



An
Bord
Pleanála

Inspector's Report ABP-313598-22

Development

PROTECTED STRUCTURE:

PERMISSION & RETENTION:

6 College St: change of historic use from retail to café/bar and reception area at ground floor level, and provision of apartments at the upper floors. Removal of two-storey extension to the rear.

31 Fleet St: minor alterations within the upper floor interiors, in order to provide universally accessible bathrooms. Removal of 1st floor extension to rear.

New works include a replacement extension to the rear of 6 College Street with a glazed atrium containing a lift and enhanced circulation spaces and interconnection which provide for universal access and compliant fire safety and escape to the upper floors of both buildings.

Restoration works and associated site development works.

Location	6, College Street, 31 Fleet Street, 7 College Street & 30 Fleet Street, Dublin 2.
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3411/22
Applicant(s)	Capital Estate Management Limited.
Type of Application	Permission & Retention
Planning Authority Decision	Refuse
Type of Appeal	First / Third Party
Appellant(s)	Capital Estate Management Limited.
Observer(s)	None
Date of Site Inspection	12 th & 18 th May 2023
Inspector	Fiona Fair

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1.0 Site Location and Description

- 1.1. The application site comprises No. 6 College Street (RPS Ref. 2010), No. 7 College Street (RPS Ref. 2011), 30 Fleet Street (RPS Ref. 2924) and No. 31 Fleet Street (RPS Ref. 2925). The ground floor of the adjoining 27-39 Fleet Street and 8-9 College Street are also in the ownership of the applicant. The existing unit at 6 College Street was formerly occupied by The Irish Yeast Company at ground floor level and former residential accommodation on the upper floors. No. 31 Fleet Street comprises Bowe's Public House at ground floor level and approved hostel accommodation (The Times Hostel) on the upper floors.

2.0 Proposed Development

- 2.1. PROTECTED STRUCTURE: PERMISSION & RETENTION: For development at this site (0.0185 hectares) within the existing 4-storey over basement properties comprising the former Irish Yeast Company at 6 College St. (RPS Ref. 2010), The Times Hostel (upper floors only) at 31 Fleet St. (RPS Ref. 2925), and minor changes to the rear of 7 College St. (RPS Ref. 2011) and 30 Fleet St. (RPS Ref. 2924) at 1st floor only, Dublin 2. (PROTECTED STRUCTURES).
- 2.2. The proposal provides for **the conservation and restoration of historic fabric and the refurbishment and restoration of active use** to No. 6 College St. providing for change of the historic retail use to use as a café/bar and reception area at ground floor level and the provision of 3 no. one-bedroom apartments at the upper floors. The proposal also includes minor alterations within the upper floor interiors only of 31 Fleet St. in order to provide universally accessible bathrooms. It will further include for the removal of the existing two-storey extension to the rear of 6 College St. and the 1st floor extension to the rear of 31 Fleet St. New works include a replacement extension to the rear of 6 College Street with a glazed atrium containing a lift and enhanced circulation spaces and interconnection which provide for universal access and compliant fire safety and escape to the upper floors of both buildings.
- 2.3. In addition to the above, **the proposal will also provide for the following works** at ground, 1st, 2nd and 3rd floor levels:
- 2.4. **Ground Floor Level:**

- (i) Conservation works to existing historic fabric, reinstatement of original cabinetry, panelling, fire upgrading of door and partitions to lobby on west side.
- (ii) Change of use at ground-floor level of No. 6 College St. from retail to use as a café/bar and reception area and use of the existing stairwell as access to proposed new apartments at 1st, 2nd & 3rd floor levels.
- (iii) Retention permission is sought for minor alterations including the removal of 2 no. modern partitions.

2.5. First, Second and Third Floor Levels:

- (i) Provision of new opes in the rear façade of 6 College St. and the side façade of 31 Fleet St.
- (ii) Reconfiguration of non-original partition walls to existing en-suite in 30 Fleet St. at 1st floor level only.
- (iii) Demolition of non-original timber-clad structure to the rear of 7 College St. and reinstatement of original, multi-pane sash window to rear façade of 7 College St. at 1st floor level only.
- (iv) Provision of 1 no. apartment at each of the 1st, 2nd & 3rd floor levels including extension to rear of 6 College St.
- (v) Glazed atrium to rear of No. 6 College St. containing a lift and enhanced circulation spaces and interconnection which provide for universal access and compliant fire safety and escape to the upper floors of both 6 College Street and 31 Fleet St.
- (vi) Reconfiguration of existing modern partitions and en-suites to provide universally accessible bathrooms to 2nd and 3rd floor levels of 31 Fleet Street.
- (vii) Demolition of modern extension at 1st floor level of 31 Fleet St. to reveal and reinstate the original multi-pane sash window to the rear façade and removal of cementitious render and repair and repointing of brickwork to rear façade.
- (viii) Structural repair works to the basement of 6 College St. in order to save the ground floor structure and coverings.

- 2.6. Permission is also sought for works to stabilise the debonding brickwork on the front façade, cleaning and repair of brickwork, repointing of the brickwork, reinstatement of quoins and stencilled historic paintwork, repairs to carved timber shopfront, refurbishment and reinstatement of multi-pane, single-glazed sash windows to the rear façade of 31 Fleet St and reinstatement of the original front entrance door to the east side all to front of 6 College Street.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for the following reasons:

1. The proposed works, particularly those that pertain to No. 6 College Street including the demolition of the rear return, the formation of new and widened openings to the rear of No. 6, and the intensification of services associated with the new café use at ground floor level and the insertion of 3no. 1-bed residential apartments on the upper floors and all associated works would give rise to an unacceptable loss of historic fabric and legibility, and would have an irreversibly detrimental and seriously injurious impact on the historic fabric, integrity and architectural character of this rare and important former shop and residence. The proposed development would also set an undesirable precedent for similar type development and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed extension and reduction of the existing lightwell to c.1.8m from the rear of No. 31 Fleet Street at first, second and third floor level would have an unacceptable and adverse impact on the setting and architectural character of the Protected Structure (No.31). In addition, the proposed glazed extension (to house a new lift serving all floors) at first, second and third floor levels in the location of the existing rear return to No. 6 College Street would have an unacceptable and adverse impact on the setting and architectural character of the protected structure at Nos. 29 and 30 Fleet Street and Nos. 6 and 7 College Street, and would contravene the principles of architectural conservation best practice and Policy CHC2 (a),(b),(c),(d),(e),(f). of the Dublin City Council Development Plan 2016-2022. The proposed development would set an undesirable precedent for similar type development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It is considered that although the subject site is relatively restricted, there is some limited scope for a heritage led conversion within the existing footprint of the buildings. It is considered, however, that the proposed development would result in an unacceptable loss of historic fabric, due to the intensification of services and would have an irreversibly detrimental and seriously injurious impact on the historic fabric. The proposed extension and reduction of the existing lightwell would have an unacceptable impact on the setting and architectural character of the Protected Structures. It is therefore considered that the development would be contrary to the provisions of the Development Plan and to the proper planning and sustainable development of the area and it is recommended that planning permission be refused.

3.2.2. Other Technical Reports

Drainage Division report received 15th March 2022: No objection subject to conditions.

Conservation Officer report received 21st April 2022: Recommends permission is refused.

It concludes:

Having fully assessed all documentation submitted by the applicant, the Conservation Officers are of the opinion that the proposed works, particularly those that pertain to No. 6 College Street including the demolition of the rear return, the formation of new and widened openings to the rear of No. 6, and the intensification of services associated with the new café use at ground floor level and the insertion of 3 no. 1-bed residential apartments on the upper floors and all associated works would give rise to an unacceptable loss of historic fabric and legibility, and would have an irreversibly detrimental and seriously injurious impact on the historic fabric, integrity and architectural character of this rare and important former shop and residence. Furthermore, the proposed extension and reduction of the existing lightwell to c.1.8m from the rear of No. 31 Fleet Street at first, second and third floor level would have an unacceptable and adverse impact on the setting and architectural character of the Protected Structure (No. 31). In addition, the proposed glazed extension (to house a new lift serving all floors) at first, second and third floor levels in the location of the existing rear return to No. 6 College Street would have an unacceptable and adverse impact on the setting and architectural character of the protected structures at Nos. 29 and 30 Fleet Street and Nos. 6 and 7 College Street, and would contravene the principles of architectural conservation best practice and DCC Development Plan 2016-2022 Policy CHC2 (a), (b), (c), (d), (e), (f).

3.3. Prescribed Bodies

The application was referred to the following consultees:

- Irish Water
- Department of Arts, Heritage & The Gaeltacht
- An Taisce
- The Heritage Council
- An Chomhairle Ealaíon
- National Transport Authority
- Fáilte Ireland

- Irish Rail
- TII
- Department of Housing, Local Government & Heritage

There was one observation received from TII stating the following:

TII:

Recommends a number of conditions relation to Luas safety and a S49 Levy should the proposal be permitted.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

The most recent planning history pertaining to the subject site is as follows:

2970/21: Permission refused at 6 College Street, 31 Fleet Street, 7 College Street & 30 Fleet Street.

No. 6 College St. - change of the historic retail use to use as a café/bar and reception area at ground floor level, and the provision of 3 no. one-bedroom apartments at the upper floors.

No. 31 Fleet St.-provide universally accessible bathrooms. It will further include for the removal of the existing two-storey extension to the rear of 6 College St. and the 1st floor extension to the rear of 31 Fleet St. New works include a replacement extension to the rear of 6 College Street with a glazed atrium containing a lift and enhanced circulation spaces and interconnection which provide for universal access and compliant fire safety and escape to the upper floors of both buildings. In addition to the above, the proposal will also provide for the following works at ground, 1st, 2nd and 3rd floor levels:

Ground Floor Level:

- (i) Conservation works to existing historic fabric, reinstatement of original cabinetry, panelling, fire upgrading of door and partitions to lobby on west side.
- (ii) Change of use at ground-floor level of No. 6 College St. from retail to use as a café/bar and reception area and use of the existing stairwell as access to proposed new apartments at 1st, 2nd & 3rd floor levels.
- (iii) Retention permission is sought for minor alterations including the removal of 2 no. modern partitions.

First, Second and Third Floor Levels:

- (i) Provision of new opes in the rear façade of 6 College St. and the side façade of 31 Fleet St.
- (ii) Reconfiguration of non-original partition walls to existing en-suite in 30 Fleet St. at 1st floor level only.
- (iii) Demolition of non-original timber-clad structure to the rear of 7 College St. and reinstatement of original, multi-pane sash window to rear façade of 7 College St. at 1st floor level only.
- (iv) Provision of 1 no. apartment at each of the 1st, 2nd & 3rd floor levels including extension to rear of 6 College St.
- (v) Glazed atrium to rear of No. 6 College St. containing a lift and enhanced circulation spaces and interconnection which provide for universal access

and compliant fire safety and escape to the upper floors of both 6 College Street and 31 Fleet St.

- (vi) Reconfiguration of existing modern partitions and en-suites to provide universally accessible bathrooms to 2nd and 3rd floor levels of 31 Fleet Street.
- (vii) Demolition of modern extension at 1st floor level of 31 Fleet St. to reveal and reinstate the original multi-pane sash window to the rear façade and removal of cementitious render and repair and repointing of brickwork to rear façade.
- (viii) Structural repair works to the basement of 6 College St. in order to save the ground floor structure and coverings. Permission is also sought for works to stabilise the debonding brickwork on the front façade, cleaning and repair of brickwork, repointing of the brickwork, reinstatement of quoins and stencilled historic paintwork, repairs to carved timber shopfront, refurbishment and reinstatement of multi-pane, single-glazed sash windows to the rear façade of 31 Fleet St and reinstatement of the original front entrance door to the east side all to front of 6 College Street.

Permission was refused for the following reasons:

1. It is the policy of Dublin City Council, as set out in Policy CHC2 of the Dublin City Development Plan 2016-2022, to ensure that the special interests of protected structures are protected and that any proposals for redevelopment be highly sensitive to the historic fabric and special interest of the building. The demolition of the rear return; the formation of new and widened openings in the enclosure to No. 6; the intensification of services associated with the new café use at ground floor level and the insertion of 3no. 1-bed residential apartments on the upper floors would give rise to an unacceptable loss of historic fabric and legibility, architectural character and would contravene Policy CHC2 of the Dublin

City Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to Section 11.1.5.1 and Policy CHC2 of the Dublin City Development Plan 2016-2022, it is considered that the proposed development would seriously injure the special architectural and historic character and integrity of the adjacent significant Protected Structures. The proposed extension and lightwell to the rear of Number 31 Fleet Street would have an unacceptable and adverse impact on the setting and architectural character of that Protected Structure (Number 31). Furthermore, the proposed glazed extensions at first, second and third floor levels in the location of the existing rear return to No. 6 College Street would have an unacceptable and adverse impact on the setting and architectural character of the protected structures at Nos. 29 and 30 Fleet Street and Nos. 6 and 7 College Street, and would contravene Policy CHC2 of the Dublin City Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4206/21: Additional Information Sought for Planning permission on this site for the retention of modifications and amendments of works commenced under Planning Permission Ref 3397/15 (now expired) which included the reconfiguration and alterations to walls and partitions to facilitate the proposed café/bar use at ground floor level, stairs access from basement level (not implemented) including raised level of part of existing floor to facilitate drainage pipes, demolition of part of internal wall to provide for access to neighbouring fire escape corridor at 29 Fleet Street (not implemented) and insertion of void within existing floor to basement level below (not implemented). The works previously approved at basement level of existing licensed premises comprised of alterations to existing internal doors, corridor and stairs to provide access from the existing basement level to the ground floor level of 29 and 30 Fleet Street (partially implemented).

Retention of works required on foot of the granted Fire Safety Certificate (FSC 3256/21) & Regularisation Fire Safety Certificate (3004742) which is pending and includes the blocking up of the existing escape route that previously discharged

through the adjoining Hostel and retention of a new protected escape stair and protected escape route from the basement to the ground level at 30 Fleet Street in lieu of previously approved fire escape route.

Retention of other completed works including kitchen, stores and dumb waiter, alterations to bar counter and new toilet facilities at basement level. Removal of contemporary accommodation stair connecting the basement and ground floor bar area. Alterations to ground floor betting office (vacant) include new disabled WC and bar counter. Retention of external works consisting of reinstatement of the doorway entrance to 30 Fleet Street. Planning permission is also requested for works previously approved but not completed under planning permission (Ref 3397/15) which include the refurbishment of the building façade and change of use of ground floor betting office (vacant) to licensed café/ bar and proposed dumb waiter (not previously approved), refurbishment and maintenance of the 1st, 2nd and 3rd floor facade of 29 and 30 Fleet Street and lighting and all ancillary site and development works.

ABP303951-19 / Reg Ref. 4650/18: Permission refused (08/07/2019) at 6-9 College Street & 28-31 Fleet Street, Dublin 2. For development comprising the demolition of existing two-storey return to the rear of 6 College Street and 29-30 Fleet Street and change of use and extension of the ground, first, second and third floors of 6 College Street and modifications to of part of the permitted licensed cafe/bar (Reg. Ref. 3397/15) at ground floor and basement levels of 29-30 Fleet Street to provide for an extension of the public house use at ground floor and basement levels at 31 Fleet Street and an extension of the first, second and third floor levels of the hostel use accessed from 8 College Street (Times Hostel). Reasons for refusal stated:

1. It is the policy of Dublin City Council, as set out in Policy CHC2 of the Dublin City Development Plan 2016-2022, to ensure that the special interests of protected structures are protected and that any proposals for redevelopment be highly sensitive to the historic fabric and special interest of the interior including its plan, form and hierarchy of spaces. It is considered that the proposed works to be undertaken, which would involve significant breaches

through party walls, together with the demolition of internal walls, primarily between Number 6 College Street and Number 31 Fleet Street, would give rise to an unacceptable loss of historic fabric and legibility and would, therefore, contravene Policy CHC2(c) of the Development Plan. The proposed development would have an irreversible detrimental and seriously injurious impact on the historic fabric, plan, form, integrity and architectural character of these two important Protected Structures. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to Section 11.1.5.1 and Policy CHC2 of the Dublin City Development Plan 2016-2022, it is considered that the proposed development would seriously injure the special architectural and historic character and integrity of the adjacent significant Protected Structures. The proposed extension and lightwell to the rear of Number 31 Fleet Street would have an unacceptable and adverse impact on the setting and architectural character of that Protected Structure (Number 31). Furthermore, the proposed extensions above and to the east of the existing rear return to Number 6 College Street, would have an unacceptable and adverse impact on the setting and architectural character of the Protected Structures at Numbers 29 and 30 Fleet Street and Number 7 College Street. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3393/14 Permission refused at 28-31 Fleet Street, and, 8 & 9, College Street Development at Bowe's Pub located at ground floor and basement of the existing 4-storey over basement property at no. 31 Fleet Street, Dublin 2 (Protected Structure), and development works to the ground floor and basement level of the adjoining 4-storey over basement premises at nos. 28-30 Fleet Street, Dublin 2 (Protected Structures), no. 8 College Street, Dublin 2 (Protected Structure) and

no. 9 College Street, Dublin 2. Development includes change of use from retail to hostel/B&B use at ground floor level of 29 & 30 Fleet Street.

3006/13/X1 Permission granted at Doyles Pub & The Times Hostel, 7-9 College Street, 28-31 Fleet Street Development at Doyle's Pub and The Times Hostel all located within the existing interlinked 4-storey over basement properties at No's 7 & 8 College Street, Dublin 2 (protected Structures) no. 9 College Street, Dublin 2 and No's 28-31 Fleet Street, Dublin 2 (Protected Structures). The development will consist of the change of use from Licensed Premises to use Hostel / Bed & Breakfast to some levels of 28/30 Fleet Street and to hostel use at some levels of 28 Fleet Street and 9 College Green.

2553/11 Split Decision - Permission & Refusal at 7-9, College Street &, 28-31, Fleet Street. Development of the 'The Times' Hostel including the construction of a new 3- storey extension (floor area 56sq.m) at first, second and third floor level to replace an existing first floor extension to the rear of No. 31 Fleet Street, and the erection of signage at 8 College Street and 28&31 Fleet Street.

2938/10 Retention permission granted at 7-9 College Street and 28-31, Fleet Street Change of use from Licensed Premises, residential and office use to hostel/ B&B at some or all levels of 7-9 College Street and 28-31 Fleet Street and all facilitating works.

Unauthorised works

The planning authority's report states that:

"Unauthorised works were executed within No. 6 College Street, when the current building owner took possession of the building, and included the dismantling of the historic shop cabinetry, the knocking through of an opening at ground floor level at the rear of No. 6 College Street into the rear of Ladbrokes Bookmakers

(No. 30 Fleet Street), selected stripping out works and repair works to historic timber sash windows including their removal from site.

It is noted that Dublin City Council Building Endangerment Section issued a letter on 2nd September 2020 that stipulated that ‘an application for planning permission shall be submitted to the planning section of DCC no later than 12 months after this date’.

5.0 Policy Context

5.1. Development Plan

The subject site is located within the ‘Z5’ city centre land use zoning objective in the Dublin City Development Plan 2022 - 2028. This zoning objective seeks to “consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”.

Nos. 6, 7 and 8 College Street are all protected structures as are Nos. 28, 29, 30 and 31 Fleet Street. The subject site is also located within a designated conservation area and is also located within the confines of the O’Connell Street Architectural Conservation Area.

The primary aim of the land use zoning objective is to sustain life within the centre of the city through intensive mixed-use development. The strategy is to provide a dynamic mix of uses which will interact with each other, help create a sense of community and sustain the vitality of the inner city both by day and night. Ideally this mix of uses should occur both vertically through the floors of the building as well as horizontally along the street frontage. While a general mix of uses (retail, commercial, residential etc.) will be desirable throughout the area. Retail will be the predominant use at ground floor level of the principle shopping streets. College Street is not designated as a principle shopping street in the development plan. In terms of permissible uses, both café / tearooms and residential are permitted uses under the Z5 zoning objective.

In relation to protected structures the development plan states: **BHA2** – It is the policy of Dublin City Council:

“That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.
- (c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.
- (d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- (e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.
- (f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.
- (g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.
- (h) Have regard to ecological considerations for example, protection of species such as bats.

11.5.2 Architectural Conservation Areas

The Planning and Development Act, 2000 (as amended), provides the legislative basis for the protection of Architectural Conservation Areas (ACAs). Under the Act, an ACA is defined as a place, area, group of structures or townscape that is of special architectural, historical, archaeological, artistic, cultural, scientific, technical, social interest or value, or contributes to the appreciation of protected structures.

ACAs are designated in recognition of their special interest or unique historic and architectural character, and important contribution to the heritage of the city. This character is often derived from the cumulative impact of the area's buildings, their setting, landscape and other locally important features which developed gradually over time. An ACA may consist of groupings of buildings and streetscapes and associated open spaces. Chapter 3 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) provides more detailed guidance in relation to ACAs and the assessment of development proposals within them.

The protected status afforded by inclusion in an ACA only applies to the exterior of structures and features of the streetscape.

While the purpose of ACA designation is to protect and enhance the special character of an area, it should not be viewed as a means of preventing new development but rather to help guide and manage change to ensure developments are sympathetic to the special character of the ACA..."

Areas of Special Planning Control An Area of Special Planning Control (ASPC) is all, or part of, an Architectural Conservation Area which is considered to be of special importance to the civic life or the architectural, historical, cultural, or social character of a city or town in which it is situated.

The legislation relating to ACAs and ASPCs is contained in Chapter II of Part IV of the Planning and Development Act, 2000 (as amended).

Two Areas of Special Planning Control have been created for Dublin City Centre, O'Connell Street and Environs ASPC and Grafton Street and Environs ASPC. The designation of these ASPC's allows Dublin City Council to specify development objectives for the preservation or enhancement of the area that would further strengthen its designation as an ACA. Dublin City Council monitors and reviews the

schemes over a six year period and may by resolution, amend or revoke the scheme as necessary.

Policy BHA7 With respect to Architectural Conservation Areas, it is policy of DCC to:

- (a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.
- (b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.
- (c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.
- (d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.
- (e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.
- (f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.

All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease.

Policy BHA8: Demolition in an ACA

There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit.

5.2. Natural Heritage Designations

Having regard to the nature and scale of the proposed development and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

5.3. EIA Screening

Having regard to the nature of the proposed development comprising of a change of use of an existing retail shop to a coffee shop and provision of 3 number apartments at upper floors within Dublin city centre, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party Appeal was submitted by McCutcheon Halley on behalf of the applicant Capital Estate Management Ltd. It is summarised as follows:

- It is submitted that the development as proposed, and the suite of information submitted with the application is fully compliant with the standards of best conservation practice, the policies and objectives of the Dublin City Development Plan and pertinent Regional and National Planning Policy.
- The proposed development is not considered to have any injurious impact on the adjoining Protected Structure or wider architectural setting.

- The existing internal courtyard to the rear of the structures and their rear elevations are not visible from any public vantage points and offer little in terms of visual or architectural merit.
- The proposed interventions at 6 College Street and 31 Fleet Street would have no negative impact on the character or integrity of the adjoining Protected Structures.
- Sets out the Planning History pertaining to the site, and since the applicant's acquisition of the property at 6 College Street.
- In its current form, the existing building at 6 College Street is underutilised and in need of physical intervention to safeguard its future as a heritage asset. It is the policy of Dublin City Council to not only retain the special interest of Protected Structures and buildings of heritage value, but also to support their regeneration and re-use.
- The proposed refurbishment and reuse of 6 College Street will be a significant planning gain for the surrounding streetscape and represents a unique opportunity to revive the building in a viable manner.
- The proposed development has sought to retain the existing footprint at ground floor level at 6 College Street, and insofar as possible at the upper floor levels, with a view to respecting the historic footprint of the building.
- The upper floor levels for residential accommodation is regarded as an appropriate and viable use in this instance.
- The nature of the proposal is considered acceptable in principle in the PA report.
- The Planner's Report states that the '*development would provide an appropriate standard of residential accommodation.*'
- The proposal provides for much-needed residential accommodation and ground floor use which adopts the 'living over the shop' principle, adapted for modern day use.
- In order to adapt the building for modern day use and ensure it's long-term viability, the proposed servicing interventions are necessary to support the

requirements of such uses and ensure the proposed residential units and cafe/bar are adequately serviced.

- All servicing works will be undertaken having regard for best conservation practice.
- The Applicant has made every effort (over the past 2 years) to cooperate with and respond promptly to the requests of Dublin City Council to rectify the issue of unauthorized works and reach a resolution to ensure an agreeable outcome for the building. As part of this process, and prior to the lodging of the planning application, substantial amounts of information were submitted to the Local Authority in line with their requirements. It should be noted that during this period the applicant has been precluded from undertaking works to the building, which continues to fall into further disrepair.
- The proposed refurbishment and reuse of the building, including the retention of the iconic 'Irish Yeast Co.' shop front, will be a significant planning gain for the surrounding streetscape.
- The condition of the rear return has been repeatedly acknowledged by Dublin City Council, with the Conservation Officer stating it as being in '*very poor condition primarily due to water ingress*'. The two-storey structure has been significantly altered over the years, and it's proposed demolition is not considered to have a negative impact on the Protected Structure. The proposed modern replacement feature will have a positive impact on the building, and the collective suite of works will bring the structure back into use and prevent further deterioration without any undue impact on its historic fabric.
- A significant suite of information was submitted to Dublin City Council as part of the planning application. To suggest the applicant has not made every effort to satisfy the Planning Authority's requirements is disingenuous, as a significant amount of time and resources have been invested to try and bring a resolution to this issue.
- Claims that the rear extensions will have a negative impact on the adjoining structures is unfounded and derives only from the need to justify the concerns

relating to the proposed demolition of the existing rear return adjoining 6 College Street.

- DCC Reg. Ref. 4650/18, is of significance in this instance. In the Inspector's Report ABP-303951-19, it states that:

'The Board will note the extensive use of concrete render and the proliferation of plant extractor fans concentrated within this internal courtyard area. The rear elevations of Nos. 29 and 30 Fleet Street are of little architectural merit and are not at all visible from public vantage points and in my view offer little in terms of visual or architectural amenity.'

- Submit further that the proposed lightwell and extensions to the rear of 31 Fleet Street, and the proposed extensions in the location of the existing rear return to 6 College Street will have at worst a negligible and at best positive impact on the internal courtyard area.
- At this stage it is no longer considered to be helpful or productive that the applicant continue to be precluded from carrying out works to the building with the benefit of the necessary planning permissions, particularly in light of having put forward a robust proposal for its redevelopment.
- The proposal is borne out of a considered design development process, which will provide for much needed residential accommodation in a city-centre location and an attractive ground floor location and is thus considered to be in accordance with the proper planning and sustainable development of the area.

6.2. Applicant Response

- Not relevant.

6.3. Planning Authority Response

- None on file.

6.4. Observations

- None received.

6.5. Further Responses

- None received.

7.0 Assessment

7.1. Having inspected the site and examined the associated documentation, I consider the principle of the proposed development comprising of a change of use of an existing historic retail shop and protected structure to a café / bar and reception area at ground floor with three apartments at first, second and third floor level within the city centre, is acceptable in principle. The proposed uses constitute permitted uses under the Z5 land use zoning objective set out in the 2022 - 2028 Development Plan. I would agree with both the appellant and the Planning Authority, that the principle in refurbishing the buildings in question and bringing this historic building back into reuse is acceptable in principle.

7.2. I consider that the relevant pertinent issue in this appeal relates to the Planning Authority's reasons for refusal (set out in detail in section 3.0 of this report above) and can be summarised as follows:

- **Whether or not the impact of the proposed development on the historic integrity of No. 6 is appropriate and proportionate and represents a reasonable balance between bringing the building back into re-used while maintaining the historic and architectural integrity of the building.**
- **Impact Upon the setting and architectural character of the Protected Structures - No. 31, No. 30 and 29 Fleet Street and No. 6 and 7 College Street.**
- **Appropriate Assessment**

- 7.3. Whether or not the impact of the proposed development on the historic integrity of No. 6 is appropriate and proportionate and represents a reasonable balance between bringing the building back into re-used while maintaining the historic and architectural integrity of the building.**
- 7.3.1. There is a protracted planning history associated with the subject appeal site. The site has also been subject to unauthorised works and the DCC Endangerment section. It is acknowledged by both parties to this appeal that No. 6 College Street is a very important historic building. The building is an excellent example of late 18th century Georgian architecture and the building, including its interior, contains many original features and historic features that are undoubtedly worthy of preservation.
- 7.3.2. The importance of the building is twofold, in that it incorporates the elegant external features associated with a typical Georgian building including the proportion and symmetry of the façade, while at the same time it incorporates an equally historic and aesthetically pleasing shopfront and elements of a Victorian shop interior dating from the 19th century. The shopfront is a somewhat iconic shopfront in Dublin City. Until its closure, the Irish Yeast Company was one of the oldest surviving businesses in the city. The shopfront dates from the 1890s and incorporates embellished render pilasters, consoles, plinths and stall-risers very typical of a late Victorian traditional shopfront.
- 7.3.3. The DCC Conservation Officers are anxious that an appropriate use that will ensure the sustainable future of No. 6 College Street is achieved and their report sets out that they fully acknowledge the challenge of balancing conservation gain with proposed development in relation to No. 6 College Street, and the effort required to ensure a sensitive intervention that will complement and not detract from the architectural character and integrity of No. 6 College Street in particular, whilst addressing critical repairs, means of escape, appropriate interventions and new services. The proposed change of use from retail to café/bar reception at ground floor level, and the continuation of residential use on the upper floors of the Protected Structure is acceptable in principle.
- 7.3.4. This application relates primarily to 6 College Street and to the upper levels of 31 Fleet Street only, with minor works proposed to the rear of 7 College Street and 30 Fleet Street.

- 7.3.5. A detailed description of the proposed development is set out in section 2.0 above. It is my opinion having carried out a site visit and from the plans submitted that the proposal to refurbish and restore No. 6 College Street is welcome, timely and acceptable a balance needs to be struck between its reuse and conservation objectives. Cognisance is had to the planning history on the site and in particular the development proposal refused on foot of Reg. Ref. 4650/18 / PL29S.303951. Under that application it was considered the proposed works to be undertaken, which would involve significant breaches through party walls, together with the demolition of internal walls, primarily between Number 6 College Street and Number 31 Fleet Street, would give rise to an unacceptable loss of historic fabric and legibility and would, therefore, contravene Policy CHC2(c) of the Development Plan.
- 7.3.6. Reason No. 1 of the PA's decision to refuse permission Reg. Ref. 3411/22 also refers to CHC2 (a) – (f) I note that this policy has been somewhat amended and Policy BHA2, of the new Dublin City Development Plan 2022 – 2028, set out in full in section 5.2 of this report now relates to works to protected structures.
- 7.3.7. It is my opinion that the plans submitted for no. 6 College Street take on board the advice given in previous applications and refused permissions. The large breakout of No. 6 to extend the pub use at No. 31 is no longer proposed. The ground floor use of No. 6 as bar / café is contained within the original ground floor space and respects the special architectural and historic character and integrity of No. 6.
- 7.3.8. I agree that the proposed refurbishment and reuse of 6 College Street will be a significant planning gain for the surrounding streetscape and represent a unique opportunity to revive the building in a viable manner. From the plans and drawings submitted and my site visit I am of the opinion that the proposed development will retain the existing footprint at ground floor level at 6 College Street, and insofar as possible at the upper floor levels, with a view to respecting the historic footprint of the building. The upper floor levels for residential accommodation is regarded as an appropriate and viable use in this instance. I note that the nature of the proposal is considered acceptable in principle in the PA report. I agree with the PA report that the development would provide an appropriate standard of residential accommodation, regard being had to 2020: Design Standards for new Apartments (Guidelines) and to Development Plan standards in particular Chapter 15 of the new

Dublin City development Plan 2022 – 2028, in respect of section 15.9 Apartment Standards (unit mix, unit size / layout, aspect, floor to ceiling height, storage ect...

7.3.9. It is the policy of Dublin City Council QHSN7: “To resist and where the opportunity arises, to reverse the loss of residential use on upper floors and actively support proposals that retain or bring upper floors into residential use in order to revitalise the social and physical fabric of the city through measures such as the Living City Initiative. Dublin City Council will actively engage with property owners and other stakeholders at a national level to investigate other alternative measures in addition to the Living City Initiative to expedite bringing upper floors into residential use, and will be actioned by the City Recovery Task Force and its successor”. It is also policy QHSN8, ‘Reduction of Vacancy’: “To promote measures to reduce vacancy and underuse of existing building stock and to support the refurbishment and retrofitting of existing buildings...”.

7.3.10. With respect to living over the shop, section 15.13.6 of the new City Development Plan 2022 – 2028 states:

“Dublin City Council will actively encourage the development of residential accommodation over existing commercial premises. It is acknowledged that there is a considerable amount of vacancy and underutilised floorspace on the upper floors of commercial premises that have the capacity to contribute significantly to the housing stock of the city.

Applications for the refurbishment and reuse of these buildings for residential accommodation will, therefore, be supported and actively pursued subject to suitability of location and standard of accommodation provided.

Residential accommodation should seek comply with the relevant standards for apartments as set out in Section 28 Guidelines. However, in certain instances and where a building is a protected structure, relaxations of these standards will be considered.

Car free developments will be supported for refurbishment schemes. Access to adequate bicycle storage will be required where feasible. Each application will be assessed on a case by case basis”.

- 7.3.11. The proposal provides for much-needed residential accommodation and ground floor use which adopts the 'living over the shop' principle, adapted for modern day use.
- 7.3.12. Regard is had to the suite of information, survey work and architectural heritage report submitted. To the description of the proposed works, relevant planning history, unauthorized works, conservation officers report, means of escape, demolitions proposed, proposed new works (structural works, mechanical and electrical services, doors and windows). I am of the opinion that demolition of the rear return, the formation of new and widened openings to the rear of No. 6, and the intensification of services associated with the new café use at ground floor level and the insertion of 3no. 1-bed residential apartments on the upper floors and all associated works would not give rise to an unacceptable loss of historic fabric and legibility. It would not have an irreversibly detrimental and seriously injurious impact on the historic fabric, integrity and architectural character of this rare and important former shop and residence.
- 7.3.13. I consider that the impact of the proposed development on the historic integrity of No. 6 is appropriate and proportionate and represents a reasonable balance between bringing the building back into re-used while maintaining the historic and architectural integrity of the building.

7.4. Impact Upon the setting and architectural character of the Protected Structures - No. 31, No. 30 and 29 Fleet Street and No. 6 and 7 College Street.

- 7.4.1. The second reason for refusal (Reg. Ref. 3411/22), set out in full in section 3.0 of this report considers that the proposed extension and reduction of the existing lightwell to c.1.8m from the rear of No. 31 Fleet Street at first, second and third floor level would have an unacceptable and adverse impact on the setting and architectural character of the Protected Structure (No.31). In addition, the proposed glazed extension (to house a new lift serving all floors) at first, second and third floor levels in the location of the existing rear return to No. 6 College Street would have an unacceptable and adverse impact on the setting and architectural character of the protected structure at Nos. 29 and 30 Fleet Street and Nos. 6 and 7 College Street, and would contravene the principles of architectural conservation best practice and Policy CHC2 (a),(b),(c),(d),(e),(f). of the Dublin City Council Development Plan 2016-2022.

- 7.5. As stated above the City Development Plan has changed since the decision to refuse planning permission was issued. The relevant section of the new Development Plan 2022 – 2028, set out in full in section 5.2 of this report, relating to works to protected structures is Policy BHA2 (a) – (h).
- 7.6. Having carried out two site visits, as access to the interior was necessary, I can confirm that the existing internal courtyard to the rear of the structures at first floor level upwards is only accessible via window opening from No. 6 College Street and window from the Hostel premises at No. 31 Fleet Street. I note that it has been held in the planning history on file and it is apparent from the photographs attached to my report, and those contained in the Architectural Conservation Report submitted with the application, that the existing internal courtyard to the rear of the structures concerned have been subject to significant alterations and extensions over the years and that the rear elevations and extensions etc. facing onto the courtyard are of little architectural merit.
- 7.7. I agree with the Inspectors opinion in his assessment of ABP303951-19 that the rear elevations of Nos. 29 and 30 Fleet Street are of little architectural merit and are not at all visible from public vantage points. I am of the opinion amendments to same would not materially or otherwise impact in terms of visual or architectural amenity. I do not consider the proposed extensions on the upper floors to rear of No. 31 Fleet Street or the rear of No. 6 College Street would have any significant or material impact on the setting, character or integrity of the protected structures referred to. I therefore do not consider it appropriate to refuse planning permission for the second reason cited by Dublin City Council.
- 7.8. In conclusion, it is my opinion that a balance is required when it comes to addressing conservation practices, vacant and derelict buildings and in particular Protected Structures within city centre and urban locations. There is a need for the planning process to turn emptiness into homes and businesses and for balanced, reasonable regeneration and renewal of vacant and derelict buildings, especially protected and historic buildings for the common good.
- 7.9. **Appropriate Assessment**
- 7.9.1. The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, and the location of the site in a

serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1.1. Having regard to the 'Z5' zoning objective pertaining to the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the architectural character of the Protected Structure or give rise to loss of historic setting, character, fabric and legibility of Protected Structures in the vicinity, would be acceptable from a visual amenity perspective and would generally be acceptable in terms of compliance with the criteria stipulated under Policy BHA2 (a) – (h) of the Dublin City Development Plan 2022 -2028. The proposed development will 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 particulars lodged with the application, 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 works hereby approved shall be carried out under the professional supervision on-site of an architect or expert with specialised conservation expertise,

in accordance with the Department of the Environment, Heritage and Local Government, Architectural Heritage Protection, Guidelines for Planning Authorities and in accordance with Best Conservation Practice.

Reason: To ensure that the integrity of this protected structure is maintained and that all works are carried out in accordance with best conservation practice

3. Prior to the commencement of development the developer shall submit in writing to the Planning Authority both a schedule and timescale of all conservation and refurbishment of the historic fabric and structural repair works.

Reason: To ensure the integrity of this protected structure is maintained and in the interests of the visual amenity of this important conservation area.

4. 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.

5. 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 all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site

compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

7. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. No music or amplified sound shall be audible outside the premises in such a manner as to cause nuisance to the occupants of nearby property.

Reason: In the interest of amenity

9. 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.

10. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular,

recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

12. 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. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

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

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

14. Before the use hereby permitted commences, a scheme shall be submitted to, and agreed in writing with the Planning Authority, for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use as a bar / café commences and thereafter permanently maintained. The following matters should be addressed in any such proposal:

(a) No emissions, including odours, from the activities carried out at the site shall result in an impairment of, or an interference with amenities or the environment beyond the site boundary or any other legitimate uses of the environment beyond the site boundary

- (b) A suitably qualified and experienced person should undertake the design and installation of the ventilation system
- (c) A suitable filtration system must be installed to neutralise odours (if applicable) prior to their discharge.
- (d) The fan used to propel the extract shall be installed and be of sufficient power to ensure high exit velocity of the fumes during all weather conditions.
- (e) The ventilation system should be designed and be so sited to ensure the emissions will cause no nuisance.

Reason: In the interests of the amenities of both the immediate neighbours and general surroundings.

15. Noise from plant/extraction systems: Noise levels should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. The noise levels from the site, during the operational phase, measured as an LAeq (5min at night, 15 min in day) when all proposed plant is operating, shall not exceed the LA90 by 5dB(A) or more.

Reason: To protect the residential amenities of residents in adjacent premises.

16. 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.

17. The developer shall pay to the planning authority a financial contribution in respect of The Luas Cross City Supplementary Development Contribution Scheme - St. Stephen's Green to Broombridge Line - 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Fiona Fair
Senior Planning Inspector

20.05. 2023