



An  
Bord  
Pleanála

## Board Order PL 29N.249258

### Planning and Development Acts 2000 to 2017

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3333/17**

**Appeal** by Derek Ryan/Yamamori Sushi Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin and by others against the decision made on the 29th day of August, 2017 by Dublin City Council to grant subject to conditions a permission to Targeted Investment Opportunities ICAV – Tactical Opportunities Fund care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of existing buildings at 28A, 29, 30 and 31 Strand Street Great and structures to the rear of 34/35 and 36/37 Ormond Quay Lower comprising of modern extensions to the protected structures. The total area to be demolished is 2,166.44 square metres, construction of an aparthotel development with an overall gross floor area (gfa) of 8,565 square metres accommodating 165 bedrooms. Development to provide for reception, meeting rooms, gym, staff facilities, cafe/bar/restaurant area including a coffee kiosk onto Ormond Quay Lower and ancillary accommodation (including plant/boiler rooms, storage, bike room, bin store, office) at ground floor. The development provides for the refurbishment and change of use of 34/35 and 36/37 Ormond Quay Lower to aparthotel use. Works to these protected structures include internal upgrade works; removal of roller shutters and reinstatement of shop fronts; replacement windows with approved Victorian and

Georgian window details; cleaning, repointing and repair of facade; roof repair; and removal of existing timber fascia bands, signage, fixings and wired services. Additional aparthotel accommodation to be provided in two number new blocks to the rear of 34/35 and 36/37 Ormond Quay Lower extending from 6 to 7 storeys separated from the protected structures by an internal courtyard. Partial demolition of existing basement and refurbishment of remainder under buildings 28A Strand Street Great and 34/35 Ormond Quay Lower to be utilised for storage. Existing cellar vaults to be kept in situ for storage purposes. Service access to the aparthotel is provided via the existing laneway off Strand Street Great. Relocation of existing substation to the northern elevation. Roof terraces provided at 6th floor level on the southern elevation of the proposed new block to the rear of the protected structures. Balconies provided at ground and first floor level on the northern elevation. Non accessible green roofs at 1st, 5th and 6th floor levels. The proposed development includes all hard and soft landscaping and all associated site development and ancillary works; all at this site at 34/35 (D01 YX09) and 36/37 (D01 NT62) Ormond Quay Lower, Dublin (formerly known as Zanzibar/Bondi Beach Club). The site of 0.1837 hectares extends from 34/35 and 36/37 Ormond Quay Lower to also include premises to the rear of 31 Lower Ormond Quay and premises to the rear of 25-28 Great Strand Street including 28A, 29, 30 and 31 Great Strand Street, Dublin. Numbers 34/35 (facade) and 36/37 (front facade and roof profile) Ormond Quay Lower are protected structures (RPS numbers 6069 and 6070).

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the area and would not adversely or materially impact on the character of the protected structures, streetscape or Liffey Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 25th day of October, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be amended as follows:

- (a) The front living room walls onto the enclosed terraces to the ground and first floor units facing Strand Street Great shall be replaced with larger glazing sections fronting onto the enclosed terraces such that the area of wall bounding the terrace internally, adjoining the access doors, is reduced allowing for greater natural surveillance of the street.

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

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

3. The proposed aparthotel development shall be used only as a short-stay tourist accommodation facility with a maximum occupancy period of two months and shall not be used for permanent occupation or for use as a student residence.

**Reason:** In the interest of orderly development and to protect residential amenities.

4. 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.

5. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of the amenities of the area and visual amenity.

6. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery, and 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.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings), staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

**Reason:** To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

7. Detailed proposals for the protection of structures and property adjacent the application site shall be submitted to, and agreed in writing with, the planning authority and shall include, inter alia, proposals regarding pre and post construction condition surveys and structural surveys, detailed survey works, and comprehensive monitoring proposals.

**Reason:** In the interest of clarity, architectural heritage protection, and the proper planning and sustainable development of the area.

8. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, shall be displayed or erected (on the building/within the curtilage of the site) unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

9. The glazing to the ground floor level of the hotel onto Ormond Quay and the stainless steel panel and toughened glazing to the Strand Street Great elevation shall be kept free of all stickers, posters and advertisements.

**Reason:** In the interest of visual amenity.

10. No external security shutters shall be erected on any part of the premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

11. Public access to the bar and restaurant areas shall be maintained at all times during normal opening hours.

**Reason:** In the interest of active animation of the ground floor unit, streetscape amenity and the proper planning and sustainable development of the area.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. Water supply and drainage arrangements, including the 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.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

15. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

16. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets 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.

17. 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.



18. 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.

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

