and Pedestrian Circulation and Parking.

Environmental Impact Assessment Screening

Appropriate assessment Screening.

6.2. Procedural issues.

6.2.1. Two of the appellant parties have contended in their appeals that their consent to the application in so far as it affects their ground floor premises (The Christian Science Reading Room) at No 15 Upper Georges Street and the Medipharm Pharmacy at No 16 South Great Georges Street. Documentation provided to support the claims as regards entitlements are not sufficient in detail for the purposes of establishing their claims. It is not clearly apparent based on the information available in connection with the application and appeal that the application is invalid as contended in the appeals.

6.2.2. As has been clarified in the report of the planning officer, these matters which come outside the planning remit should be resolved through the legal system. In this regard, it has been pointed out that a grant of planning permission does not provide for entitlement to its implementation as provided for under section 34 (13) of the Planning and Development Act, 2000. (the Act). As such it is considered that it was reasonable that the planning authority proceeded to review and determine its decision on the application and, that it is also reasonable for the Board to proceed likewise in determination of the decision.

6.3. **Overdevelopment.**

6.3.1. In principle, having regard to the location and the existing, long established hotel development and previously permitted development and the zoning objective, there is no objection to the proposed site coverage and plot ratio (4.8), notwithstanding the exceedance of the indicative range of 2.5.3 within the CDP for Z5 zoned lands having regard to section 16.5. A similar flexibility in this regard has been applied to central business district developments where a development satisfies the relevant CDP's criteria within the CDP and qualitative standards. The heights come well within the maximum height standards in that the proposed new build at No 12 Dame Court, the highest element at 22.5 metres is well below the maximum of twenty-eight metres provided for in section 16.7.2. Furthermore, it should be borne in mind that the proposal is not much greater in intensity and size than the permitted development. (P. A. Reg. Ref 2151/17 – PL 248944 refers)

6.4. **Interventions and reconfiguration of interior:**

6.4.1. Several matters of concern regarding detail and methods for proposed interventions to fabric, planform and measures for presentation of the buildings which arose in relation to the original proposal have been satisfactorily addressed in the modifications and details provided for in the further information submission. These modified proposals were considered satisfactory by the conservation officer according to her supplementary report with outstanding issues being suitable for resolution by condition. The proposals in the further information submission, to this end, given the thorough assessment and the favourable recommendations of the conservation officer are considered acceptable subject to compliance with conditions

regarding the recommended requirements of detail included in the conservation officer report and the conditions attached to the decision to grant permission.

6.5. Roof Profile.

6.5.1. With regard to the original W H Byrne roof profile, it is noted that proposals for demolition, extensions and alterations were previously favourably considered by way of the prior grant of permission. The previously permitted roof profile element is more integrated visually, in proportion and in the selection of finishes and detail whereas the current proposal is disproportionate and dominant, given the raised eaves and glazing on the façade and more dominant. It is considered that the proposals in the current application represent different proportions and a vertical emphasis having regard to the glazed screen for the double height party room at the eastern end of the Exchequer Street frontage although the ridgeline height is unchanged relative to the permitted proposal.

6.6. Even though in the further information submission which was accepted by the planning officer where there is a setback from the parapet line providing for a terrace/balcony it is considered that these disproportionate features would dominate and significantly detract from the character of the existing historic building having regard to the overall scale, form and proportions above the façade in views on approach from Wicklow Street/ Exchequer Street. (View 1 Visual Impact Assessment.) Should permission be granted it is recommended that the party room feature on the south elevation should be omitted. This may necessitate modifications to the configuration and layout of the internal party room space. This matter could be addressed by compliance with a condition. Otherwise, taking into account the prior grant of permission, and the proposed new build at No 12 Dame Court, as modified in the further information submission, and the conditions attached to the planning authority decision, it is considered that the roof level proposals, including the arrangements for the chimneys be accepted.

6.7. Shopfronts.

6.7.1. The final proposals for the presentation to the street of the ground floor shopfronts, subject to the recommended conditions in the conservation officer report attached to the decision to grant permission are appropriate, well researched and cognisant, the historic building and streetscape, and represent planning gain. Of particular note,

having regard to the prominent position within the streetscape are modified proposals in the further information submission for the ground floor shopfront for No 16 Lower Georges Street (existing pharmacy) which extends to the first three bays on the Exchequer Street frontage. It is agreed with the conservation officer that sash windows (not bi fold units) should be used for the ground floor shop units.

6.8. No 12 Dame Court - New Build.

- 6.8.1. There is no objection to the proposed demolition of the existing two storey structure at No 12 Dame Court as was accepted in consideration of the prior proposal. The current proposed six storey new build, (which includes a basement element) as modified in the further information submission is substantively similar to the prior permitted proposal in its design and form and in the selection of materials and finishes. The modified proposal is considered acceptable in that it satisfactorily addresses the concerns raised in relation to the original application. This proposal is considered to be an appropriate contemporary insertion enhancing and contributing positively to the quality of the streetscape along Dame Court and compatible with and complimentary to the adjoining hotel buildings to which it is to be linked. Similarly, rearrangements for the substation and incorporation of artwork at the proposed entrance arrangements off Dame Court and ground floor retail unit are considered appropriate and positive in terms, of improvement to the vitality of the street, especially at night-time and weekends.

6.9. Nature of Use.

- 6.9.1. There is no dispute that there has been a proliferation of hotel development within the city centre and grants of permission for hotel development, not implemented to date, especially within the Dublin 2 postal district and mainly intended for facilitation of the tourism sector. The suggestions within one of the appeals as to the consideration of the Central Hotel for the future as a boutique hotel is worthy but it is not accepted that there is a justification on a planning basis for rejection of a current proposal, which relates to continuation of a long standing established existing use at the site location and its expansion although the proposed expansion would be slightly larger than the expansion which was previously approved by way of the grant of permission under P. A. .Reg. Ref. 2151/17 (PL 248944).

6.10. Change of Use.

- 6.10.1. The Category 2 shopping street designation within the Retail Strategy, the South City Retail Quarter Architectural Conservation Area (ACA) designation and Policy 3.2 of the ACA provide for strict control of proposals for change of use from retail to non-retail uses so as to discourage over dominance of non-retail uses have been taken into consideration. Overall, the application involves the loss of one retail unit, in that two retail units replace the three existing units. Otherwise, setting aside the current scenario associated with the pandemic restrictions, having regard to the prior grant of permission there are no substantive changes in planning context or circumstances that would warrant or justify reconsideration in connection with the current change of use proposals. There is no objection to the proposed reconfiguration, amalgamation and change of use of the ground floor units including relocation for the Christian Science Reading Room having regard to the 'Z5' zoning and associated policies and objectives taking into account the submitted retail survey and assessment.
- 6.10.2. The change to cafe from retail pharmacy use, which was previously accepted in connection with the prior application and appeal would not result in any loss of vitality or viability, interactive day and night-time street frontage or access to the public by virtue of cessation of pharmacy use. The proposals for the shopfront presentation onto South Great Georges Street and Exchequer Street at this prominent location as finalised by way of the decision to grant permission represent significant planning gain, complementary to the proposed use in enhancement of visual amenities public realm and streetscape heritage and character. Additional benefit in the immediate vicinity would accrue from the retail unit for the ground floor of the new build proposed at No 12 Dame Court, the existing vacant building having been in use as restaurant.

6.11. Archaeology

- 6.11.1. The recommendation of the City Archaeologist for archaeological monitoring to be undertaken, given the location within the zone of archaeological constraint for recorded monument DU018-020 (Dublin City), Zone of Archaeological interest according to the CDP and ground works involved. A relevant condition can be attached.

6.12. Construction stage impacts.

6.12.1. Subject, to preparation of a comprehensive construction management plan, further to appointment of a main contractor and adherence to the relevant standards with regard to relevant environmental impacts, the proposed development is acceptable to this end.

6.13. Construction traffic, and construction traffic management

6.13.1. It is noted that the comprehensive outline construction traffic management plan submitted in response to the request for additional information has been assessed and considered sufficient by the Transportation Department with appropriate conditions being recommended. The proposals are considered acceptable.

6.14. Operational Stage Vehicular and Pedestrian Circulation, Parking and waste management.

6.14.1. There is no existing on-site parking for the hotel and no provision for either car or cycle parking is provided for in the application which, although a maximum of thirty-two spaces is indicated at one space per four bedrooms according to Table 16.1 of the CDP. However, given the central city location, the Transportation Planning Division and the planning officer have indicated acceptance of the proposals. There is to be no change to the arrangements for deliveries services and drop-offs at the hotel. Staff facilities and entrance arrangements, off Dame Court and the operational stage waste management plan gives rise to no objections. Standard conditions are recommended.

6.15. Environmental Impact Assessment Screening.

6.16. Having regard to the nature of the proposed development and its location in a serviced inner suburban area in the city, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.17. Appropriate Assessment Screening.

6.18. The application is accompanied by an appropriate screening report in which it is stated that the site location is circa 3.5 km from the nearest European site, the South Dublin Bay SAC and in which it is concluded in the assessment that there is

no likelihood of significant adverse impacts. Having regard to the location and, to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 Recommendation

In view of the foregoing, it is recommended that the planning authority decision be upheld based on the reasons and considerations and conditions which follow.

8.0 Reasons and Considerations

Having regard to the planning history for the site, and to the Dublin City Development Plan, 2016-2022 according to which the site is within an area subject to the zoning objective Z5 “*to consolidate and facilitate the development of the central area and to identify reinforce, strengthen, and protect its civic design character and dignity*”, to the established range of land uses and the architectural character within the street network in the vicinity, it is considered that subject to the conditions set out below, the proposed development would be in accordance with the development objective with regard to the nature and range of uses, would not seriously injure the integrity and setting of the existing buildings, a protected structure or the visual amenities and architectural character of the Architectural Conservation Area within which the site is located and would be in accordance with the proper planning and sustainable development of the area.

9.0 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 further plans and particulars lodged with the planning authority on 22nd October, 2020 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 south facing vertical glazed feature at roof level for the double height party room shall be omitted. The roof level fenestration for Exchequer Street elevation shall be continued across to the eastern end at the corner with Dame Court. Prior to the commencement of development, the applicant shall submit and agree revised plan section and elevation drawings with the planning authority.

Reason: In the interest of visual amenities of the area and the protection of the setting and context of the hotel buildings having regard to the inclusion on the record of protected structures and the location within an Architectural Conservation Area.

3. The applicant shall provide for and shall submit and agree in writing with the planning authority the following requirements.
 - (a) The Bi-folding windows shall be omitted and replaced with the sash windows as detailed as Option 2 on drawing No.CH2-P-151.4 P2.
 - (b)
 - (c) a record of all surviving historic fabric to be repaired/fire upgraded/refurbished and retained to include doors, architraves,

windows and linings, plaster ceilings and cornices, timber floorboards and other floor finishes, and all other historic fabric.

(d) Details of the range and extent of repointing/cleaning/repair works to brick and stonework on facades,

(e) Details of the proposed floor plan and extant historic floor finishes at ground floor, and proposed floor finishes

(f) Details of historic features of interest encountered during the works and facilitate an inspection by the planning authority if as required.

(g) Details including samples for colours and materiality of the new roofscape illustrated on CH2-P-134/P2

(h) Details including samples of signage and colours for all shopfronts, awning boxes and awning fabrics.

(i) Details to include, materials, colours and /finishes for metal doors and new metal canopy over the Exchequer Street entrance (drawing CH2-P-151/P2),

(j) Details for the junctions of the proposed new frontage at No, 12 Dame Court with the existing buildings and No. 13 Dame Court.

(k) Details of proposals arrangements for retention of the historic separating/party walls and back walls, using nibs and downstands to ensure the historic floor plan is articulated and retained in essence, between Nos. 14 and 15 South Great Georges Street at ground floor level.

(l) Details of openings within new corridors connecting through historic party walls which shall be articulated to reflect the passing through the different buildings (nibs/downstands).

Reason: To ensure that the integrity of this protected structure is maintained with works being carried out in accordance with best historic building conservation practice.

4. The applicant shall comply with the following requirements to the satisfaction of the planning authority:

(a) The proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005.

(b) All permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or surviving historic fabric and shall be carried by experienced conservators to the highest conservation standards and historic fabric shall be protected throughout the construction stage. Fabric for repair off site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: In the interest of clarity and best historic building conservation practice.

5. The Developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

the nature and location of archaeological material on the site, and

the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation, prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

6. 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, "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.

Reason: In the interest of sustainable waste management.

7. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the protection of the amenities of the area

8. Details of materials, colours and textures of all external finishes which shall include the provision of samples for the proposed new roof shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

9. The applicant shall obtain water and waste-water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

10. 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.

- 11 All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and visual amenities of the area.

- 12 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), no additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant or the erection of telecommunications equipment other than those already shown on the drawings submitted with the application, unless authorised by a prior grant of planning permission.

- 13 Details of the proposed signage, size, materials, method of illumination if any proposed, shall be submitted to the planning authority for their written agreement prior to commencement of development, any additional signage shall be the subject of a separate planning application.

Reason: In the interest of visual amenity and residential amenities.

- 14 Prior to the commencement of the development, fully detailed Servicing Management Plan shall be submitted to and agreed in writing with the planning authority. The implementation of the measures provided for in the

plan shall be managed, monitored and reviewed by the operator of the development.

Reason: In the interest of pedestrian and vehicular safety and convenience

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including details of:

- Location of the site and materials compound.
- Location of areas for construction site offices and staff facilities.
- Site security fencing and hoardings.
- Timing and routing of construction traffic to and from the construction site and associated directional signage.
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- Mitigation measures for noise, dust and vibration, and monitoring of such levels.
- Containment of all construction-related fuel and oil and,
- Arrangements for storage and removal of construction and demolition waste and measures for management of surface water run-off.

Arrangements to ensure that during the construction and demolition phases, works are in accordance the standards in, British Standard 5228 '*Noise Control on Construction and Open Sites, Part 1. Code of practice for basic information and procedures for noise control.*'

Arrangements for management of demolition and construction stage impacts on pedestrian facilities and circulation on Dame Court.

A monitoring system and record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of orderly development, public amenity and safety, and the proper planning and sustainable development of the area.

16. The developer shall pay to the planning authority a financial contribution in respect of The LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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.

17. The Developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may

facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Jane Dennehy

Senior Planning Inspector

15th April, 2021.