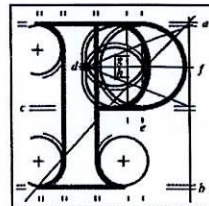


Our Case Number: ABP-313509-22

Your Reference: Dalata Hotel Group Plc



**An
Bord
Pleanála**

Coakley O'Neill Town Planning
NSC Campus
Mahon
Cork City
Co. Cork

Date: 06 July 2023

Re: BusConnects Belfield/Blackrock to City Centre Core Bus Corridor Scheme
Co. Dublin

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter.

Please note that the proposed development shall not be carried out unless the Board has approved it with or without modifications.

If you have any queries in relation to the matter please contact the undersigned officer of the Board. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Sarah Caulfield
Executive Officer
Direct Line: 01-8737287

AA02

Tel	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

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

Strategic Infrastructure Department
An Bord Pleanála
64 Marlborough Street
Dublin 1

6th July 2023

Our Ref: CON23115

RE: SUBMISSION TO BUSCONNECTS BELFIELD/BLACKROCK TO CITY CENTRE CORE BUS CORRIDOR SCHEME, ABP REF: HA29N.313509

A Chara,

We, Coakley O'Neill Town Planning Ltd. of NSC Campus, Mahon, Co. Cork, are instructed by our clients, Dalata Hotel Group Plc. of 3 Arkle Road, Sandyford Business Park, Dublin 18, D18 T6T7, to make this observation to An Bord Pleanála in relation to the proposed BusConnects Belfield/Blackrock to City Centre Core Bus corridor scheme lodged on the 6th May 2022.

Our clients welcome the opportunity to make a further submission to the Board in respect of the National Transport Authority's response (dated 8th September 2022) to their initial submission on the 12th July 2022.

As set out in this initial submission to the Board previously, our clients have a material interest in this application as lands in their ownership fronting onto Merrion Road, comprising the Clayton Ballsbridge Hotel, are identified as being subject to redevelopment and CPO acquisition to facilitate the proposed scheme.

We again wish to highlight that our clients are not objecting to the scheme as a whole. They are very supportive of any scheme that promotes more sustainable forms of transport within Dublin City, which will alleviate the pressure placed on our roads by cars.

However, in their initial submission it was detailed that our clients cannot wholly accept the proposal in its current iteration owing to the potential significant harmful and detrimental impacts it may have on the continued operation of the Clayton Hotel Ballsbridge going forward, in addition to undermining its significant architectural heritage and the protected structure status arising as a result of same.

This remains the case as the National Transport Authority's response to their submission has not resolved the matters raised in any meaningful or material way.

Hereunder we set out their concerns in relation to the published scheme

Introduction

Dalata Hotel Group Plc is Ireland's largest hotel operator, with a current portfolio of 48 three and four star hotels, either owned, leased or managed, with approximately 10,500 rooms. Dalata successfully operate Ireland's two largest hotel brands, the Clayton and the Maldron Hotels across Ireland and the UK, as well as managing a portfolio of partner hotels. The company has 5 operating hotel sites within the jurisdiction of Dublin City Council including the Clayton Hotel Ballsbridge.

Site Location and Description

The hotel the subject of this observation is located in the Ballsbridge area of Dublin, approximately 3.5km to the south of the City centre. It is situated at the junction of Simmonscourt Road and Merrion Road.

The Four Seasons Hotel is situated on the opposite side of Simmonscourt Road, and the British Embassy is located immediately to the south. The RDS Arena is located nearby, along Simmonscourt Road.

The hotel site has a stated area of 0.9ha and comprises a substantial hotel building with a mature landscaped garden fronting onto the adjoining public roads. The main vehicular entrance to the hotel is off Simmonscourt Road and the main pedestrian entrance is off Merrion Road. To the east, on the opposite side of the Merrion Road are residential areas.

The original building on the site, Thomas Prior House, built in the late 1800s, functioned as a school and it is a protected structure under the Dublin City Development Plan (Ref: 5086). The site was most recently redeveloped in the 1980s/1990s which saw it developed as a hotel and entailed major alterations and extensions, including two new bedroom wings and a very substantial underground element. This includes two basement levels of car parking, over which is a part basement floor.

The hotel currently has 341 bedrooms and consists of three principal building elements, all interconnected through corridors; the centrally positioned Masonic Female Orphan School, the school's assembly hall, Thomas Prior Hall, and a modern bedroom wing extension. The footprint of the building creates two courtyards. A mature landscaped area to the front onto Merrion Road contributes to the setting of the buildings.

Planning History

First developed as a hotel in the late 1980s, the site has been subject to a significant number of planning permissions since, the most relevant of which are as follows:

- **Application Reg. Ref: 1232/97:** Conditional planning permission granted to Rhode (Ireland) Limited on the 22nd December 1997 to for apart-hotel development including the demolition of part of existing school building and back wall but preservation of front facades, tower and entire Hall Building in addition to the extensive preservation of existing trees and front lawns together with the erection of new five and six storey extensions. The development was to have a gross floor area of 21,080 sqm and provide 308 Guest Rooms with 179 car spaces to be located underground on two levels. The development to include meeting rooms together with a self-contained private health club of 1,030 sq. metres and restaurant of 440 sq. metres to be located at basement level.

- **Application Reg. Ref: 2125/98, Appeal Case Reference PL.29S.109694:** Conditional planning permission granted to Rhode (Ireland) Limited by An Bord Pleanála on the 19 April 1999 for five storey extension consisting of five additional guest rooms having a floor area of 130sq m to be located at end of rear block at junction with Simmonscourt Road, within previously approved apart-hotel development.
- **Application Reg. Ref: 2126/98, Appeal Case Reference PL.29S.109690:** Conditional planning permission granted to Rhode (Ireland) Limited by An Bord Pleanála on the 19 April 1999 for change of use from leisure centre to twenty one guest rooms and four meetings at lower ground level within previously approved apart-hotel.
- **Application Reg. Ref: 2129/98, Appeal Case Reference PL.29S.109537:** Conditional planning permission granted to Rhode (Ireland) Limited by An Bord Pleanála on the 14th June 1999 for conversion of existing single storey hall for use as Restaurant with associated Basement Kitchen/Service area in lieu of previously sought Guest Rooms, together with 45 additional underground car spaces within previously approved apart-hotel.
- **Application Reg. Ref: 1308/99:** Conditional planning permission granted to Rhode (Ireland) Limited on the 21st July 1999 for the retention of alterations and extensions which occurred during the development of an Apart-Hotel at Thomas Prior House. Extensions to comprise additional floor area of 993sqm and to be located at Basement levels 1 & 2. Works to consist of relocation of car-ramp, reconfiguration of kitchen and plant rooms and loss of 17 car spaces; provision of underground water tank; storage space and additional 6 car spaces; additional 5 car spaces; and minor alterations to new facades on east and south elevations.
- **Application Reg. Ref: 2980/00:** Conditional planning permission granted to Rhode (Ireland) Limited on the 14th December 2000 for retention of five meeting rooms at basement level (ref 2129/98) and retention of two additional basement extensions to accommodate associated stairs and lift shaft providing access to hotel reception area and access to basement car park and directly to the exterior including disabled access, all to originally approved hotel development ref 1232/97.
- **Application Reg. Ref: 2710/08, Appeal Case Reference PL29S.231223:** Conditional planning permission granted to Thomas Prior (Ballsbridge) Limited on the 5th May 2009 for the use of the existing single-storey Thomas Prior Hall as a Hotel Function Room with ancillary private bar with new satellite kitchen and toilet facilities all being part of Bewley's Hotel, protected structure. Condition no.4 of the City Council's permission was modified on the 29th April 2009 by An Bord Pleanála under appeal case reference PL29S.231223
- **Application Reg. Ref: 3565/16:** Conditional permission was granted on the 7th March 2017 for development consisting of: A) The demolition of existing fifth floor pitched roof structures, B) The construction of a two storey extension to the east facing gable end of the northern bedroom wing to provide 4 No bedrooms, C) The construction of a single storey roof top extension on the northern bedroom wing to provide 22 no. bedrooms, D) The construction of a single storey roof top extension to the southern bedroom wing to provide 11 no. bedrooms and E) All associated site and development works.

Local Planning Policy

The relevant statutory development plan which governs the subject site is the Dublin City Development Plan 2022-2028. The site is zoned **Z1 - Sustainable Residential Neighbourhoods**, whose objective is to *protect, provide and improve residential amenities*. The property is identified on the Council's **Register of Record of Protected Structures**. Reference 5086 refers to Thomas Prior House (former Masonic Female Orphan School) and includes its former assembly hall. Extensive policy guidance is provided in relation to the City's built heritage. Of particular note are the following objectives outlined in **Objective BHA2**, where it is the policy of Dublin City Council to:

Development of Protected Structures

That development will conserve and enhance protected structures and their curtilage and will:

(a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.

(b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

(c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.

(d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.

(c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.

(d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.

(e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.

(f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.

(g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.

(h) Have regard to ecological considerations for example, protection of species such as bats

The development plan also notes the following in relation to the curtilage of protected structures:

The curtilage of a protected structure is often an essential part of the structure's special interest. In certain circumstances, the curtilage may comprise a clearly defined garden or grounds, which may have been laid out to complement the design or function.

However, the curtilage of a structure can also be expansive and be affected by development at some distance away.

The Architectural Heritage Impact Assessment submitted with any development proposal should also include an appraisal of the wider context of the site or structure including potential visual impacts on curtilage of a protected structure.

Context of Submission

Our clients have significant interest in the subject application owing to the potential significant negative impact of the scheme and associated CPO on the Clayton Hotel, Ballsbridge on the Merrion Road in Dublin 4, which was proposed to be subject to both permanent and temporary acquisition.

As detailed in their previous submission, the proposed BusConnects scheme seeks permission for the acquisition of land in our clients' ownership. This consisted of a portion of the landscaped garden and iron fencing which fronts onto Merrion Road, as follows:

- 44.6m² of land is to be permanently acquired by the Council under Part 1 of the CPO – **CPO Ref: 1007(1).1c**
- A further 115.1m² is to be temporarily acquired by the Council under Part 2 of the CPO – **CPO Ref: 1007(2).2c**

In making their submission, our clients highlighted their concerns with respect to the proposed works to the front of their property, in addition to the CPO acquisition of these lands. The lands in question provide extensive frontage onto Merrion Road. As a result, it was submitted that the loss of land both permanently and temporarily to accommodate the BusConnects route would have had serious implications for the overall context of the site's existing built heritage character.

The current Hotel sits on a 10-acre site in South Dublin City and consists of 3 principal building elements; The centrally positioned Masonic Female Orphan School, dating from 1881, The school's assembly hall, Thomas Prior Hall (built c. 1891), to the South East and a bedroom wing extension dating from the seventies/eighties when the school was converted to Bewley's Hotel.

As highlighted above, the Hotel is a protected structure (Ref: RPS No. 5086). This extends to the overall curtilage of the site, not just the existing structures, and as such, the preservation of the sites external gardens and boundary fencing carries the same importance as that of the existing buildings. To utilise these land parcels to accommodate the BusConnects scheme would, it was submitted, seriously injure the overall built heritage value of the site as a whole.

Given the built heritage implications, the matter warrants the attention of the Board in their assessment of this application and its associated CPO.

National Transport Authority Response

The NTA responded to the submission made under section 3.2.6: **CPO6 – Dalata Hotel Group Plc.** which was as follows

NTA Response – CPO6

I. Impact on Heritage

The NTA notes the concerns raised in relation to the proposed CPO in this location. The impact of the Proposed Scheme on this property is outlined in Section 16.4.3.1 of Chapter 16 of the EIAR, Architectural Heritage. This Section of the EIAR notes:

“The existing wrought and cast-iron railings and cut granite plinths to the boundary treatment of the former Masonic School, now the Clayton Hotel, Merrion Road (DCC RPS 5086) will be repositioned as a result of a land take to accommodate a new bus lane and cycle lane. The buildings are of Regional Importance and Medium Sensitivity. The Magnitude of the impact is Medium. The potential Construction Phase impact is Direct, Negative, Moderate and Permanent.”

Section 16.5.1.1 of Chapter 16 of the EIAR, Architectural Heritage, further notes:

“Five locations were identified where the Proposed Scheme will directly impact on the boundaries of protected structures during the Construction Phase. These include the boundaries to 155 and 157 Merrion Road (DCC RPS 542 and 542a, odd numbers only), 151 to 153 Merrion Road (DCC RPS 5090, 5091, odd numbers only), the boundary treatment of the former Masonic School, now the Clayton Hotel, Merrion Road (DCC RPS 5086). The boundaries are to be repositioned to accommodate a bus and cycle lane. The pre-mitigation Construction Phase impact is Direct, Negative, Moderate and Permanent. The mitigation is for recording the existing boundaries in position prior to the commencement of construction works. The affected masonry, brickwork, railings, gates, gate posts, capping stones are to be labelled prior to their careful removal to safe storage, and their reinstatement on new lines, reinstating the existing details, and the relationships between the entrances and the historic buildings. Recording is to be undertaken by an appropriate architectural heritage specialist engaged by the appointed contractor. The architectural heritage specialist will oversee the labelling, taking down and reinstatement of the affected gates (which will be widened for safety reasons), the railings, piers, bricks and masonry. Works to historic fabric will be carried out in accordance with the methodology provided in Appendix A16.3 Methodology for Works Affecting Sensitive and Historic Fabric in Volume 4 of this EIAR. With mitigation, the impact magnitude is reduced from Medium to Low. The predicted residual impact is Direct, Negative, Slight and Temporary.”

The submission asserts that the exclusion of this element of the Proposed Scheme (i.e. the proposed land take) would have no material effect on the benefits of the Proposed Scheme.

Its exclusion, however, would result in the inability to provide the required cross section in this area which best meets the need of the scheme and would require the loss of 3 no. mature trees in front of the Clayton Hotel on the R118 Merrion Road. The Preferred Route Option Report, included in the Supplementary Information submitted, outlines the rationale for the proposed CPO in this location, as noted in Section 3.5.3.1 and reproduced below:

"In order to retain as many trees as practicable, a small area of land acquisition is proposed within the grounds of the Clayton Hotel Ballsbridge, Merrion Road, whereby a new footpath and cycle lane is proposed to run behind the existing trees. This would require land acquisition of a portion of the grass frontage and the relocation of the railing of this property which was not previously identified in the EPR Option."

The trees in question have been surveyed and assessed as part of the Arboricultural Impact Assessment Report (AIAR), and have been categorised as follows:

- *An 18m tall mature Lime displaying overall good condition, of Category B2 and with 20+ estimated remaining years;*
- *A 20m tall London Plane displaying overall good condition of category A2 and with 40+ estimated remaining years; and*
- *A 24m tall Horse Chestnut displaying overall good condition of category A2 and with 40+ estimated remaining years.*

During the non-statutory public consultation of the Proposed Scheme, the removal of existing mature trees on Merrion Road was identified as a significant concern among members of the public. As such, in the development of the Preferred Route Option, this feedback was taken on board, and where reasonably practicable, healthy, mature trees were retained. Given the size, maturity and overall quality of these trees, and their contribution to the character of the Merrion Road in this location, the Proposed Scheme has been designed to retain them. The objective to retain these trees has been considered within the context of the impact on the adjacent property and in this case the Preferred Route Option has been to retain these trees. As outlined in the EIAR, the residual impact following mitigation is Direct, Negative, Slight and Temporary.

Response to National Transport Authority

We have reviewed the 'NTA Observations on the Proposed Scheme Submissions and CPO Objections'. We note, at this juncture, that there does not appear to be any material change to the proposed Compulsory Purchase Order, and owing to the potential significant harmful and detrimental impacts it may have on the overall conservation and protected status of their lands, our clients' position remains as set out in their initial submission.

Our clients' note the NTA's acknowledgement that the Proposed Scheme and its associated CPO will have a detrimental impact upon the heritage considerations associated with their lands. Indeed, this recognition has already been set out and established in the EIAR accompanying the planning application.

It is hardly unreasonable to then to consider that the proposed scheme runs contrary to the Guidelines for Planning Authorities on Architectural Heritage Protection and the policies and objectives relating to same in the Dublin City Development Plan, 2022 on the basis that it will have an undue negative impact upon the Protected Structure and its surrounding curtilage on the site.

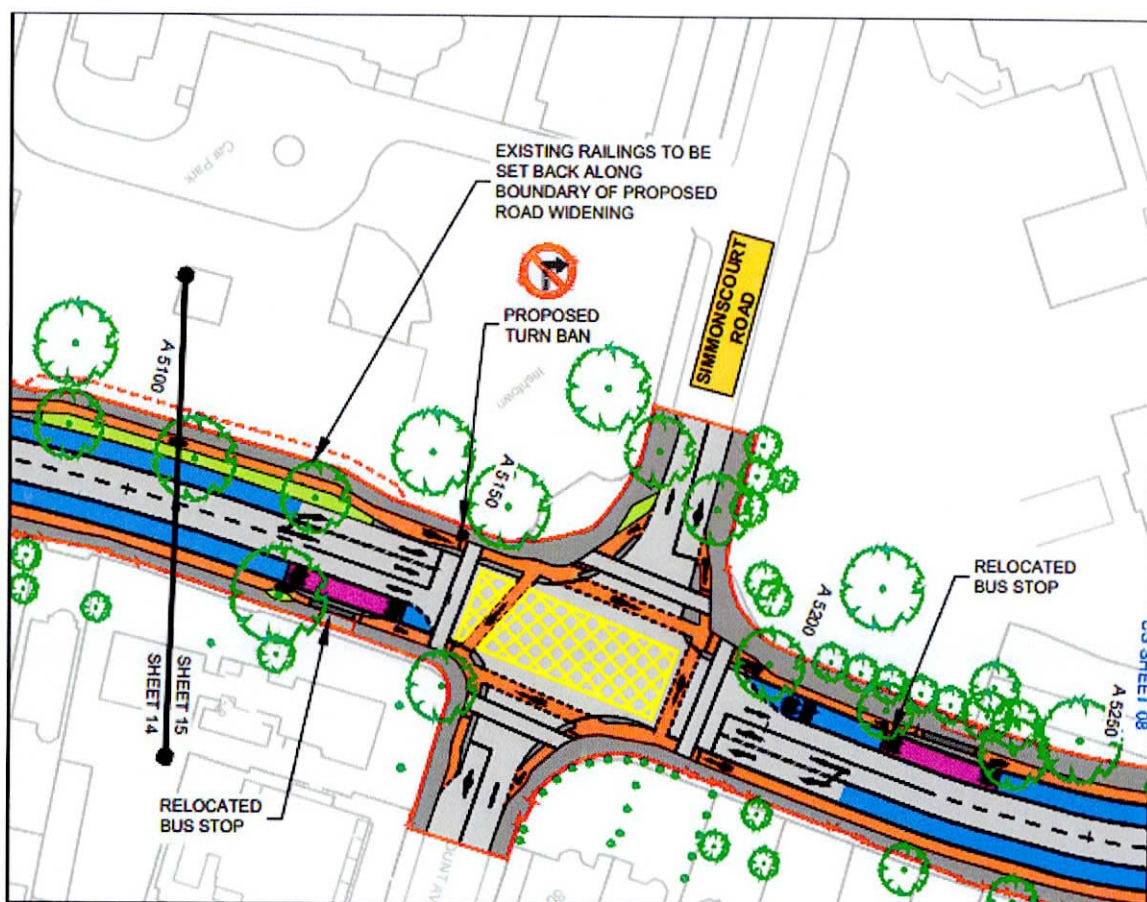
Appendix A16.2 Inventory of Architectural Heritage Sites in Volume 4 of the EIAR details the built heritage significance of the Thomas Prior House which was constructed in 1882. The site is noted for its Architectural, Artistic Technical, Scientific and Social Categories of Special Interest.

As detailed above, the protected status of the Thomas Prior House extends to its external gardens and site boundary, which in this instance are the existing wrought and cast-iron railings and cut granite plinths which provide extensive frontage onto the Merrion Road. Their conservation and protection carries the same weight as that of the masonry buildings on site. Furthermore, Dublin City Development Plan policy has specific regard for the curtilage of protected structures in **Objective BHA2**.

Essentially, the NTA's response clarifies that a decision has been made to put a greater emphasis on the preservation of the 3no. existing trees which are located to the front of the site boundary along the Merrion Road rather than preserving the existing protected structure as is.

This approach, it is stated, is a response to feedback from members of the public during the consultation period. It is not clarified if these specific trees were the subject of concerns, or whether the feedback related to the general preservation of trees along the entire BusConnects route.

Nonetheless, the proposal here is to retain the 3no. trees and move the railings to push the proposed footpath and cycleway into the curtilage of the protected structure, as illustrated below in an extract from the scheme's drawings, Drawing No: BCIDC-ARP-GEO_GA-1415_XX_00-DR-CR-0015, Sheet 15 of 24, Rev M01.



It is submitted, that the NTA's response to our client's submission, misjudges and underestimates the significance of the impacts arising on the protected structure and its surrounding curtilage and instead places too great an emphasis on the preservation of the 3no. trees at this location.

In our view, the relocation of the site boundary and the associated iron railings and granite plinths has a more detrimental planning impact than the removal of 3no. trees in the context of the uniqueness of the protected structure and the general large quantity of trees in the immediate area, including within the curtilage of the site, the vast majority of which are to be retained.

We acknowledge that the preservation of trees is important in the context of the ongoing push to tackle climate change in our cities. The EIAR is comprehensive in this regard in detailing the extent of trees which are to be preserved and which are to be removed. Yet, in respect of our clients' site, it is submitted that the removal of the 3no. trees to the front will be less impactful than the removal and relocation of their site boundary.

Therefore, contrary to the NTA's view, it is our submission that it is not reasonably practicable to retain these trees as such retention would result in an entirely avoidable negative and permanent (not temporary) impact upon the built heritage of a designated protected structure, which itself is an important element of the existing character of the area.

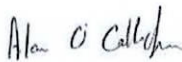
We respectfully ask the Board to reach the same conclusion; to exclude this element of the scheme and therefore dismiss any necessity for compulsory purchase of our clients lands.

It is still submitted that the exclusion of this element of the scheme will have no material effect on the benefits of the proposed BusConnects scheme and would not in any way undermine its overall objective of facilitating sustainable transportation in the city, which, it must be pointed out, should be properly achieved without undue negative impacts upon the architectural heritage of surrounding properties.

For these reasons, our clients wish to state their continued objection to the CPO acquisition put forward by the National Transport Authority in respect of their lands.

Please forward all correspondence in relation to this observation this office.

Is Mise le Meas,

A handwritten signature in black ink, appearing to read "Alan O'Callaghan".

Alan O'Callaghan
Assistant Planner
Coakley O'Neill Town Planning Ltd.