



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4815/23

Appeal by Susan Seager of 20 Ormond Quay Upper, Dublin against the decision made on the 23rd day of January, 2024 by Dublin City Council to grant subject to conditions a permission to Ormond Hospitality Limited care of RW Nowlan and Associates of Basement Office, 54 Fitzwilliam Square North, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) The complete restoration and refurbishment of the B&B buildings to the front of the site, comprising; (i) The re-roofing of the front roof of the property in natural slate and the renewal of all existing roof lights. (ii) Removal of the existing metal fire escape and the repointing of the traditional brickwork to the rear and eastern side of the façade of the property in an NHL 2.0 flush point finish. (iii) The replacement of the existing non-original uPVC windows with traditional slim line double glazed up and down sash windows to the front and rear of the property. (iv) The restoration of removed historic fabric to the interior of the property including internal doors, shutters, timber linings, traditional plaster work, new electrical, heating and fire safety installations throughout and the upgrading of the floors, walls and doors to meet structural, servicing and fire safety standards throughout. (v) The

complete restoration of the shopfront to the front of the property. (vi) Various new internal openings, internal fit out elements, pavilions, linings and partitions to the ground and upper floors of the property, all ancillary to the existing B&B use. (vii) The complete refurbishment of the basement to the front of the property, the lowering of the existing floor, damp proofing works and the provision of a storage area ancillary to the primary B&B use over. (b) The partial demolition and extension of the existing two-storey health building to the rear of the property comprising; (i) The change of use of the existing and extended building to the rear of the property from Health to B&B use. (ii) The partial demolition of the existing building, chimney and defunct water tanks. (iii) The construction of a new extension to provide for 12 bedrooms within a completed five-storey building. (iv) The relocation of the existing pedestrian access to the rear of the property from Ormond Place. (c) All associated drainage, roof lights, enabling and site works. On completion, the proposed development will provide for 27 B&B rooms between the front and rear buildings of the development at 21 Ormond Quay Upper, Dublin, (a Protected Structure) and the 2nd and 3rd floors of Number 20 Ormond Quay Upper, Dublin (a Protected Structure).

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.

Reasons and Considerations

Having regard to the nature of the proposed development, the protected structure status of the properties (RPS Numbers 6081 and 6082), the condition of the properties, the previous use of the properties, the zoning of the site for city centre uses, the location of the site within a Strategic Development Regeneration Area, Conservation Area and Historic Core, the design and layout, the proposed drainage and access measures, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, and that its restoration and refurbishment would contribute positively to both the site and the Liffey Quay's and would be in accordance with the provisions of the Dublin City Development Plan 2022-2028 and the Architectural Heritage Protection Guidelines for Local Authorities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board concurred with both the Inspector and the planning authority that the development should provide for an area for breakfast to be served to the guests of the Bed and Breakfast. The Board did not consider that this warranted the replacement of the coffee bar; the Board considered the condition attached by the planning authority that an area at ground floor be set aside for breakfast to be served to guests of the Bed and Breakfast would suffice. The Board also concurred with the Inspector's assessment that the proposed height of the building fronting Ormond Place will not detract from the amenity of adjoining buildings or the character of the protected structure.

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 proposed development shall be amended as follows:
 - (a) An area at ground floor shall be set aside for breakfast to be served to guests of the Bed and Breakfast. This shall be for the benefit of guests of the Bed and Breakfast only.
 - (b) The historic doors within the en-suites shall be re-orientated to ensure that they are displayed from the stairs and landings and not from within the en-suites.
 - (c) The layout of the basement area shall be constructed in line with drawing number PA/103/C.
 - (d) The rooflights along the front pitch (southern elevation) of the protected structure roof profile shall be omitted from the proposed development.
 - (e) Window baffles shall be employed within all above ground floor windows on the proposed extended building to the rear of the site.

Window baffles shall also be employed within Bedrooms 14 and 24 of number 21 Ormond Quay Upper.

- (f) Street lighting shall be provided to the rear of the site along Ormond Place. Such low-level lighting shall be designed as such to be fixed downwards, shall not be affixed to neighbouring properties and shall be provided prior to the operation of the development.

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

Reason: In the interests of visual and residential amenity.

- 3. The ground floor external courtyard/link structure shall not be used for outdoor functions or gatherings.

Reason: In the interest of residential amenity.

- 4. The proposed shopfront shall conform to the following requirements:

- (a) Signage shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individual mounted lettering;
- (b) Lighting shall be by means of concealed neon tubing or by rear illumination;
- (c) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission; and

- (d) External roller shutters shall not be erected and any internal shutters shall be of the 'open-lattice' or 'perforated' type and shall be coloured to match the shopfront colour.

Reason: In the interest of the visual amenities of the area.

5. No signage, advertising structures / advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the building or within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

7. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

8. Prior to the commencement of development on the Protected Structures the applicant shall submit for the written agreement of the planning authority confirmation that:

- (a) The development will be monitored by a suitably qualified architect with conservation expertise and accreditation, and
- (b) Competent site supervision, project management and crafts personnel will be engaged, suitably qualified and experienced in conservation works.

Reason: In the interest of the protection of architectural heritage, in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

9. Prior to the commencement of development on the Protected Structures the applicant shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:

- (a) A full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht,
- (b) Methodology for the recording and/or retention of concealed features or fabric exposed during the works,
- (c) Details of features to be temporarily removed/relocated during construction works and their final re-instatement,
- (d) Protection of the remaining historic fabric during the construction works,

- (e) Materials/features of architectural interest to be salvaged,
- (f) Details of the replacement of any brickwork or any works of re-pointing which shall be undertaken so that it matches the original existing wall finish,
- (g) Details of the existing roof slates, chimney stacks and pots which shall be retained, any replacement roof slates shall match the existing,
- (h) details of replacement windows which shall be modelled on surviving windows and shall match them in dimensions, opening mechanism, profiles and materials;

Details of the above shall be accompanied by drawings of an appropriate scale of not less than 1:50.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

10. Prior to the commencement of development on the Protected Structures the applicant shall submit for the written agreement of the planning authority:

- (a) Details for reinstatement of previously removed features or components to restore the character of the structure, to accurate detail, to be agreed if not already resolved.

- (b) A method statement, detailing the procedures to be followed in respect of the retention and restoration of these features.

Reason: In order to protect the character of this protected structure.

11. Prior to the commencement of development on the Protected Structures samples of materials and/or workmanship shall be submitted for the written agreement of the planning authority, and all works shall be carried out in accordance with this written agreement. In the event of agreement not being reached between the developer and the planning authority, the matter may be referred to An Bord Pleanála for determination, and all works shall be carried out in accordance with any determination made resulting from such referral.

Reason: In the interest of the protection of architectural heritage in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.

12. Prior to commencement of development, detailed structural drawings and a construction methodology statement (including the results of detailed structural surveys of the protected structures and all building façades to be retained) indicating the means proposed to ensure the protection of the structural stability and fabric of all these retained structures shall be submitted to and agreed in writing with the planning authority. These details shall include demonstrating the methods proposed to part dismantle and re-instate the existing façade and to retain other existing façades as proposed, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and support and method of construction, including details surrounding the damp proofing of the basement.

Reason: In the interest of preserving the architectural integrity and heritage value of the retained structures.

13. The construction of the development shall be managed in accordance with a finalised 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:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (e) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (h) Details of appropriate mitigation measures for noise, dust, air quality and vibration, and monitoring of such levels, in line with the relevant guidance documents;

- (i) The location of any generators in the least intrusive location, and provision of acoustic barriers/enclosures around said generators.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety and environmental protection.

14. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

15. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

16. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, groundworks and/or the implementation of agreed preservation in-situ measures associated with the development, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS). Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all

archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

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 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.



Mary Henchy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this

20th

day of

March

2025.