



An  
Bord  
Pleanála

## Inspector's Report PL 29N.247365

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<b>Development</b>	Demolition of existing hotel, construction of a new part five storey and four storey hotel and all associated works.
<b>Location</b>	7-13 Ormond Quay Upper, Dublin 7
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2555/16
<b>Applicant(s)</b>	Monteco Holdings Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions
<b>Type of Appeal</b>	Third Party (2 no.)
<b>Appellants</b>	(1) Kenneth O'Reilly (2) Pádraig Mac Coscair, Kate Cosgrave, Kieran Cosgrave
<b>Observers</b>	(1) An Taisce (2) Michael Smith (3) Ian Lumley & Michael Smith
<b>Date of Site Inspection</b>	23 <sup>rd</sup> & 24 <sup>th</sup> March 2017
<b>Inspector</b>	Tom Rabbette

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## 1.0 Site Location and Description

1.1. The site is located in Dublin city centre off Ormond Quay on the north side of the River Liffey. The site has a stated area of 0.1557 hectares. The site is bounded to the south by Ormond Quay Upper, to the north by Strand Street Little, to the west by No.14 Ormond Quay Upper and Hamilton Court and to the east by No. 6 Ormond Quay Upper, which is a Protected Structure. The application site comprises of the Ormond Hotel at 7-11 Ormond Quay Upper and the adjoining buildings at No. 12 Ormond Quay Upper, also a Protected Structure, and No. 13 Ormond Quay Upper.

## 2.0 Proposed Development

The proposed development comprises of the following:

- Demolition of the existing hotel 7-11 Ormond Quay Upper and the existing non original return structures to the rear of No's 12, a Protected Structure, and 13 Ormond Quay Upper;
- The construction of a new part five storey and part four storey hotel on the site of the existing hotel and to the rear of No's 12 and 13 Ormond Quay Upper.
- The proposed development includes a single storey basement to the front (south) of the site and setbacks at fifth storey level north and to the south.
- The new development comprises of 2 no. parallel east-west blocks separated by a landscaped courtyard space with lift lobbies connecting the two blocks from ground to fifth storey;
- The change of use of No's 12 and 13 Ormond Quay Upper from office use to hotel use;
- The refurbishment of No's 12 and 13 Ormond Quay Upper, including the conservation of, and internal alterations to, joinery, conservation of plasterwork and the upgrading of the floors, walls and doors to meet structural and fire safety standards;
- The proposed development includes all associated and ancillary works, including green roof, bicycle parking (16 no. space), ESB substation and

switch room to Hamilton Court and a service / loading area to the rear (north) with access from Strand Street Little.

- The proposed hotel, comprising of the new development and No's 12 and 13 Ormond Quay Upper, will comprise of 121 no. bedrooms from ground to fourth floor (amended to 120 bedrooms following FI request, amendments to the front façade were also submitted following the FI request).
- The basement will comprise of ancillary facilities such as kitchen, store, residents' fitness centre, plant, management office, toilets and lockers.
- The ground floor will comprise of a reception / entrance area, bar (in No.12 Ormond Quay Upper), business centre (in No.13 Ormond Quay Upper), a restaurant, and bedrooms to the rear (north).
- The overall gross floor area of the proposed development is 5,850 sq.m, comprising of 409 sq. m in No. 12 Ormond Quay Upper, 278 in No. 13 Ormond Quay Upper and 5,163 sq.m in the new build element.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By Executive Order dated 09/09/2016 the planning authority decided to grant permission for the proposed development subject to 17 no. conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

Planner's Report dated 18/05/2016:

- Further information sought.

Planner's Report dated 05/09/2016:

- Further information considered.
- Permission recommended subject to conditions.

##### **3.2.2. Other Technical Reports**

Conservation Officer's Report dated 17/05/2016:

- Grant of permission subject to several conditions.
- The report contains a detailed commentary on conservation and heritage issues arising.

Roads Streets & Traffic Department Report dated 05/05/2016:

- No objection subject to conditions.

Waste Management Division Report dated 15/04/2016:

- No objection indicated, requirements listed.

Environmental Health Report DCC dated 25/04/2016:

- Conditions recommended.

Engineering Department Drainage Division Report dated 27/04/2016:

- No objection in principle, conditions recommended.

Objections/observation: Objections/observations on file addressed to the p.a. make reference to the following issues: anti-social behaviour on Strand Street Little; access via Strand Street Little; car parking on Strand Street Little; construction stage impacts on neighbouring residential and commercial properties and occupants; impact of delivery entrance; noise pollution; dust pollution; impact on access to light; overshadowing; overlooking; scale of development proposed excessive; previous concerns not addressed in current application; height proposed; concerns relating to overhang section; excessive site coverage proposed; exceedance of indicative plot ratio; impact on the local character; trip generation and parking impacts; flawed traffic analysis; failure to integrate with Strand Street Little; existing Ormond Hotel façade is an important link in the city's literary heritage; impact on skyline along the quay frontage; development is contextually ambivalent; quay façade fenestration is a-contextual; proposed penthouse visually incongruous; impact on adjacent protected structure and National Monument (No. 6 Ormond Quay); archaeological impacts, and reinstatement of original ground floor shopfront at No. 13 sought.

### 3.3. **Prescribed Bodies**

An Taisce Report dated 27/04/2016:

- On account of its significant Joycean cultural association and historic townscape context on the Quays, it is essential that the general scale and architectural form of the existing Ormond Hotel should be maintained in any redevelopment.
- Design of proposed penthouse should be as unobtrusive and as simple as possible.
- Elevational proportions of the proposed development would acknowledge the prevailing harmonious design and character of the Quays.
- Scale and density of the hotel to the rear and east should not adversely affect the character and residential amenity of adjoining property and appropriate structural provision must be made to protect and safeguard the important National Monument and protected structure at No. 6 Upper Ormond Quay.

Transport Infrastructure Ireland Report dated 16/04/2016:

- TII have no observation to make.

#### 4.0 Planning History

3008/13 (PL 29N.243103): The Board upheld a p.a. decision to refuse permission for a hotel development on the current application site. The Board refused for three reasons. The history file is attached to current appeal.

2342/03 (PL 29N.207208): The Board upheld a p.a. decision to grant permission for a hotel development on the current application site. The history file is attached to current appeal.

3367/07: Permission granted for an office development on a site on Ormond Quay Upper approximately 120 m to the west of the current application site. Plans and particulars of that development, which has been constructed, are in the appendix attached to this report.

## 5.0 Policy Context

### 5.1. Development Plan

The operative plan for the area is the Dublin City Development Plan 2016-2022. The site is located in an area where the land use zoning objective is '*Z5 – to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*' as indicated on Map E of statutory CDP. It is also within a designated 'Conservation Area' as indicated on that map. Other relevant sections of the CDP include:

- S.2.3.9 'Conservation, Culture and Heritage'
- S.11.1.4 'The Strategic Approach (to the Built Heritage)' in Chapter 11 'Culture & Heritage'
- S.11.1.5.1 'The Record of Protected Structures'
- S.11.1.5.3 'Protected Structures – Policy Application'
- S.11.1.5.4 'Architectural Conservation Areas & Conservation Areas'
- S.11.1.5.5 'Conservation Area – Policy Rationale'
- S.11.1.5.6 'Conservation Area – Policy Application'
- S.11.2.5.1 'Leading the Cultural Development of Dublin City' (including policy CHC27 relating to Dublin UNESCO City of Literature)
- S.16.5 'Plot Ratio'
- S.16.5 'Site Coverage'
- S.16.7 'Building Height in a Sustainable City'
- Table 16.1 'Maximum Car Parking for Various Land-Uses'

Copies of the above mentioned sections of the CDP are in the appendix attached to this report for ease of reference for the Board.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Kenneth O'Reilly, 12 Little Strand Street, Dublin 7.

The contents of the third party appeal submission from the above can be summarised as follows:

- The appellant is a resident at the above address.
- The Board is asked to overturn the p.a. decision.
- Concerns raised in relation to impact on residents on Little Strand Street.
- The conditions as attached by the p.a. are insufficient and inadequate.
- The development merely adds to existing chaos and offers no solutions only further problems for the area.
- Street space is finite.
- A major point of concern is natural light and the elimination of it from such a high south-facing building as the development proposed.
- The appellant's home would be plunged into perpetual darkness, struggling to attain light from secondary sources, greatly impacting on the appellant's amenity.
- The Light Analysis Report makes incorrect claims.
- The appellant refers to concerns regarding: noise and nuisance; vehicular loading bays (outside his door); waste collection; location of hotel bar/function room (adjoining his bedroom wall on gable), and location of ESB substation.
- Concerns raised in relation to the introduction of deliveries to the hotel via Little Strand Street, adding to the congestion/noise/nuisance etc.
- This side street has to accommodate an extraordinary volume of activity.
- To add to this would surely be irresponsible in the extreme.
- The appellant raises issues pertaining to boundary and land ownership.
- Construction hours as permitted by the p.a. are unreasonable.



- The appellant is greatly concerned at the prospect of structural damage to his home.
- Reference was made to this in the Board's previous refusal.
- The appeal submission includes a copy of a submission to the p.a. which makes reference to, *inter alia*, the following: historical/cultural context; proximity of development; height of development; impact on access to light; density proposed; encroachment on appellant's property; impact arising from deliveries; noise/nuisance; traffic generated on Little Strand Street, and impact on on-street parking.

Pádraig Mac Coscair, Kate Cosgrave, Kieran Cosgrave, 17 Strand Street Little, Dublin 7.

The contents of the third party appeal submission from the above can be summarised as follows

- The number of residents on Strand Street Little has greatly reduced over time and is in risk of disappearing.
- The small community on Strand Street Little is a microcosm of Dublin with young families, elderly couples, various nationalities in rented and owner-occupied homes.
- The community is one of those that gives Dublin its unique character.
- In general, the appellants welcome the redevelopment of the hotel site.
- However, the proposal presents the residents on Strand Street Little and Aran Quay East with a number of difficulties by virtue of its scale and configuration.
- Local residents' concerns have been ignored.
- The key concerns relate to the development's size and configuration.
- There will be a reduction in the residential amenity value and loss of natural light and direct sunlight.
- The development lies to the south of Strand Street Little, it will have a critical effect on the natural light falling on the street and its houses.

- Hazards associated with increased traffic and impact on parking are also of concern.
- Having regard to the proposed basement accommodation, the plot ratio will be well above the range of 2.5 – 3.0 as per the CDP.
- While it is acknowledged that the height is well within the limits allowed in the CDP, it does break the existing roofline both in the south and north blocks, in the north block to a great extent.
- The heights are such that the development will restrict natural light falling on proximate dwellings which are of a much smaller scale.
- The dwellings will cease to enjoy passive solar heating from direct sunlight.
- A canyon-like effect will be created on Strand Street Little.
- The proposed development will make the anti-social behaviour (drug selling and taking) on Strand Street Little worse.
- The northern block of the development, onto Strand Street Little and Hamilton Court, presents the greatest problems for the residents and for the amenity value and character of Strand Street Little.
- Concerns raised about construction phase work times and site access.
- The proposed position of the bicycle shed for clients and workers in the hotel is absurd.
- Parking and access for residents on Strand Street Little is already a problem.
- The location of the proposed loading bay on Strand Street Little is inappropriate and dangerous.
- The Board is requested to require the developer to reduce the scale of the development.
- The Board is requested to require the developer to reduce the height of the development by one floor in the north and south blocks or by two floors in the northern block.

- No construction traffic access should be allowed to the site before 8 am and after 6 pm during weekdays. A similar provision should be made regarding operation stage deliveries.
- The new loading bay on Strand Street Little as proposed should not be permitted.

## 6.2. Observations

### An Taisce

The contents of the observer submission from the above can be summarised as follows:

- Beginning in the late C19th the Ormond Hotel was expanded over time into five historic buildings on Upper Ormond Quay.
- The substantive expansion, which largely remains today, occurred in 1932 when the frontage was given a unified stucco treatment creating a new landmark on the Quays.
- There is a significant cultural association at the hotel as it was the setting for a full episode of James Joyce's Ulysses, one of the most famous books ever written in the English language.
- Due to its rich literary settings and associations, Dublin was in 2010 designated a World Heritage Site for literature by the awarding body UNESCO.
- Observer refers to the planning history pertaining to the site.
- The hotel site has a very prominent location on the River Liffey Quays, one of Dublin's most important and successful pieces of historic townscape and a 'central spine' of the city.
- The hotel forms part of views westwards along the river towards the Four Courts and lies within the visual curtilage of O'Donovan Rossa Bridge (Protected Structure).
- View east and west along the Liffey are protected in the CDP.

- There are Protected Structures immediately abutting the current extent of the hotel on both sides and several more in the vicinity.
- The Ormond Hotel is included in An Taisce's online 'Buildings at risk' database, published 2012, and also in the Dublin Civic Trust's study 'Dublin's Wasting Assets', where reuse of the existing building is recommended in both cases.
- The proportions, configurations and plots of the four eastern buildings remain in the current elevation to the hotel.
- On account of the important historic townscape context of the Ormond Hotel on the Quays and significant Joycean cultural association, it is essential that a harmonious and sympathetic design response is achieved in any redevelopment.
- The riverfront elevation as approved by the p.a. following FI, has unsympathetic sizes, combinations and designs of windows across the façade.
- The western three bays of the façade, bizarrely, feature window heights which diminish from the top downwards.
- The remainder of the façade contains unsympathetic widely-proportioned opes with an asymmetrical mullion division.
- A more careful elevational contextual response is needed.
- It is recommended that the façade windows to the proposed hotel should be revised to employ a unified, formal grid arrangement of vertically-proportioned windows, gently diminishing in height towards the parapet, in accordance with the existing building.
- On account of its visibility and the sensitivity of the context, the design of the proposed penthouse should be as unobtrusive and as simple as possible.
- It is recommended that further modulation to the design of the penthouse as permitted by the p.a. is required in response to the fine grain of the Quays. The observer refers to the development as permitted under 3367/07.

- It is imperative that the recorded National Monument at 6 Upper Ormond Quay and other adjacent structures are afforded appropriate structural provision.
- The scale and density of the hotel to the rear and east should not adversely affect the character and residential amenity of adjoining property by way of overshadowing or loss of light.
- The submission contains an appendix of illustrations.

Michael Smith, 6 Ormond Quay Upper, D. 7.

The contents of the observer submission from the above can be summarised as follows:

- The application is for the demolition of a significant building in one of the most prominent streetscapes in Dublin city centre.
- The main buildings were reconstructed at various dates during the C20th and the hotel is the location for the Sirens episode in Joyce's Ulysses.
- The site incorporates, as well as abuts, Protected Structures, and has a significant impact on the setting and integrity of the late C17th house which is a National Monument, at 6 Ormond Quay Upper.
- Only the highest standards should pertain on this excellent but fragile site on Dublin's 'principal artery', its ancient quays.
- The observer objects to the development on the principal grounds that:
  - the addition of a storey over the height of the existing hotel is incompatible with the status of the Liffey Quays as a Conservation Area;
  - that the horizontal penthouse format is discreditable on the quays, and has been shown to be so in several recent schemes;
  - that the proposal's size and architectural design interfere with the architectural integrity and residential amenity of No. 6 Ormond Quay (the only family residence and National Monument on the Quays) and with the residential amenity of No. 5 Ormond Quay Upper;

- that the proposed rear extension would cause severe loss of light to the lower floors of No. 6 Ormond Quay and the rear buildings which are leased to a new restaurant/wine-bar which patently depend on that fragile light.
- The observer outlines his interests in Nos. 5 & 6 Ormond Quay Upper and 6 Little Strand Street.
- The observer has a history of concern for the architectural integrity of the historic core of Dublin.
- The proposed hotel is incompatible with the status of the Liffey Quays as a Conservation Area.
- The scheme is incompatible with the aesthetic and significance of the quays.
- It is particularly important to retain the current height on Ormond Quay Upper.
- The proposed penthouse would obtrude on the view of the Four Courts down the quays particularly from the centre-point of the Ha’Penny Bridge.
- The subtle balance of heights along the Quays cannot take a concerted jump in height to accommodate a penthouse at this point.
- The Clarence Hotel, and IBAT building on Wellington Quay and the Ormond Building on Upper Ormond Quay show the negative impact, from raking angles, of penthouse arrangements.
- The penthouse would be exposed, for example, from Grattan Bridge, in a similar way to that in which the development at 30-31 Ormond Quay Lr. is exposed when viewed from the Ha’Penny Bridge.
- The proposed penthouse is incongruous.
- The p.a. condition no. 3 is a feeble sop which illegally disenfranchises the public from commenting on a key aesthetic component of the scheme.
- The issue is not the colour and texture, it is the orientation.
- Inadequate detailing has been submitted of rooftop plant.

- It is simply untenable that any element of the roofscape proposed complies with the clear objective that “roof forms should harmonise with and not clash with the city’s traditional pitched roof forms”.
- The scheme cuts across elementary conservation principles, the onus is on the applicant to justify demolition, in view of the clumsy treatment of the roofscape any possible justification must be discredited.
- The quayside setting of the protected structures would be devastated by the proposed a-contextual penthouse with its dramatic horizontal orientation, mitigated only mildly and inadequately by vertical panels.
- The proposal for a 6-storey block to the rear of the Ormond Hotel along Strand Street would set an undesirable precedent in terms of height.
- The application fails to address the visual and amenity impacts on adjoining buildings including No. 6 Ormond Quay Upper and new houses in Strand Street Little.
- The development would dwarf the scale of No. 6 to the detriment of the National Monument and the quayside.
- Concerns raised about overshadowing and loss of light to No 6 Ormond Quay.
- The scheme intrudes on the boundary of property not owned by the applicant at No. 6 Ormond Quay.
- The application misrepresents the extent and projection of the stairwell in No. 6 and no account was taken of this in the permission.
- The proposal to demolish the hotel structure does not resolve the lateral structural support required to maintain the unique Registered Monument at No. 6.
- The impact on the commercial operation of No. 6 Little Strand Street during the construction period has not been addressed.
- It is not clear if the developers intend to comply with normal archaeological standards on this most historic of Dublin sites.

- The scheme breaches indicative plot ratio standards and it is not clear if it complies with site coverage standards.
- The Board is requested to reject the scheme.

Ian Lumley & Michael Smith, c/o 6 Ormond Quay Upper, D. 7.

The contents of the observer submission from the above can be summarised as follows:

- The observers own 5 Ormond Quay and 5 Little Strand Street.
- The proposed hotel is incompatible with the status of the Liffey Quays as a Conservation Area.
- The scheme degrades the skyline.
- The scheme is incompatible with the aesthetic and significance of the quays.
- The proposed penthouse would obtrude the view of the Four Courts particularly from the centre-point of the Ha'Penny Bridge.
- The scheme's aesthetic is neither horizontal or vertical in orientation.
- The subtle balance of heights along the quays cannot take a concerted jump in height to accommodate a penthouse at this point.
- The Clarence Hotel, and IBAT building on Wellington Quay and the Ormond Building on Upper Ormond Quay show the negative impact, from raking angles, of penthouse arrangements.
- The proposed penthouse is a highly problematic design element.
- The p.a. condition no. 3 is a feeble sop which illegally disenfranchises the public from commenting on a key aesthetic component of the scheme.
- The issue is not the colour and texture, it is the orientation.
- The proposed penthouse is incongruous.
- The scheme parades a coach and horses all over this key civic aesthetic.
- The proposed penthouse is inappropriate in character, design and impact on adjacent protected structures and the Conservation Area, and should be omitted from the scheme.



- Inadequate detailing has been submitted of rooftop plant, that this has not been addressed is both unlawful and a planning failure.
- The Board is asked to reject the scheme.

### 6.3. Applicant's Response

The contents of the applicant's response to the grounds of appeal can be summarised as follows:

- A description of the site location and surroundings is provided.
- A description of the existing Ormond Hotel is provided.
- A description of No. 12 Ormond Quay Upper is provided.
- A description of No. 13 Ormond Quay Upper is provided.
- A description of the proposed development is provided.
- A list of the planning benefits arising from the proposed development, as held by the applicant, is outlined.
- The arrangement of the hotel and the relationship between the bar, restaurant and concert room as described in the text of Joyce's Ulysses is based on the building layout which would have existed after it expanded into No. 9 in 1906 and not as it would have been in 1904 when the hotel occupied only no. 8.
- Notwithstanding this, and the fact that there are no remnants of the bar which formed the setting for the 'Sirens' chapter of Joyce's Ulysses following the 1930s redevelopment, it is considered appropriate for the proposed development to provide some recognition and acknowledgement of the Joycean theme.
- It is proposed that the original outline of numbers 8 and 9 be marked out using text from the book embedded into the floor and courtyard with bronze plaques or lettering.
- Detailed consideration has been given in the current application to addressing the reasons for refusal under 3008/13 (PL 29N.243103).

- The design approach for the proposed façade is to re-introduce the scale and verticality of the historic quay elevation.
- The central room in the upper level (roof level) has been recessed so as to break up the scale and horizontality of this element when seen from a distance along the Quays.
- The proposed development to Ormond Quay Upper will provide a significant improvement on the current situation in terms of the grain, rhythm and character of Ormond Quay Upper.
- Detailed consideration has been given to the design proposal and the potential impact on No. 12 Strand Street Little.
- The daylight/sunlight analysis study prepared by IES demonstrates that the existing daylight levels to No. 12 Strand Street Little are very low and therefore at present the residential space is required to be artificially lit.
- It should be acknowledged that this is an inner city urban environment and that a level of overshadowing is to be expected in such a location.
- The height and scale of the proposed development when compared to the previous proposal has been significantly reduced.
- The design approach is more sympathetic than the previous proposal.
- The proposed development will not have a dominant or injurious impact on No. 6 Ormond Quay Upper.
- A summary of the relevant planning policy context is submitted.
- Particular attention has been paid to the rear blocks which are encompassed by four, three and two storey blocks which reduce in scale as they get closer to properties on the site boundaries.
- The applicant refers to changes introduced adjacent No. 12 Strand Street Little following the p.a. FI request.
- There is no parking proposed as part of the proposed development and as such no hazard due to parking can occur.

- The hotel can be serviced from both the front and the rear and as such there is ample opportunity for servicing without impacting upon traffic flow in the area.
- The existing hotel includes a service area, including a gated access, to the rear to Strand Street Little.
- With reference to the previous proposal under 3008/13, the floor area has been reduced by approximately 15%, the number of bedrooms has been reduced by almost a third from 170 to 120 and the overall height of the building has been reduced from 6 storeys including a setback storey and 18.8 m to 5 storeys including a setback storey and 16.7 m.
- The proposed development has been rationalised and consolidated as far as is possible, for any development to occur on this site, which is in need of regeneration, a certain quantum of development must be achievable.
- The quantum of development proposed which is the minimum required to provide a viable development has not resulted in any significant adverse impacts upon surrounding properties.
- The CDP excludes basements in calculating plot ratio.
- The plot ratio of 3.3 is marginally above the CDP indicative range of 2.5-3.0.
- The site is located in a highly accessible location.
- The applicant is committed to putting in place all reasonable mitigation measures to alleviate any potential significant impact on local residents during the demolition and construction phases.
- A Construction Management Plan, including a Construction Traffic Management Plan, will be submitted to the p.a.
- The submission includes a report titled 'Response to Observations on potential Noise & Vibration impacts associated with the proposed redevelopment of the Ormond Hotel Planning Ref. 2555/16' by Byrne Environmental Consulting Ltd. relating to noise impacts, vibration impacts and air management.

- An amended ground floor plan is submitted indicating a connection between the bicycle storage area and the adjacent hotel corridor.
- Servicing via the rear will be low frequency in nature, the principle of loading/delivery to the site from Strand Street Little is well established.
- The location of any loading bay to the rear on Strand Street Little will be subject to agreement with the City Council and will be predicated on ensuring that access to the garage at No. 12 Strand Street Little is not obstructed.
- The amended ground floor plan submitted with the response to the appeals shows how a loading bay could be provided further to the east without obstructing the flow of traffic on this street.
- It is not accepted that the proposed development will significantly affect vehicular movement through the area.
- There is no car parking proposed and servicing and delivery will be low frequency.
- The vast majority of staff and guest visits are expected to be undertaken on foot or via public transport.
- The existing windows to the residential use at No. 12 Strand Street Little do not stand a reasonable distance from the boundary with the application site and this is a relevant consideration in terms of daylight and sunlight access.
- It should be acknowledged that this is a city centre environment and that a degree of overshadowing is to be expected in such a location.
- The applicant refers to p.a. Condition 15(d) in relation to noise and vibration during operation.
- There is no proposal for a hotel bar/function room adjoining No. 12 Little Strand Street.
- The walls and floor encompassing the ESB sub-station will be designed and constructed in accordance with the requirements of the Building Regs. relating to fire safety.
- The Byrne Environmental Consulting Ltd. Report submitted with the response includes a specification for the ESB substation.

- Details relating to site boundaries are a legal matter.
- It is noted the appellants do not object to the principle of the proposed development.

#### 6.4. **Planning Authority Response**

There is response from the p.a. on file at time of writing.

#### 6.5. **Further Responses**

##### **Observers' Response to the applicant's response to the grounds of appeals: An Taisce**

An Taisce's response to the applicant's response to the grounds of appeal can be summarised as follows:

- The observer generally supports the third party appeals.
- The observer reiterates the concerns previously raised.

##### **Applicant's response to the observers' submissions:**

The contents of the applicant's response to the observers' submissions can be summarised as follows:

- The observations do not specifically comment on the subject matter of the appeals.
- The intent of the legislation (section 130) is to allow observations on the contents of the appeal.
- The most appropriate forum for the observations would have been within the parameters of an appeal.
- The observations should be declared invalid or at least any issues raised in the observations which do not relate to the subject matter of an appeal, should be disregarded.
- The applicant provides the background and rationale for the redevelopment.

- The applicant submits a response to the An Taisce observation relating to: historic and cultural significance of the Ormond Hotel; recent planning history; urban context and relevant planning provision, and a response to the observer's recommendations.
- The applicant submits a response to the Michael Smith observation relating to: general miscellaneous comments; the status of the Liffey Quays as a Conservation Area; Quayside aesthetic and significance of the quays; provisions of the CDP; conservation principles of the scheme; precedent of a 6 storey building; visual amenity of adjoining buildings; overshadowing/loss of light; precedent; property title/boundary issues; archaeology/structural integrity, and plot ratio and site coverage.
- The applicant submits a response to the Michael Smith and Ian Lumley observation relating to: status of the Liffey Quays as a conservation area; aesthetic and significance of the quays; precedent, and title.
- The submission includes a letter from the applicant's engineers relating to survey proposals, demolition works, protection of boundary structures and monitoring proposals for the demolition and construction process.
- The submission includes a daylight/sunlight analysis study addendum.

## 7.0 **Assessment**

I have read all the file documentation and have had regard to the statutory plan for the area and relevant guidelines in relation to the development. I have also carried out a site inspection. In my opinion the substantive matters to be addressed in this assessment are as indicated hereunder.

### 7.1. Front Façade

This is a prominent site in the centre of the city fronting onto the River Liffey. It is highly visible from many locations along the quays to the east and to the west, and from a number of the bridges spanning the Liffey, including the Ha'Penny, Millennium and Grattan bridges all to the east, and O'Donovan Rossa Bridge to the west. It is located towards the centre of a terrace facing onto Ormond Quay Upper. This terrace stretches from Capel Street to the east, to Arran Street to the west.

Within that terrace there are five protected structures, one of them on the application site itself, No. 12 Ormond Quay, and one adjoining the site immediately to the east, No. 6 Ormond Quay. This adjoining structure to the east is also a National Monument. There are eight buildings along this terrace listed in the NIAH, two of them are on the application site: Nos. 12 and 13 (copies of all eight in attached appendix). This terrace is also located in a designated Conservation Area as indicated in Map E of the Dublin City Development Plan 2016-2022. Gandon's Four Courts is located a short distance to the west. The receiving environment thus has a strong character, a strong sense of place and is of architectural heritage importance. The quays form one of the most iconic elements of Dublin's urban landscape.

The applicant is proposing to refurbish the structures at Nos. 12 and 13 Ormond Quay Upper and thus those facades will be retained. The applicant is proposing to demolish the existing hotel structure at Nos. 7-11 Ormond Quay and develop a new structure at this location, thus a new façade at this prominent location is being proposed.

The façade proposed under PL 29N.243103 (3008/13) was a significant concern for the Board. It formed the main issue in its refusal Reason No. 1 in relation to that previous application. (Both previous appeals pertaining to the site, PL 29N.243103 and PL 29N.207208, are attached to the current appeal for the Board's attention.)

I am satisfied that the applicant has addressed the previous concerns in relation to the elevation treatment and design for this important site. The façade as submitted to the planning authority on the 24/03/2016 is a significant improvement on the previously refused scheme. The façade design has had regard to the surviving grain, rhythm and character of Ormond Quay Upper, in my opinion. It shows due deference to the receiving environment, including its proximity to the neighbouring protected structures. The proposed façade is simple and restrained in comparison to that previously refused. The scale and proportions of the windows, and the materials to be used in the façade, reflect the grain, rhythm and character of adjacent Georgian structures without mimicking or engaging with pastiche design. The parapet level respects that prevailing across the terrace. The materials to be used in this front façade are of high quality and include handmade linear brick, limestone reveals, cills and parapet, and bronze anodised aluminium to the fourth

floor/penthouse level (ref: 'South Elevation Façade Detail Plan, Section & Elevation', drg. No. P2010 by HJL).

It is a positive contribution to, and does not compete with, its receiving built environment. Its success lies in its simplicity, in my opinion.

However, I fear this simplicity is lost somewhat in the amended façade submitted with the FI response (drawings received by the p.a. on the 15/08/2016). In the FI response the facade is given further vertical emphasis by the addition of vertical breaks, or banding, in the brickwork and the design of the three westerly-most window bays are altered and differ from the other windows to the east in the façade. This attempt to add greater verticality to the façade has been over-egged, in my opinion. The façade has lost its simplicity from the original submission. The planning authority's Condition No. 3 seeks further changes to the amended façade, a further iteration and layer to the façade design that I am not convinced is warranted. Furthermore, Nos. 7-11 in the amended façade design now appear as 4 separate structures, through the creation of the 4 bays in the façade. The 3 easterly most bays are virtually identical. I find this at odds with the rest of the existing elevations that make up this quay terrace. None of the existing facades, of the individual structures, along this stretch terrace are identical, they may be very similar in some respects, but they are not identical. The creation of 3 identical bays in this terrace, pretending to be a terrace of 3 different (but identical) buildings – which they are not – is introducing a visually alien element. It misses the point of the design character of the entire terrace, it is the sum of the parts that make the whole here and none of those parts are identical.

The façade as originally proposed reduced the number of window bays from 11 to 9 which diminished the horizontal emphasis of the hotel façade as existing. The façade as originally submitted did reintroduce the scale and verticality of the historic elevation sufficiently. The changes introduced after the FI request have gone too far in their deference to the verticality, it is overdone.

I draw the Board's attention to the p.a. Conservation Officer's Report, dated 17/05/16, where it states, with regard to the façade as originally proposed the following: "The previous monolithic form proposed has been appropriately reduced in the opinion of the CO and the scale of the proposed development mid-terrace is more successful as it addresses the original parapet height without disturbing the



rhythm of the original terrace. The proposal has addressed the contextual import of the earlier merchant buildings and supports the traditional pattern of development by introducing a crafted brick-clad hotel building, of appropriate scale and girth mid terrace...” I fully concur with this assessment. I also note and agree with the comparisons with the successful modern intervention of the Morrison Hotel along the quays.

There was no need for the façade changes introduced at FI stage, in my opinion.

I would therefore recommend that in the event of permission the applicant be conditioned to revert to the front façade design as originally proposed. I note that in the response to the observers’ submissions on file, the applicant’s agent indicated design preference for the façade as originally submitted with the application and not the amended FI response, I concur. (I would recommend that the design and layout of the fourth floor/penthouse level be as indicated in the FI response, I am satisfied that the penthouse elevation at FI stage can successfully marry with the façade of the floors below as originally submitted. Matters pertaining to the fourth floor/penthouse will be addressed below.)

## 7.2. Proposed Fourth Floor (‘Penthouse’ level)

Two of the observer submissions have raised a number of concerns in relation to the fourth floor/penthouse level. It is held that the proposed penthouse would obtrude on views of Gandon’s Four Courts, particularly from the centre point of the Ha’Penny Bridge. It is also stated that the penthouse would be exposed when viewed from Grattan Bridge. It is stated that the existing subtle balance of heights along the quays cannot take a concerted jump in height to accommodate the penthouse at this point. The observer submissions refer to other built penthouses along the quays and the negative visual impacts arising from those as held by those observers. The proposed penthouse is described as incongruous. It is further stated that the aesthetic of the quays is a subtle balance of set-piece buildings such as the Four Courts and the Civic Offices and small soldier-like two and three bay single houses, it is held that the proposed scheme whips a coach and horses through this aesthetic.

I note that neither of the third party appellants raised specific issues about the proposed fourth floor/penthouse level (although the issue of height was raised by the appellants).

An Taisce in its submission to the planning authority (dated 27/04/16) did not seek the removal of the penthouse level but rather sought design changes to this element. An Taisce made further suggestions regarding the design of the penthouse level in its observer submission to the Board dated 02/11/2016 but it did not seek the omission of this floor.

In the detailed Conservation Officer's report on file (dated 17/05/2016) the CO states, *inter alia*, the following "With regard to the revisions to the scheme the CO considered the re-design of the roofscape and high quality materials proposed addresses previous concerns regarding the monolithic form of the building and its relationship to the adjoining protected structures." The CO goes on to state "The proposed penthouse setback to be revised to slightly greater depth to reference the building line of No. 6 Ormond Quay, to mitigate the impact of the penthouse level above the original parapet." The setback as sought by the CO was subsequently included in the amended scheme submitted to the p.a. on the 15/08/2016 (ref: 'Proposed General Arrangement Plan Fourth Floor', drg. No. P1014 Rev. A).

The Planner's Report on file dated 18/05/2016 also considered the matter of this penthouse level and, while noting that it could be omitted by condition, concluded that it could be accommodated above the building without undue adverse impact on the streetscape or the surrounding conservation area, subject to an appropriate setback from the Ormond Quay elevation and lightweight design.

I am satisfied that this matter was appropriately considered at application stage. I share the opinion of the p.a. with regards to this fourth floor level. The height of this fourth floor/penthouse is not excessive. It is below the ridge levels of a number of structures in this terrace both to its east and west (ref: 'Proposed South Elevation Contiguous Elevation', drg. No. P2001). It is not wholly dissimilar in height measured against the ridge heights of neighbouring No. 6 Ormond Quay and No. 12 Ormond Quay. I concur with the applicant's submission to the Board, dated 21/02/2017, where it observes that the penthouse is contained well within the "built envelope" that the roofs of the original buildings at this location would have occupied and therefore sits comfortably with the surrounding roofscape. The original houses at this location would have had an architectural expression above the parapet line, the structure of those dwellings did not stop at the parapet level, the roofs were above and setback, likewise the proposed penthouse is above the parapet line and

well setback. The penthouse is well below the existing concrete bunker-like shaft structure on the site that is to be removed, in that regard, it is an improvement on the visual amenities of the area. It is set back from the street line and it is set back from both No. 6 Ormond Quay and No. 12 Ormond Quay. I have reviewed the 'key views and prospects' as indicated on figure 4 of the statutory CDP and cannot find that it impedes on those views or prospects. There are several other examples of penthouse level developments up and down the quays, both on the north and south quays. While the observers may not approve of such developments, there is no specific policy or objective that I am aware of that seeks to prohibit these type of developments on this area of the quays in the Dublin City Development Plan 2016-2022. In the absence of such a policy or objective, and also noting the precedent for such developments, it may be considered somewhat unreasonable to omit this fourth floor by way of condition (or to refuse the entire development on this specific matter). I do not consider it adversely impacts on the visual amenities of the area nor do I consider that it adversely impacts on the character or setting of the neighbouring protected structures.

### 7.3. Structural integrity of adjacent properties

One of the appellants and two of the observers have raised concerns about the potential of structural damage to adjacent property arising from the construction of the proposed development. The appellant at No. 12 Little Strand Street points out that his property immediately abuts the application site and that part of his property dates from the C18<sup>th</sup>. The owner/occupier of the adjoining No. 6 Ormond Quay, which is both a National Monument (ref: DU018-382) and a Protected Structure, holds that the proposed development does not resolve the lateral structural support required to maintain that property. The concerns relate to possible future foundation settlement, structural issues and construction methodology. An Taisce state that prior to, and during, any demolition works and construction, it is imperative that No. 6 Ormond Quay, and other adjacent structures, are afforded appropriate structural provision and agreement to safeguard them.

The built heritage adjacent the site should not be damaged by the proposed development. However, the applicant is not proposing any works, or damage, to the adjacent structures. A grant of permission does not entitle any applicant to carry out works, or cause damage, to other parties' property. The applicant has other

legal/civil responsibilities outside of the planning codes. With or without planning permission, the applicant is not entitled to damage adjoining or adjacent property. The Board will be aware that this is not the first such development where a major construction project is proposed on lands adjoining heritage structures. There are numerous examples where such works have been successfully carried out without damaging the historic fabric of neighbouring property.

Furthermore, the applicant in the submission to the Board received on the 21/02/2017 indicates that he would be amenable for the inclusion of a condition in respect of protecting the structural integrity of adjacent historic properties. In that submission of the 21/02/2017 the applicant submitted a report from his civil and structural engineers outlining mitigation proposals in relation to the protection of adjoining property during the construction of the proposed development (ref: letter from MMOS dated 14/02/2017). In that submission a commitment is given to pre and post construction condition and structural surveys of all surrounding buildings, including the adjoining National Monument No. 6 Ormond Quay. It goes on to state that detailed survey works will include any temporary works requirements in relation to the demolition of the existing structure and the safe maintaining of the boundary structures, party walls and associated adjacent building structures on all sides of the site during the building process. The works outlined include for comprehensive monitoring of adjacent structures, inclusive of vibration monitors, 'tell tales' and ongoing visual inspections and monitoring throughout the demolition and construction process. These mitigations appear reasonable, in the event of a grant of permission I would recommend the Board condition these mitigations in the interests of clarity and architectural heritage protection.

All development entails risk, the applicant's proposals to mitigate that risk are reasonable. These mitigation measures are not radically new, they are tried and tested and have been successfully employed elsewhere.

#### 7.4. Property Title

One of the appellants (No. 12 Little Strand Street) raises issues pertaining to boundaries holding that matters regarding the boundary of the existing hotel are not fully clear. I note that the plans on file do indicate that part of the hotel's basement is located under the appellant's property. Two of the observers have also raised issues

relating to boundary, albeit regarding a different location. It is held that the scheme intrudes on the boundary of property not owned by the applicant, specifically at No. 6 Ormond Quay. It is stated that the rear elevation of No. 6 including the staircase windows project directly onto the Ormond's general property line.

The applicant has responded indicating that property title was raised by the planning authority at FI stage and that the applicant submitted, inter alia, a letter from their solicitor confirming that the applicant is the registered owner of the folio to which the application relates.

I draw the Board's attention to section 5.13 'Issues relating to title to land' of the 'Development Management Guidelines for Planning Authorities' (DoEHLG 2007) where it states, inter alia, the following "The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not be entitled solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision. Accordingly, where in making an application, a person asserts that he/she is the owner of the land or structure in question, and there is nothing to cast doubt on the bona fides of that assertion, the planning authority is not required to inquire further into the matter."

In the circumstances, it would be unreasonable to refuse permission for the development on the grounds of property title.

I further note that the design strategy in relation to the 'new-build' is to construct two blocks on the site, one to the front (quay side) and one to the rear. This creates an open courtyard, or atrium, between the two blocks running roughly east-west through the site. The southern side of this atrium lines up with the rear elevation of No. 6 Ormond Quay to the east and Nos. 12 and 13 Ormond Quay to the west (the latter two being part of the application site). This site development strategy has been dictated somewhat by these existing structures of important architectural heritage value. It is further evidence that due regard has been had for the receiving environment.

## 7.5. Impact on amenities of adjacent properties

In its Reason No. 3 on PL 29N.243103 the Board held the following: “The scale and robust character and design of the proposed development adjacent to both the front and rear of number 6 Ormond Quay Upper would be over dominant and would seriously injure the setting of this Protected Structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

Two of the observers’ submissions raised concerns in relation to the impacts on No. 6 Ormond Quay Upper and No. 6 Little Strand Street, and also in relation to No. 5 Ormond Quay Upper further east.

The new-build block to the rear of the site under PL 29N.243103 was to accommodate 6 floors of accommodation, in the current proposal it is to accommodate 5 floors and the footprint of this block decreases as it ascends. The proposed new-build to the rear of the site is pulled back from the boundary to the rear of No. 6 Ormond Quay Upper/No. 6 Little Strand Street. From the proposed second floor level up, the applicant is pulling the development back from the shared boundary. A separation distance of some 3.5 m is being created here with the eastern site boundary. A green roof is proposed to the roof over the first floor level adjacent this shared boundary which will be visible from the upper floors of No. 6 Ormond Quay Upper. In PL 29N.243103, the upper floors at this location came right up to the shared boundary with the rear of No. 6 Ormond Quay Upper/6 Little Strand Street. In addition, as mentioned elsewhere in this report, the applicant is introducing significant changes to the front adjacent No. 6 Ormond Quay Upper. Under PL 29N.243103 the front block was to be 6 storeys, the current proposal is for a 5 storey front block. The previously proposed fifth floor/penthouse level was located in close proximity to the shared boundary with No. 6 Ormond Quay Upper. There is now no fifth floor and the (top) fourth floor/penthouse level is pulled further back from the shared boundary to the east and the front building line of the proposed penthouse is recessed behind the front of No. 6 Ormond Quay Upper following the FI request.

The application was accompanied by a ‘Daylight/Sunlight Analysis Study’ as prepared by Integrated Environmental Solutions. It includes a VSC analysis to quantify the potential daylight impact on No. 6 Ormond Quay Upper. It concluded

that the potential impact of the proposed development to be minimal, it held that the proposed development complies with the BRE's 2011 guidance document 'Site Layout Planning for Daylight and Sunlight recommendations for new developments'. In reply to the observer submissions, the applicant submitted an addendum to the daylight/sunlight analysis report. Additional different points on the rear elevations of Nos. 5 and 6 Ormond Quay Upper were tested. All of the points tested have a VSC of not less than 0.8 times their former value, thus they all comply with the BRE guidance.

Having regard to the foregoing I am of the opinion that the concerns raised in Reason No. 3 of PL 29N.243103 no longer pertain. The applicant has reduced the scale and quantum of the development, the heights have been reduced, the development has been pulled back from the shared boundary with No. 6 Ormond Quay Upper at key locations. The development as now proposed has had due regard to potential impacts on neighbouring properties, the mitigation measures proposed are reasonable in my opinion.

In its Reason No. 2 on PL 29N.243103 the Board held the following: "The proposed development, by reason of its orientation, height, and bulk and its proximity to adjacent residential buildings, and in particular to number 12 Strand Street Little, would be both visually obtrusive when viewed from existing windows and would result in loss of daylighting, which would seriously injure the residential amenities of those dwellings and would, therefore, be contrary to the proper planning and sustainable development of the area."

One of the current appellants resides in No. 12 Little Strand Street which adjoins the application site to the north. The other appellant resides in No. 17 Little Strand Street located further north from the site (but not adjoining it). The occupants of No. 17 have raised concerns about the height of the proposal and its proximity to their property and the related matter of access to light. The occupants of No. 17 have also raised concerns about the size of the development, its configuration and the implications for dwellings adjacent in relation to access to daylight and sunlight.

The property at No. 12 Little Strand Street has 3 windows at first floor level on the boundary with the application site. The development as now proposed does reduce in scale and height as it approaches the adjacent properties to the north-west. The applicant has pulled back from the shared boundary that contains the 3 windows in

No. 12 Little Strand Street, there is now some 4.6 m between these windows and the 'new-build' that they face, it should be noted that all of this c. 4.6 m is provided on the applicant's side of the shared boundary. In the FI response the applicant amended the scheme to reduce the parapet height adjacent No. 12 Little Strand Street. Where the proposed development immediately abuts the front elevation of No. 12 Little Strand Street it now reads as a two storey structure, it is lower than the existing structure at No. 12. The reduced scale and height of the development towards the north-west section of the site appropriately responds to the adjacent existing context along Little Strand Street and Hamilton Court. I am of the opinion that the applicant has had due regard to the Board's Refusal Reason No. 2 in the last appeal. The proposed development steps down in height and scale as it approaches the existing neighbouring buildings, separation distances on the upper floors have been increased. This is a city centre site, the applicant has taken due regard to the Board's previous refusal, the mitigation measures as now proposed are reasonable. Heights proposed are well within the Dublin City Development Plan 2016-2022 guidelines as contained in section 16.7.

Having regard to the foregoing I am of the opinion that the concerns raised in Reason No. 2 of PL 29N.243103 no longer pertain.

#### 7.6. The Ulysses Connection

A hotel on part of this site has strong cultural connection with James Joyce's 'Ulysses'. Chapter 11 of Ulysses is set almost entirely in the Ormond Hotel. The Inspector's recommended Refusal Reason on PL 29N.243103 included reference to the impact the proposed development subject of that previous appeal would have had on that heritage. However, I note that the Board did not specifically refer to this issue in its 3 reasons for refusal on that appeal, nor did they refer to it in their Direction on that case.

It appears that, although set in June 1904, Ulysses was written between 1914 and 1920. It is stated on file that the Ormond Hotel as presented in Ulysses did not exist at No. 8 Ormond Quay Upper in 1904. It is also stated that the existing hotel building at Nos. 7-11 Ormond Quay Upper, which is to be demolished as per of the current proposal, does not contain remnants of the hotel as written about by Joyce. The applicant's Conservation Architect states that it has been clearly demonstrated that in the case of Nos. 7-11, with the exception of part walls to No. 6 and No. 12, no



original fabric survives in its original location, although some brickwork salvaged from earlier construction may have been used in later construction. This does not appear to be disputed by the appellants or observers. None of the appellants or observers seek a refusal on this specific issue. The Board also notified Bord Fáilte and An Chomhairle Ealaíon, as prescribed bodies, of the appeal, there are no responses from those bodies on file at time of writing.

It is proposed to commemorate the Ulysses connection within the proposed new-build hotel. It is proposed that the original outline of numbers 8 and 9 Ormond Quay Upper will be marked out using text from the book embedded into the floor and courtyard with bronze plaques or lettering at ground floor level.

Having regard to the foregoing, I would not recommend refusal in relation to the literary connection associated with the site. I would also recommend that the Board consider applying a condition requiring the hotel to be called 'The Ormond Hotel' so as to maintain the literary-cultural connection on the site, the Dublin City Development Plan 2016-2022 does make reference to the Dublin UNESCO City of Literature designation at Policy CHC27.

#### 7.7. Architectural Heritage Protection on the site

No. 12 Ormond Quay Upper on the application site is a protected structure. The adjoining No. 13 is not a protected structure but is of architectural heritage interest. Both buildings appear on the NIAH 'Main Record – Dublin City' (copies in appendix attached to this report).

The applicant is proposing to refurbish both structures, they are to be changed from office use to hotel use. It is also proposed to remove the returns to the rear of both buildings, these are described as non-original in the application documentation. The application was accompanied by a document titled 'Outline Conservation Specification of Works to be done and materials to be used in The Conservation & Repair of No. 12 Ormond Quay Upper & No. 13 Ormond Quay Upper, Dublin 1' and 'Architectural Heritage Assessment of Nos. 7-11 Ormond Quay Upper, No. 13 Ormond Quay Upper & No. 12 Ormond Quay Upper & Observations on the Impact of the current proposal to reinstate the historic hotel use to the site' both as prepared by D. Slattery, Conservation Architect. A report by MMOS Consulting Engineers & Structural Engineers titled 'Structural Condition Report', submitted by the applicant, also includes a structural condition report on both Nos. 12 and 13 Ormond Quay

Upper. As stated previously, there is a p.a. Conservation Officer's Report on file (dated 17/05/2016). That extensive report recommends a grant of permission subject to a number of conditions. Works to Nos. 12 and 13 Ormond Quay Upper did form part of the FI request, it included an item referring to the possible retention in-situ of the underground cellars to the rear of No. 12 and No. 13. The applicant responded with submissions from their Conservation Architect, the project architect, their planning consultant and their structural engineers, indicating that the cellars are non-useable, post-date the construction of the original C18th buildings and are of no notable architectural or historical significance, and that their removal is a necessary requirement to deliver an appropriate new development on the site. The responses in this regard appear reasonable. The loss of the cellars does not appear to constitute an adverse impact on the character or setting of the main buildings that are to be retained, in my opinion.

Works proposed to the main structures at Nos. 12 and 13 include: the retention and refurbishment of the existing stairs; internal doors, frames and architraves to be retained and refurbished; refurbishment of existing external sash windows and frames; existing fire gratings/surrounds and mantles to be retained and refurbished; existing granite parapet coping to be retained and refurbished; existing chimney stacks and pots to be repaired, retained and refurbished, and modern WC extensions to be removed and original arched window ope reinstated at the rear of both original dwellings. The upper floors of Nos. 12 and 13 will accommodate hotel bedrooms within the original floor plans and the ground floors will accommodate a business centre in No.13 and a bar in No. 12. The refurbished rear elevations of Nos. 12 and 13 will be visible from within the proposed atrium that runs east-west through the site and from various locations within the new-build hotel (an arrangement not wholly dissimilar to that between the modernist extension to the National Gallery and the rear of heritage buildings fronting onto Clare Street in Dublin 2).

I note the planning authority's detailed condition (No. 5) in relation to architectural heritage conservation. In the event of a grant of permission I would recommend that the Board apply a condition providing for architectural heritage protection in relation to the proposed works.

I am of the opinion that the proposed development broadly complies with the strategic approach, policies and objectives concerning works to protected structures and development within designated Conservation Areas as indicated in Chapter 11 of the Dublin City Development Plan 2016-2022. I am also of the opinion that the proposed development broadly complies with 'The Architectural Heritage Protection Guidelines for Planning Authorities' (DoEHLG 2004).

Having regard to the foregoing, and subject to condition, I am of the opinion that the proposed development will not adversely impact on the architectural heritage of the site. On the contrary, there is some degree of planning gain in that regard. The architectural heritage structures on the site are to be refurbished and brought back into an appropriate use, the historic hotel use on site is to be re-established and the dilapidation/dereliction across this prominent site is to be halted and reversed.

#### 7.8. Traffic & Transportation Matters

A number of concerns have been raised in relation to traffic, transportation and access matters.

The application was accompanied by a Transport Assessment as prepared by MMOS Consulting Civil & Structural Engineers.

The applicant is not proposing any car parking on site. This is a city centre site, in that regard it is well served by alternative sustainable modes of transportation. It is within walking distance of the Jervis Street and Four Courts Luas Stops on the Red Line. This Red Luas Line therefore connects the proposed hotel to the three major transportation hubs serving the city: Connolly Rail Station, Heuston Rail Station and Busaras, which in turn, connect the site to Dublin Airport. As a city centre site it is also well served by numerous Dublin Bus and National Bus services, there is a Dublin Bus stop right outside the proposed front door to the hotel. There are 'pay and display' on-street parking areas in the vicinity of the site and there are also a number of multi-storey car parks within the city centre. In relation to potential impacts arising from the proposed delivery area to the rear off Little Strand Street, I note that the hotel use is well-established at this site (albeit not in operation for several years now) and that there is already a vehicular access off Little Strand Street. The Board should also note that there is a dedicated loading bay along Ormond Quay immediately to the west of the site. The applicant is proposing an indoor bicycle parking for staff accessed off Hamilton Court. Minor changes were

proposed to this bicycle parking area in response to the grounds of appeal and should the Board be disposed to a grant of permission I would recommend that this amended ground floor plan be subject of condition. Likewise, the applicant proposed changes the loading zone on Little Strand Street in that amended layout in response to the third party appeals. I would recommend that any loading zone be agreed with the p.a. by way of condition in the event of a grant of permission. The 'Roads Streets & Traffic Department' of Dublin City Council, in a report dated 05/05/2016, indicated no objection to the proposed development subject to conditions.

Having regard to the foregoing I would not recommend refusal in relation to traffic, transportation, car parking provision or service access.

#### 7.9. Flood Risk

The site fronts onto Ormond Quay on the Liffey. There is a 'Flood Risk Assessment' by MMOS Civil & Structural Engineers, acting for the applicant, on file. It refers to, inter alia, the historical flood event of the River Liffey in 2002, a high tide flooding event. The event equated to a 2.95 m OD Malin Head level. The proposed lower ground floor FFL of the hotel is 2.8 m OD which is below this exceptionally high event of 2002. However, the FRA on file states that the application site did not flood during that previous historical flooding event. The FRA carries out a justification test as per the OPW guidelines as the site is in a 'Zone A' flood zone and the proposed development is classed as 'highly vulnerable'. The FRA on file contains a number of proposed flood protection and mitigation measures at section 4.1. These include, inter alia, retractable flood barriers to be provided to all openings to the rear lower ground floor area where the FFL is 2.8 m OD. The applicant applies the 'justification test for development management' as contained in the OPW guidelines and assesses that the proposal passes the justification tests applicable (ref: section 5 of the FRA). The application of this test by the applicant's agent appears reasonable and robust, in my opinion. It should be remembered that this is a brownfield developed city centre site that already accommodates a hotel and includes basement levels beneath nos. 7-11, 12 and 13. In the event of a grant of permission I would recommend that the applicant agree all flood protection measures and mitigations with the planning authority prior to the commencement of development.

#### 7.10. Appropriate Assessment

A 'Screening Report for Appropriate Assessment of development at the Ormond Hotel, 7-13 Ormond Quay Upper, Dublin 1' as prepared by Openfield Ecological Services was submitted with the application.

This is a proposal to redevelop an existing developed site in the city centre. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and 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.

## **8.0 Recommendation**

Grant permission for the proposed development subject to conditions set out below.

## **9.0 Reasons and Considerations**

Having regard to the Z5 land use zoning objective for the site in the Dublin City Development Plan 2016-2022, other policies and objectives of the Development Plan, and also having regard to the established hotel use on the site, the planning history pertaining to the site, the pattern of development in the vicinity, the site location in the city centre, and proximity to public transportation infrastructure, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not adversely impact upon the architectural heritage on the site or adjacent sites, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, 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 as amended by the further

plans and particulars submitted on the 15<sup>th</sup> day of August 2016 and by the further plans and particulars received by An Bord Pleanála on the 7<sup>th</sup> day of November 2016 and the 21<sup>st</sup> day of February 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

- 2 The proposed south elevation, of the ground to third floors inclusive, of No. 7-11 Ormond Quay Upper shall be as indicated on the drawing titled 'Proposed South Elevation' (drg. No. P2001 by Henry J. Lyons Architects) received by the planning authority on the 24<sup>th</sup> day of March 2016, and not as indicated in the amended south elevation submitted on the 15<sup>th</sup> day of August 2016. The fourth floor/penthouse level shall be as indicated in the plan, sections and elevations submitted on the 15<sup>th</sup> day of August 2016.

**Reason:** In the interests of visual amenity, architectural heritage protection and clarity.

- 3 The ground floor plan shall be as indicated on the drawing titled 'Proposed General Arrangement Plan Ground Floor' (drg. No. P1010 Rev. B by Henry J. Lyons Architects) received by An Bord Pleanála on the 7<sup>th</sup> day of November 2016.

**Reason:** In the interests of sustainable modes of transportation and clarity.

- 4 All works to Nos 12 and 13 Ormond Quay Upper shall be carried out in accordance with the best conservation practice as detailed in the Architectural Heritage Protection Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in December 2004. In that regard, prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority the following:
- (i) Detailed design proposals of the glazed link to the rear of Nos. 12 and 13 Ormond Quay Upper;
  - (ii) Details of the proposed landscaping and alterations to the rear of Nos. 12 and 13 Ormond Quay Upper;
  - (iii) Detailed design proposals of the interface between existing structures to be retained and the new-build elements of the proposed development;
  - (iv) Detailed design proposals for the outline of the former Nos. 8 and 9 Ormond Quay Upper at ground floor level referencing the site's connection with James Joyce's Ulysses;
  - (v) A detailed survey/preservation by record of all structures to be demolished to the rear of Nos. 12 and 13 Ormond Quay Upper, a copy shall be made available to the Irish Architectural Archive;
  - (vi) An inventory of all fixtures, fittings and finishes in the structures to be demolished to the rear of Nos. 12 and 13 Ormond Quay Upper and proposals for the salvaging of materials where feasible;
  - (vii) A schedule of works to Nos. 12 and 13 Ormond Quay Upper which shall address, inter alia, the following: a schedule of remedial works to stabilise the structures; a schedule of works to the front and rear elevations; a schedule of structural works which shall avoid adverse impact and loss of fabric where possible; a schedule of internal finishes including all joinery, plain and decorative plasterwork, fireplaces and staircases; a schedule and layout of all services to Nos. 12 and 13;

(viii) Details of signage, lighting and materials to be used on the facades of Nos. 12 and 13 Ormond Quay Upper, including works proposed to the ground floor sections of the facades of both buildings.

The works to these buildings shall be carried out under the supervision and guidance of personnel suitably qualified in conservation during the progress of the works.

**Reason:** In the interests of architectural heritage protection.

- 5 The hotel shall retain the name of, and operate as, 'The Ormond Hotel', unless otherwise agreed in writing with the planning authority.

**Reason:** To reflect and retain the site's connection with the city's literary culture.

- 6 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 as referred to in the letter from MMOS Consulting Civil and Structural Engineers, dated 14<sup>th</sup> day of February 2017 and received by An Bord Pleanála on the 21<sup>st</sup> day of February 2017.

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

- 7 The glazing to the ground floor level of the hotel hereby permitted shall be kept free of all stickers, posters and advertisements.



**Reason:** In the interests of visual amenities of the area.

- 8 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.

- 9 Details of works to the public realm along Strand Street Little, including pavement protection, kerbs and loading bay layout, shall comply with the detailed standards of the planning authority for such works and shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of amenity and traffic and pedestrian safety.

- 10 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. Details of the proposed flood protection and mitigation measures as referred to in section 4 of the 'Flood Risk Assessment' submitted to the planning authority on the 24<sup>th</sup> day of March 2016 shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of public health and to mitigate flood risk.

- 11 The construction of the development shall be managed in accordance with a Construction Management Plan and a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority

prior to commencement of development. These plans shall provide details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction/demolition waste and the road network to be used by construction traffic.

**Reason:** In the interests of public safety, amenity and traffic safety.

- 12 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

- 13 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.

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Tom Rabbette  
Senior Planning Inspector  
24<sup>th</sup> March 2017