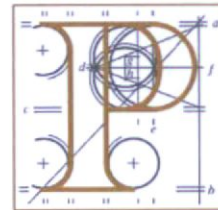


Our Case Number: ABP-312298-21

Planning Authority Reference Number: 3617/21



PLEASE
FILE

An
Bord
Pleanála

Dublin City Council North
Planning & Development
Civic Offices
Block 4, Floor 3
Wood Quay
Dublin 8



Date: 22 December 2021

Re: Protected Structure. Demolition of extensions to 77, the total demolition of 78 and 79 North King Street. Retention and alteration of the protected structures, Construction part-3 to part-9 storey hotel and all ancillary site development works.
77-80, King Street North, Smithfield, Dublin 7. D07 TP22

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter**, the following documents:-

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a **certified** copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vi) a copy of the **published notice** and a copy of the text of the **site notice** erected on the land or structure,
- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) the Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Please note that in accordance with section 251 of the Planning and Development Act, 2000, (as amended), the period beginning on 24th December and ending on 1st January, both dates inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations.

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Láithreán Gréasáin	Website	www.pleanala.ie
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Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-312298-21) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Stephen Sutton
Administrative Assistant
Direct Line: 01-8737165

BP07 - Xmas

31th May 2021

The Planning Officer
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA	
LDG- <u>046859-21</u>	
ABP- _____	
21 DEC 2021	
Fee: € <u>1500</u>	Type: <u>Cheque</u>
Time: <u>16:13</u>	By: <u>Hand</u>

Dear Sirs

Re: First Party Appeal against Dublin City Council Decision to Refuse Permission**Planning Ref: 3617/21****The Cobblestones Pub, 77 – 80 King Street North, Dublin 7, D07 TP22.**

We, CW O'Brien Architects, have been retained by the Applicant, Marron Estates Ltd, 3 Upper Mount Street, Dublin 2, to respond to the Decision to Refuse Permission by Dublin City Council for the above application for the redevelopment of the Cobblestones Pub and surrounding sites, located at 77 – 80 King Street North, Dublin 7.

We enclose the appropriate fee of €1,500.00, in a cheque made out to "An Bord Pleanála".

The following is our response to the reason for Refusal:

Dublin City Council Decision to Refuse Permission Reason 1:

1. Having regard to the provisions of the Dublin City Development Plan (2016-22) including policy CHC2 (a), (b), (c) and (d), policy CHC4 and the guidance set out in Sections 11.1.5.6, 16.2.2.2 and 16.10.16(b) and in the Architectural Heritage Protection Guidelines, it is considered that the proposed nine-storey over basement development would be overbearing and significantly out of scale and character with the prevailing architectural context, and would represent substantial over-development of this highly sensitive site, which consists of three to four-storey high historic buildings, two of which are protected structures, whose frontages along North King Street are located in a red hatched Conservation Area. Furthermore, the proposed new four- to six-storey development over the existing structures would completely overwhelm the protected structures and would cause serious injury to their amenity, architectural significance, legibility, special architectural character and setting. The demolition of the historic structures within the historic curtilage of the site, including the facades at Nos. 78 and 79 and brick warehouse structure to the rear, would represent an unacceptable loss of historic fabric and would cause serious injury to the setting of the protected structures on North King Street. The proposal, therefore, in itself and in the precedent it would set, would materially contravene development plan policies CHC2 (a), (b), (c) and (d) and CHC4 and the provisions of Sections 11.1.5.6, 16.2.2.2 and 16.10.16(b) of the development plan in addition to Section 6.8.7 of the Architectural Heritage Protection Guidelines and as such, would be incompatible with the proper planning and sustainable development of the area.

Response:

The Applicant has noted the concerns of the Planning Authority, with regards to the scale of the proposal. Whilst the Applicant is of the opinion that the scale and the character is appropriate for the site, especially when viewed in context of Smithfield Square, the Applicant is prepared to offer a reduced scheme for the Board to consider. This reduced scheme is attached in Appendix 1 of this letter.

The reduced proposal can be summarised as follows:

- Removal of all proposed structure from 81 King Street North.
- Retention of the entire original Cobblestones Pub, over all floors (Basement, Ground, First and Second floors).
- Retention of the existing brick facades at 78 and 79 King Street North.
- Relocation of the existing Back Room to a purpose-built performing space, contained within the existing retained historic yard to the rear of the site.
- Omission of any proposed structure immediately above the existing Cobblestones Pub.
- Reduction in the overall height of the building from 9 storeys to 7 storeys.

In addition, we would like to confirm that the original brick warehouse associated with the protected structure at 80 King Street North was retained in the original application and this has been highlighted in Green for clarity on the attached drawings.

Dublin City Council Decision to Refuse Permission Reason 2:

2. Having regard to its scale, height and bulk, it is considered that the proposed development provides an inappropriate design response to this prominent and sensitive corner site, with an abrupt transition in scale and height from the prevailing three and four-storey streetscape in the immediate vicinity, which would result in the proposed nine-storey development appearing unduly dominant in the streetscape and visually incongruous when viewed from North King Street, Smithfield and Red Cow Lane. Furthermore, it is the opinion of the planning authority that the proposed development would not make a positive contribution to the urban character of the area due to its failure to respond to the existing urban grain and its architectural design quality which does not adequately address the particular characteristics and opportunities of the site. Therefore, it is considered that the proposed new development, by reason of its scale, plot ratio of 6.4 and design response, would seriously injure the visual amenities of the area, thus being contrary to the proper planning and sustainable development of the area.

Response:

The concerns over the “abrupt transition in scale and height from the prevailing three and four-storey streetscape” would by in large be addressed by the offered reduced scheme, which would see the prevailing three and four storey buildings transcending into a reduced height of 7 storeys. This height would not be considered inappropriate for this location, given its prominence as the “Book End” that terminates the North / South vista of Smithfield Square.

Dublin City Council Decision to Refuse Permission Reason 3:

3. It is also the opinion of the planning authority that the proposed development would result in serious injury to the amenities of adjoining residents, including those on Red Cow Lane, Brunswick Street and North King Street. This is due to inadequate setback from the site boundaries, including the northern boundary, which would result in a loss of daylight and sunlight and an overbearing visual impact. The proposal would therefore depreciate the value of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.

Response:

The accompanying daylight / Sunlight Study enclosed with the original application highlighted that with all developments of this nature, there will be localised and wider impacts, both beneficial and negative. All developments in a tight Urban grain have the potential to impact on the surrounding properties. It must be recognized that due to the city centre location, the constraints of the site and the context of the surrounding environment and properties, any meaningful development on this site will result in some form of impact relating to daylight and sunlight.

The reduced scheme offered will significantly reduce the impact on the surrounding properties.

Dublin City Council Decision to Refuse Permission Reason 4:

4. Having regard to the objective to support the development of the cultural cluster at Smithfield, as set out in Section 11.2.5.3 of the current Dublin City Development Plan (2016-22), the proposed development, resulting in the loss of the existing Backroom area, which has developed as a space for teaching, rehearsal and performance for traditional music to the rear of the Cobblestone public house, and which is considered to make an important contribution to the cultural offering in the area, would be contrary to development plan policies CHC29, CHC34, CHC40 and CHC43, and would set an undesirable precedent in this regard. The proposal would therefore be contrary to development plan provisions in respect of culture in the city, and to the proper planning and sustainable development of the area.

Response:

In order for the proposed development to fulfil the maximum site potential, it was necessary to propose relocating the existing Back Room venue to a new purpose-built performing space, with a direct link to the existing Cobblestones Pub. This would have allowed for a new space for teaching, rehearsal and performance for traditional music, maintaining the role the existing Back Room has performed. This, along with the offered reduced proposals of maintaining all other room uses at First and Second floor above the existing Cobblestones Pub, would ensure that the important cultural offering would be maintained.

Conclusion:

In conclusion, it is submitted that the proposal is an appropriate design response to such a well-located site and in offering a reduced proposal, the Board will consider this in their assessment of this case. Furthermore, this application offers an opportunity to redevelop this important site, one that laid vacant and in disrepair for a substantial number of years.

Yours faithfully



Arthur O'Brien

For and on behalf of C+W O'Brien Architects

- Appendix 1: Offered Reduced Proposals.
Appendix 2: Copy of Dublin City Council Decision to Refuse Permission.

Appendix 1:

Offered Reduced Proposals

Consists of proposed
floor plans

- 1) Basement, Ground,
First + Second Floor Plans
- 2) Third, Fourth, Fifth
+ Sixth Floor Plans
- 3) Seventh, Eighth Floor
Plans + Roof Level

Appendix 2:

Copy of Dublin City Council Decision to Refuse Permission.

DCC Ref. Ref. 3617/21 – Decision to Refuse Permission

1. Having regard to the provisions of the Dublin City Development Plan (2016-22) including policy CHC2 (a), (b), (c) and (d), policy CHC4 and the guidance set out in Sections 11.1.5.6, 16.2.2.2 and 16.10.16(b) and in the Architectural Heritage Protection Guidelines, it is considered that the proposed nine-storey over basement development would be overbearing and significantly out of scale and character with the prevailing architectural context, and would represent substantial over-development of this highly sensitive site, which consists of three to four-storey high historic buildings, two of which are protected structures, whose frontages along North King Street are located in a red hatched Conservation Area. Furthermore, the proposed new four- to six-storey development over the existing structures would completely overwhelm the protected structures and would cause serious injury to their amenity, architectural significance, legibility, special architectural character and setting. The demolition of the historic structures within the historic curtilage of the site, including the facades at Nos. 78 and 79 and brick warehouse structure to the rear, would represent an unacceptable loss of historic fabric and would cause serious injury to the setting of the protected structures on North King Street. The proposal, therefore, in itself and in the precedent it would set, would materially contravene development plan policies CHC2 (a), (b), (c) and (d) and CHC4 and the provisions of Sections 11.1.5.6, 16.2.2.2 and 16.10.16(b) of the development plan in addition to Section 6.8.7 of the Architectural Heritage Protection Guidelines and as such, would be incompatible with the proper planning and sustainable development of the area.

2. Having regard to its scale, height and bulk, it is considered that the proposed development provides an inappropriate design response to this prominent and sensitive corner site, with an abrupt transition in scale and height from the prevailing three and four-storey streetscape in the immediate vicinity, which would result in the proposed nine-storey development appearing unduly dominant in the streetscape and visually incongruous when viewed from North King Street, Smithfield and Red Cow Lane. Furthermore, it is the opinion of the planning authority that the proposed development would not make a positive contribution to the urban character of the area due to its failure to respond to the existing urban grain and its architectural design quality which does not adequately address the particular characteristics and opportunities of the site. Therefore, it is considered that the proposed new development, by reason of its scale, plot ratio of 6.4 and design response, would seriously injure the visual amenities of the area, thus being contrary to the proper planning and sustainable development of the area.

3. It is also the opinion of the planning authority that the proposed development would result in serious injury to the amenities of adjoining residents, including those on Red Cow Lane, Brunswick Street and North King Street. This is due to inadequate setback from the site boundaries, including the northern boundary, which would result in a loss of daylight and sunlight and an overbearing visual impact. The proposal would therefore depreciate the value of properties in the vicinity and be contrary to the proper planning and sustainable development of the area.

4. Having regard to the objective to support the development of the cultural cluster at Smithfield, as set out in Section 11.2.5.3 of the current Dublin City Development Plan (2016-22), the proposed development, resulting in the loss of the existing Backroom area, which has developed as a space

for teaching, rehearsal and performance for traditional music to the rear of the Cobblestone public house, and which is considered to make an important contribution to the cultural offering in the area, would be contrary to development plan policies CHC29, CHC34, CHC40 and CHC43, and would set an undesirable precedent in this regard. The proposal would therefore be contrary to development plan provisions in respect of culture in the city, and to the proper planning and sustainable development of the area.