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- (a) **Planning and Development Act 2000 (as amended) & Planning and Development Regulations 2001 (as amended) (Part 8)**
(b) **Local Government Act 2001 (as amended)**
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In compliance with the provisions of Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) and in compliance with the provisions of the Local Government Act 2001 and pursuant to the requirements of the above, notice is hereby given of Dublin City Council's intention to carry out the following works:

Application No: 3196/19

Proposal: LAW: Planning and Development Act 2000 (as amended)

Planning and Development Regulations 2001 (as amended) - Part VIII

Applicant: Dublin City Gallery

Location: Dublin City Gallery, The Hugh Lane, Parnell Square, Dublin 1.

Proposal: LAW: PROTECTED STRUCTURE: Planning and Development Act 2000 (as amended) Planning and Development Regulations 2001 (as amended) - Part 8

Proposal: Pursuant to the requirements of the above, notice is hereby given for proposed development comprising upgrading works to the above, consisting of the following development works:

1. Roof works, including the upgrading of the existing roof to the 1930s Wing and the Francis Bacon Studio; the replacement of existing rooflights and the installation of a fall-arrest and access systems for safe permanent roof access.
2. Installation of environmental services in the 1930s Wing and associated Building Services Management System and the integration of same with the systems serving the wider gallery complex to ensure a continuity of environmental conditions throughout the gallery complex appropriate for the exhibition and curation of works of art of international importance.
3. New M&E plant located on the roof of the Francis Bacon studio within an acoustic enclosure.
4. New Mechanical ductwork at roof level of the 1930s Wing and the Francis Bacon studio serving the 1930s Galleries.
5. The Installation of new data cabling and/or wireless electronic services as required to meet existing and changing future needs to the 1930s Wing.

6. The Installation of a new gallery lighting system in the 1930s Wing.
7. Provision of the new Environmental control lobbies to the public gallery entrance, staff entrance of Charlemont House and the rear Service entrance to the 1930s wing.

Site Notice:

Site notices in situ and legible on date of inspection 10.07.19, as per submitted plans.

Site Location:

The subject part 8 relates to works at Dublin City Gallery, The Hugh Lane, Parnell Square North, Dublin 1. The site adjoins Parnell Square North to the south, Bethesda Place to the North West, Frederick Lane North to the north and existing protected structures which front onto Parnell Square to the east and west.

Proposed Development:

The proposed development comprises of the following works:

1. Roof works, including the upgrading of the existing roof to the 1930s Wing and the Francis Bacon Studio; the replacement of existing rooflights and the installation of a fall-arrest and access systems for safe permanent roof access.
2. Installation of environmental services in the 1930s Wing and associated Building Services Management System and the integration of same with the systems serving the wider gallery complex to ensure a continuity of environmental conditions throughout the gallery complex appropriate for the exhibition and curation of works of art of international importance.
3. New M&E plant located on the roof of the Francis Bacon studio within an acoustic enclosure.
4. New Mechanical ductwork at roof level of the 1930s Wing and the Francis Bacon studio serving the 1930s Galleries.
5. The Installation of new data cabling and/or wireless electronic services as required to meet existing and changing future needs to the 1930s Wing.
6. The Installation of a new gallery lighting system in the 1930s Wing.
7. Provision of the new Environmental control lobbies to the public gallery entrance, staff entrance of Charlemont House and the rear Service entrance to the 1930s wing.

Site Planning History

Register Reference 1429/02

Planning permission granted under Register Reference 1429/02 for the following development:

"The demolition of the former Banba Hall/National Ballroom and 2 no. two storey over basement returns all to the rear of nos. 20/21 Parnell Square North and the existing 3 storey over basement annexe abutting the north east gable elevation of Charlemont House. The erection of a 2/3 storey over part basement extension to the Hugh Lane Municipal Gallery of Modern Art abutting the existing galleries to the rear of Charlemont house, and located on part of site of Banba Hall/National Ballroom to the rear of Nos.20/21 Parnell Square North to the rear of and bounded by Frederick Lane North. The extension to accommodate additional gallery space, basement cafe, bookshop, resource facilities, disabled lift, children's studio and plant room at roof level.

The erection of a new three storey over basement annexe to the north east of Charlemont House abutting both Charlemont House and 20 Parnell Square North. The annexe to accommodate lift access to 20/21 Parnell Square North, and stair cores, lift and display panel for Charlemont House.

Display panel to advertise the Hugh Lane Municipal Gallery of Modern Art

Alterations to the Hugh Lane Municipal Gallery(Charlemont House), to provide new reception facilities at ground floor, new public toilet facilities at basement level and circulation for the proposed 2/3 storey over part basement extension.

*The restoration and conservation of nos.20 and 21 Parnell Square North for office use.
The change of use of the ground and basement floors of Nos. 20 and 21 Parnell Square North from Dance Hall to office use”.*

The Area Committee as appropriate were informed of the initiation of the Part 8 planning process for the proposed development and the recommendation of the planning Department at its meeting on the 10th September 2019.

Observations

None recorded on APAS.

Interdepartmental Reports

Drainage Division

The report has been received from the Drainage Division and no objections have been raised subject to the following recommendations;

- It has been recommended that the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads);

City Archaeologist

The report has been received from the City Archaeologist and no objections have been raised subject to the following recommendations;

1. If, during the course of site works and construction archaeological material is discovered, the Planning Authority should be notified immediately. Further, it is obligatory under the National Monuments Amendment Act 1994 that such is brought to the attention of the National Monuments Service, Department of Culture, Heritage and the Gaeltacht, and the National Museum of Ireland.
2. In the event of an archaeological find on site, the Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Department of Culture, Heritage and the Gaeltacht) shall determine the further archaeological resolution of the site.
3. If, however, no archaeological remains are encountered, then no further archaeological mitigation will be required.

Conservation Section:

The report has been received from the Conservation Section which outlines that the proposed works are acceptable from a conservation standpoint and no objections have been raised subject to the following recommendations;

- In advance of works commencing on site, the applicant shall invite the Conservation Section to comment on and inspect the proposed finish of the new entrance lobby and new glazed doors including the finish of the timber frames, design of the glazing manifestations, finish of the pull handles, colour of the glazing and the design of the proposed new terrazzo floor and to comment on and inspect the proposed new ventilation soffits to the gallery spaces.

Reason: To protect the architectural character and integrity of this Protected structure.

- An architect with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To protect the character and integrity of this protected structure.

- All works shall be carried out in accordance with best conservation practice and the Department of the Environment Guidelines. The works shall retain the maximum amount of surviving historic fabric in-situ including structural elements shall be designed to cause minimum interference to the building structure and/ or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

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

- All existing original features shall be protected during the course of refurbishment.

Reason: to protect the character and integrity of the protected structure.

- All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric, and reference is made in particular to the replacement windows. Full repair and reinstatement schedules (condition surveys, specifications and methodologies) shall be submitted to the planning authority for written agreement prior to commencement to avoid loss or damage to original fabric and ensure that the character of this protected structure in this is not altered.

Reason: to protect the character and integrity of the setting of the Protected Structure.

Environmental Health Section:

A report has been received on file from the Environmental Health Officer. This outlines that: *"The details contained within the noise minimisation plan are satisfactory providing these are implemented in full".*

Prescribed Bodies

The proposal was referred to the following statutory bodies:

- Irish Water
- NTA
- TII
- Dept. of Arts, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce

Responses were received from TII and Irish Water.

Transport Infrastructure Ireland

A submission was received from Transport Infrastructure Ireland who have not raised any objections to the proposed development. A condition in relation to the Section 49 Contribution Scheme Levy is recommended.

Irish Water

No objection subject to the following:

- All development is carried out in compliance with the Irish Water Standards codes and practices.
- Where the applicant proposes to connect to a public water/wastewater network operated by IW, the applicant must sign a connection agreement with IW prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Policy Context

Dublin City Development Plan 2016-2022

The application site is zoned objective Z8 “To protect the existing architectural and design character, and to allow only for limited expansion consistent with the conservation objective”. The Hugh Lane Gallery, (Charlemont House), Parnell Square is a Protected Structure (RPS.6384) and is located within the Parnell Square Conservation Area. The site is located within a zone of archaeological interest.

Policies

CHC1

To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

CHC2

To ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

- (a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest.
- (b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances.

- (c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.
- (d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.
- (e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works.
- (f) Have regard to ecological considerations for example, protection of species such as bats. Changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted.

CHC3

To identify and protect exceptional buildings of the late twentieth century; to categorise, prioritise and, where appropriate, add to the RPS. Dublin City Council will produce guidelines and offer advice for protection and appropriate refurbishment.

CHC4

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

Enhancement opportunities may include:

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

CHC6

To ensure a sustainable future for historic and other buildings subject to heritage protection. The City Council will encourage and support works to upgrade the environmental performance of the existing building stock that incorporates good standards of design and appearance. Where these works involve historic buildings subject to protection (this includes buildings referenced on the Record of Protected Structures and non-protected structures in an Architectural Conservation Area), the works shall not adversely affect the special interest of the structure and thus a sensitive approach will be required, taking into account:

- The significance of the structure, and
- The extent of intervention, including impact on historic fabric, traditional construction, visibility, siting and design.

The installation of renewable energy measures and equipment will be acceptable where sited and designed to minimise the visual impact and does not result in any significant loss of historic fabric or otherwise affect the significance of the structure.

Planning Assessment

Proposed Development

The proposed development comprises of the following works:

1. Roof works, including the upgrading of the existing roof to the 1930s Wing and the Francis Bacon Studio; the replacement of existing rooflights and the installation of a fall-arrest and access systems for safe permanent roof access.
2. Installation of environmental services in the 1930s Wing and associated Building Services Management System and the integration of same with the systems serving the wider gallery complex to ensure a continuity of environmental conditions throughout the gallery complex appropriate for the exhibition and curation of works of art of international importance.
3. New M&E plant located on the roof of the Francis Bacon studio within an acoustic enclosure.
4. New Mechanical ductwork at roof level of the 1930s Wing and the Francis Bacon studio serving the 1930s Galleries.
5. The Installation of new data cabling and/or wireless electronic services as required to meet existing and changing future needs to the 1930s Wing.
6. The Installation of a new gallery lighting system in the 1930s Wing.
7. Provision of the new Environmental control lobbies to the public gallery entrance, staff entrance of Charlemont House and the rear Service entrance to the 1930s wing.

Rationale for proposed Works

A rationale for the proposed works is set out within the Cover Letter prepared by Shaffrey Associates submitted in conjunction with the application. In this regard it is stated that an assessment of the building was undertaken which identified a number of deficiencies in relation to the environmental performance and exhibition standards identified within the 1930's wing of the building. The proposed works seek to address these deficiencies and provide for the following:

- A new environmental system for the 1930's wing in order to achieve environmental conditions appropriate for the storage and display of art works;
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- Improve the integrity and performance of the existing roof and rooflight of the 1930's wing
- Enhance the lighting system of the 1930's wing
- Eliminate, as far as possible, environmental fluctuations arising from the existing gallery entrances including the primary entrance to the front of Charlemont House, the staff entrance to the front of Charlemont House and the service entrance to the rear of the 1930's wing.

The Cover Letter submitted in conjunction with the application outlines that *“the proposed works are essential upgrading works to ensure that the Hugh Lane Gallery meets the necessary building standards to ensure protection of its collection and the ability to exhibit this significant collection and other temporary exhibitions to a quality appropriate to the status of this collection and the importance of the building, a protected structure of national importance”*.

Assessment of Works Proposed

In summary, the proposed works comprise of the following 3 aspects:

- Environmental Control Lobbies;
- Services Installation;
- Roof upgrade and safe access system;

At the outset it is noted that the principle of the proposed upgrading works to the protected structure are welcome and in accordance with the policies and objectives of the City Development Plan including Policy CHC6.

The proposed works are considered in light of their impact on the character of the protected structure and the Parnell Square Conservation Area and impact on the receiving environment including adjoining properties.

A Protected Structure Impact Assessment Report prepared by Shaffrey Architects is submitted in conjunction with the application. This assesses the impact of the proposed works on the protected structure and outlines the following:

The works proposed whilst challenging to integrate have been given careful consideration to minimise impact, are placed in less sensitive locations to ensure the protection of the architectural heritage interest value. The proposed works will not adversely impact on the heritage interest value or character of the protected structure or its setting.

In the assessment of the proposed works the AIHA report outlines that the proposed external porches are located in non-visually sensitive areas, the roof renewal and thermal upgrade works will not represent a noticeable visual change to the roof and the placement of external services at roof level is less sensitive to change within the Hugh Lane complex.

The Conservation Section Report prepared in respect of the proposal concludes that the proposed works are acceptable from a conservation standpoint. In this regard, there is no objection to the proposed upgrade works in terms of their potential impact on the character of the protected structure and the Parnell Square Conservation Area.

The proposed development includes the provision of new mechanical plant on the roof of the Francis Bacon studio within an acoustic enclosure. In assessing the visual impact of the proposed plant and associated enclosure the Protected Structure Impact Assessment outlines that *“this additional plant enclosure storey bounding Frederick Lane North and Bethesda Place is consistent with the varied emerging contemporary urban structure at this location and will not adversely impact on the presentation of the building within its urban context at rear”*. In this regard there is no objection to the proposed additional plant area.

A noise report prepared by AWN Consulting is submitted in conjunction with the application. This assesses the potential noise impact of the proposed new mechanical plant items at roof level of the Gallery. Nearest noise sensitive receptors are identified as the residential dwellings along Frederick Street to the north and Bethesda Place to the west.

The assessment identifies that noise mitigation measures over and above the inclusion of a 4.4 m solid perimeter to the plant will be required to reduce operational noise levels, particularly during night-time periods. In this regard, the report concludes that *“the options for*

mitigation measures and to reduce operational plant noise will require further noise control at source from the chiller unit to achieve acceptable noise levels”.

A number of mitigation measures are identified within the report including selection of a chiller with a low operational noise level, operation of chiller unit at half load during night time periods or in the event that the night time noise levels are being exceeded that the system will revert to gas boiler heating during night time periods.

The report outlines that the system will be designed to ensure that the following maximum operational noise levels will not be exceeded:

- The maximum noise levels during daytime periods will be limited to 50dB Laeq at the façade of the nearest noise sensitive location to the roof of the plant area;
- The maximum noise level during night-time periods will be limited to 45dB Laeq at the façade of the nearest noise sensitive location to the roof plant area;

A report has been received on file from the Environment Health Officer. This outlines that *“the details contained within the noise minimisation plan are satisfactory providing these are implemented in full”.*

An Outline Construction Management Plan is submitted in conjunction with the application. This outlines that the proposed works are envisaged to take in the region of 8-12 months to complete and details measures to be adopted to negate against impact on the receiving environment. The proposed development should be carried out in accordance with the measures detailed in the Outline Construction Management Plan.

Requirement for Appropriate Assessment

Under Article 6 (3) of the EU Habitats Directive and Regulation 30 of SI NO.94/1997 “European Communities (Natural Habitats) Regulations (1997) any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177 (U) of the Planning and Development Act 2000 (as amended). An Appropriate Assessment Screening Report accompanies the current proposal and concludes that there would be no significant negative effects on any Natura 2000 site as a result of the proposed development. As a result, a Stage 2 Appropriate Assessment would therefore not be required.

A statement on the requirement for an appropriate assessment is submitted in conjunction with the application. This refers to the minor nature of the works proposed within the application and concludes that there is no potential for significant effects on the Natura 2000 sites and no assessment is considered necessary.

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. The development is therefore considered to be acceptable in this regard.

Conclusion

The principle of the proposed upgrading works to the protected structure are welcome and in accordance with the policies and objectives of the City Development Plan including Policy CHC6.

It is considered that the development would not seriously injure the amenity of property in the vicinity and subject to compliance with the recommendations set out below, it is considered that the proposed development accords with the City Development Plan and the proper planning and sustainable development of the area.

Recommendation:

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development, subject to the following recommendations;

1. In advance of works commencing on site, the applicant shall invite the Conservation Section to comment on and inspect the proposed finish of the new entrance lobby and new glazed doors including the finish of the timber frames, design of the glazing manifestations, finish of the pull handles, colour of the glazing and the design of the proposed new terrazzo floor and to comment on and inspect the proposed new ventilation soffits to the gallery spaces.

Reason: To protect the architectural character and integrity of this Protected structure.

2. An architect with appropriate conservation expertise shall be employed to design, manage, monitor and implement the works on site and to ensure adequate protection of the historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To protect the character and integrity of this protected structure.

3. All works shall be carried out in accordance with best conservation practice and the Department of the Environment Guidelines. The works shall retain the maximum amount of surviving historic fabric in-situ including structural elements shall be designed to cause minimum interference to the building structure and/ or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

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

4. All existing original features shall be protected during the course of refurbishment.

Reason: To protect the character and integrity of the protected structure.

5. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric, and reference is made in particular to the replacement windows. Full repair and reinstatement schedules (condition surveys, specifications and methodologies) shall be submitted to the planning authority for written agreement prior to commencement to avoid loss or damage to original fabric and ensure that the character of this protected structure in this is not altered.

Reason: To protect the character and integrity of the setting of the Protected Structure.

- 6 (a) .The mitigation measures set out within the Noise report submitted shall be implemented in full.

(b) .The following maximum operational noise levels should not be exceeded:

- (i) The maximum noise levels during daytime periods will be limited to 50dB Laeq at the façade of the nearest noise sensitive location to the roof of the plant area;
- (ii) The maximum noise level during night-time periods will be limited to 45dB Laeq at the façade of the nearest noise sensitive location to the roof plant area;

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

7. It has been recommended that the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

Reason: In order to ensure a satisfactory standard of development.

8. All development is carried out in compliance with the Irish Water Standards codes and practices.

Where the applicant proposes to connect to a public water/wastewater network operated by IW, the applicant must sign a connection agreement with IW prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Reason: In order to ensure a satisfactory standard of development.

The project is being funded by Dublin City Council.

Accordingly, it is recommended that a decision be made by Elected Members of the Council to proceed with the proposed development.

This report is submitted to the City Council pursuant to Section 138 of the Local Government Act, 2001 (as amended) and Section 179 of the Planning and Development Act, 2000 (as amended) subject to the provisions of Section 139 of the Local Government Act, 2001 (as amended).

Resolution:

"That Dublin City Council Notes Report No. 277/2019 and hereby approves the contents therein."

Owen P. Keegan

Chief Executive

Date: 25th September 2019

Appendix A

List of Consultees

Irish Water, Colvill House, 24-26 Talbot Street, Dublin 1.

National Transport Authority (NTA), Head of Planning and Data Analysis, Harcourt Lane, Dublin, D02 WT20.

Transport Infrastructure Ireland (TII), Parkgate Business Centre, Parkgate Street, Dublin 8, DO8YFF1.

Conservation Section, Block 3, Floor 3, Civic Offices, Wood Quay, Dublin 8.

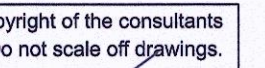
Heritage Council, Kilkenny City, Kilkenny.


An Taisce, Tailors Hall, Back Lane, Dublin 8.

Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, Development Applications Unit, Newtown Road, Wexford.



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	NOTES:	REV	DATE :	DESCRIPTION :	PROJECT : Dublin City Gallery, The Hugh Lane - Proposed Upgrade Works Parnell Square Dublin 1	TITLE : OSI Site Location Map (site notice locations)	DATE : 05/06/2019	DWG NO.:	SHAFFREY ASSOCIATES ARCHITECTS HISTORIC BUILDINGS · PLANNING · URBAN DESIGN 29 LOWER ORMOND QUAY, DUBLIN 1, IRELAND t + 353 1 8725 602 f + 353 1 8725 614 e + studio@shaffrey.ie
							SCALE : 1:1000, 1:200	1705_Part 8_00_00	
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							CHECKED BY : TO'C	REV NO: REV	