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**With reference to the disposal of 28 Abbey Street & 109 Marlborough Street, Dublin 1  
to Robert McCarthy and Michael McCarthy**

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Dublin City Council acquired 28 Abbey Street & 109 Marlborough Street, Dublin 1 (formerly The Plough Public House) in 2017 as 109 Marlborough Street is a protected structure and after years of neglect it was in a derelict condition and infested with rodents and pigeons. The property comprises two interconnecting four storey over basement buildings and since acquiring it the Council has cleaned out the property and made roof and wall repairs to prevent further pest ingress. Currently the building is only accessible using full P.P.E and there remains some water ingress from the roof.

In January 2020 the property was brought to market through a tender process. A number of submissions were received and Robert McCarthy and Michael McCarthy were the successful tenderer based on the specified award criteria for the competition including; Professional team and the inclusion of conservation architects, Financial offer, Proposed use and Previous conservation experience.

Robert McCarthy and Michael McCarthy (The Tenderer) propose refurbishing the property to provide a single ground floor and basement retail unit together with self-contained residential units on the upper floors.

Report of the Assistant Chief Executive No.352/2020 presented to the City Council on 7<sup>th</sup> December 2020 outlined a set of criteria for assessing the suitability of disposing of selected council owned sites and properties. The proposed disposal of 28 Abbey Street Lower and 109 Marlborough Street was assessed in accordance with the criteria and the required reports are attached.

The reports conclude that the proposed disposal meets the criteria as outlined. Therefore, it is now proposed to dispose of the building at 28 Abbey Street and 109 Marlborough Street, Dublin 1 to Robert McCarthy and Michael McCarthy (The Tenderer), subject to the following terms and conditions, which the Chief Valuer has recommended as fair and reasonable:

1. The property is shown outlined in red on Map Index No.SM-2020-0564.
2. The consideration shall be the sum of €550,000 (five hundred and fifty thousand euro) plus VAT in full and final settlement, payable as follows:
  - a 10% deposit on the signing of the contract, which must be within one month of receipt of the contract.
  - b 40% payable on the grant of planning permission.
  - c 50% balance to be paid on the transfer of title.Interest at the rate of 12% per annum shall apply to outstanding amounts.
3. A shared pedestrian Right of Way for adjoining buildings exists between the subject property and Harbour Court, shaded yellow on the attached Map Index No. SM-2020-0564.

4. The Council shall be prepared to dispose of its freehold title or equivalent. Title to the subject property shall be transferred on Practical Completion of the approved development, as certified by the City Architect.
5. The contract must be signed and the deposit paid by the successful tenderer within 1 month of receipt of the contract.
6. The successful tenderer shall be permitted access to the property upon the signing of contracts via an emergency works licence to complete any works required to seal the roof and prevent further deterioration of the property. These emergency works will be carried out in consultation with Dublin City Councils Conservation Architect. Only emergency works exempt from planning permission will be permitted.

All other works shall be completed under a building licence on receipt of planning permission.

All costs of the emergency works will be borne by the successful tenderer and no compensation shall be paid by the City Council in the event of subsequent planning permission being refused, or granted subject to onerous conditions.

7. The successful tenderer must lodge a planning application based on their tender submission; to comprise a retail unit at basement and ground level and self-contained residential units above
8. The planning application must be lodged within two months of signing the contract and a letter of consent to apply for planning permission will be provided. If a planning application is not lodged, the deposit will be returned (without payment of interest).
9. The successful tenderer shall be allowed two opportunities to submit a planning application to Dublin City Council and, if necessary, an appeal to An Bord Pleanála. All planning application related costs to be borne by the successful tenderer.
10. If planning permission for a development is either refused (by Dublin City Council or An Bord Pleanála), or granted subject to conditions which the successful tenderer considers onerous, then either party may rescind the agreement within four weeks of the refusal or final grant of planning permission without penalty or compensation due to the other party.

In those circumstances, the deposit will be returned (without payment of interest). Both parties must act reasonably in this regard.

11. The successful tenderer must commence work at the property under a building licence from the City Council within three months of the date of final grant of planning permission
12. That Dublin City Council Housing Department shall have first option on purchasing at an agreed market value (with provision for the appointment of an independent expert in the event of a dispute), all residential units developed at the premises
13. That the Building Licence will be for a duration of fifteen months.
14. All property investigations including archaeological investigations, ground works, service connections, planning fees, development and associated professional costs incurred in the delivery of the completed development at the property shall be paid by the successful tenderer.

15. In the event of the successful tenderer failing to commence and/or complete the building works in accordance with the planning permission, the Council shall be entitled to re-take possession of the building.

In this circumstance, any monies paid to the Council shall be forfeited.

16. The successful tenderer shall ensure that all necessary safety precautions are taken in accordance with Health & Safety Regulations and all other statutory requirements.
17. From when the contracts are signed until title is transferred, the successful tenderer will insure the property against fire and all other insurable risks with an approved insurance company and pay all necessary premiums. The insurance shall be in the joint names of the successful tenderer and the City Council and will be for such an amount as will provide cover for full reinstatement value of so much of the building as is erected at any time together with a sum for Professional Fees and removal of debris charges. The successful tenderer's financial institution may be a mentioned party on this insurance policy.
18. The successful tenderer shall take out and produce Public Liability Insurance in the sum of €6.5m and Employers Liability Insurance in the sum of €13m. Such policies shall indemnify Dublin City Council in name against all liability as owner of the property.
19. The purchaser shall not without the prior written consent of the Council assign, charge, or create any security interest over the proposed development.

The disposal to the successful tenderer shall not be capable of transfer or assignment or mortgage/charge save in the case of a financial institution which has entered into a facility arrangement or other form of security with the successful tenderer for the purposes of financing the development.

20. That any dates/time frames outlined above may be extended by the Executive Manager at his absolute discretion and all notices must be given in writing
21. Each party shall be liable for their own fees incurred in this transaction.

The premises was acquired from John Bermingham in 2017.

This proposal was agreed to by the Central Area Committee at its meeting on the 8<sup>th</sup> June 2021.

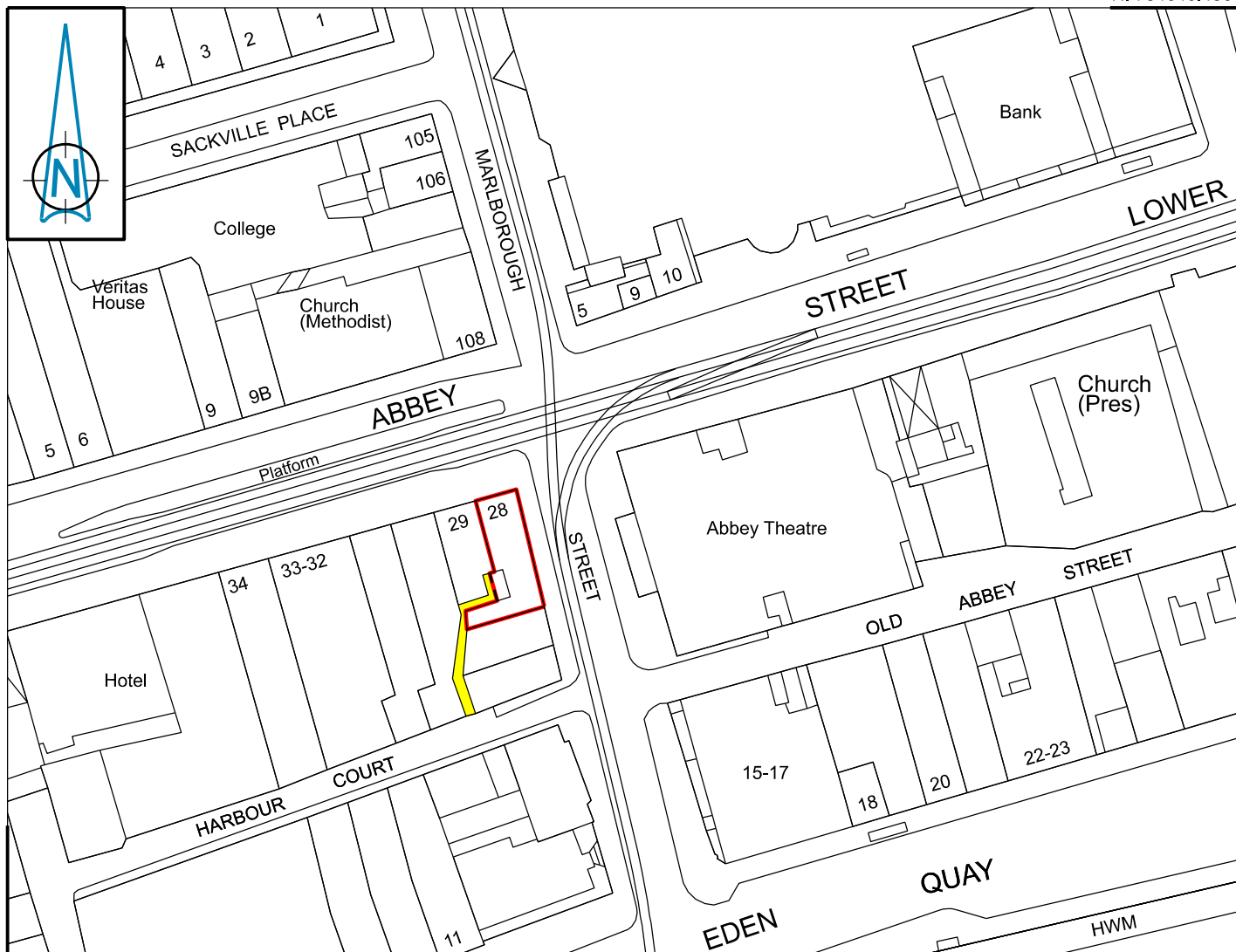
The agreement shall contain such other covenants and conditions as deemed appropriate by Dublin City Council's Law Agent.

No agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

**Resolution:**

That Dublin City Council notes the contents of Report No. 209/2021 and assents to the proposal outlined therein.

**Richard Shakespeare**  
**Assistant Chief Executive**  
**17<sup>th</sup> June 2021**



N: 734496.488

ABBEY STREET LWR No. 28 & MARLBOROUGH STREET No. 109

Dublin City Council to Robert & Michael McCarthy

Disposal of Council's Interest

NOTE: Right of Way over area coloured yellow



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

An Roinn Comhshaoil agus Iompair  
Rannán Suirbhéireachta agus Léarscáilithe  
Environment and Transportation Department  
Survey and Mapping Division

O.S REF

3264-01

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DATE

28-10-2020

SURVEYED /  
PRODUCED BY

T. Curran

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DUBLIN CITY COUNCIL FROM ORDNANCE SURVEY DIGITAL MAPBASE

SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED

THOMAS CURRAN

ACTING MANAGER LAND SURVEYING & MAPPING  
DUBLIN CITY COUNCIL

**Dr JOHN W. FLANAGAN**

CEng FIEI FICE  
CITY ENGINEER

**INDEX No.**

**SM-2020-0564**

Meeting: 05/07/2021

With reference to the proposed disposal of 28 Abbey Street Lower and 109 Marlborough Street in accordance with the criteria for disposing of City Council sites/properties

The criteria for disposing of city Council owned sites/properties has been agreed with the Planning and Urban Form SPC and the elected members of the City Council. It is now proposed to dispose of 28 Abbey Street Lower and 109 Marlborough Street as it has met the criteria as demonstrated below:

**1. Site description:**

- a. 28 Abbey Street Lower & 109 Marlborough Street, Dublin 1 comprising the properties formerly known as “The Plough Pub”.  
No. 109 Marlborough Street is a Protected Structure.
- b. The property is shown outlined in red in the figure below and on Map Index No.SM-2020-0564 attached.



Figure 1: 28 Abbey Street Lower and 109 Marlborough Street

**2. Site Context:**

- a. Corner development situated in Dublin's north city centre
- b. Two interconnecting four storey over basement buildings formerly known as The Plough Public House
- c. Located opposite The Abbey Theatre at the junction with Abbey Street Lower and Marlborough Street, 200 metres from O'Connell Street.
- d. Ground floor approx. 121 sqm with frontage to both Abbey Street Lower and Marlborough Street.
- e. Entire building approx. 585 sqm.

**3. Planning Status:**

The property is located in an area zoned objective Z5, in the Dublin City Development Plan 2016- 2022. This land use zoning is designed to “*To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*”.

**4. LAP or SDRA or Framework Plan:** **No**  
NA

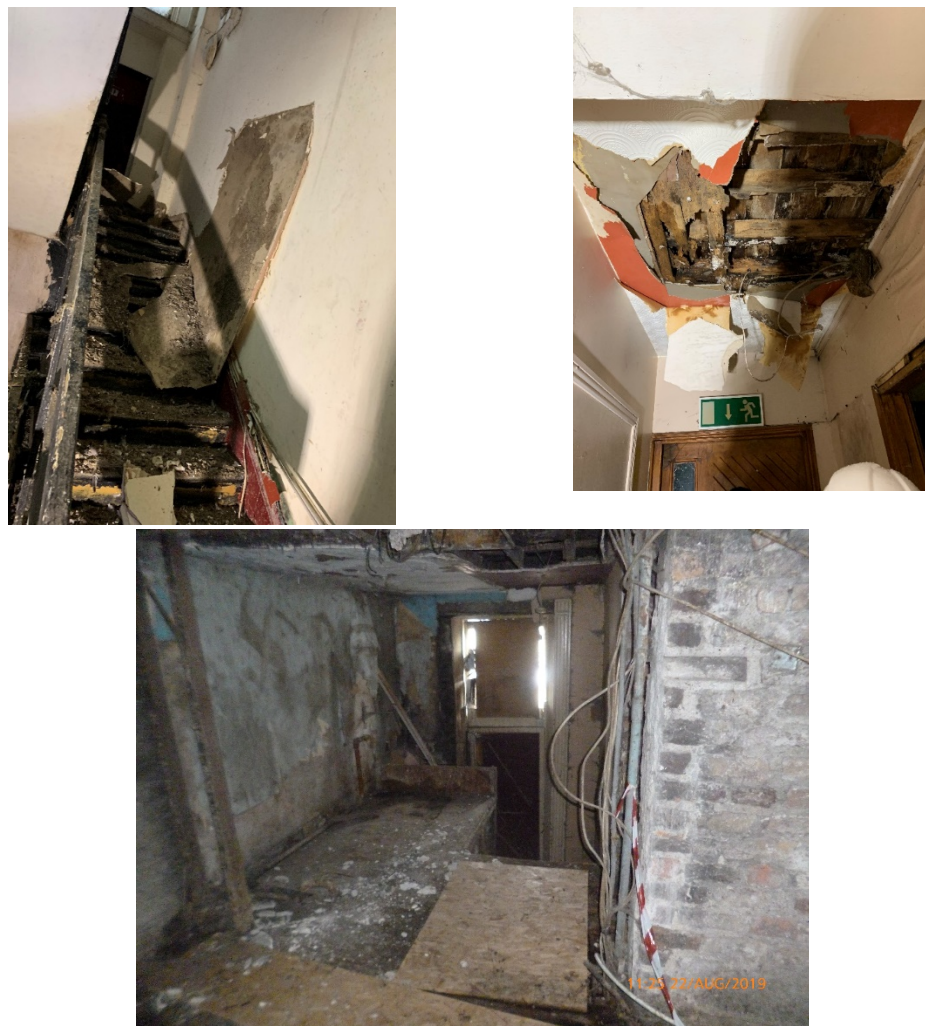
**5. Site Condition:**

The property was in a derelict condition, boarded up and infested with rodents and pigeons when acquired in 2017.

In 2018 the Council spent approximately €70,000 on the removal & disposal of loose furniture & material, extensive clearing and disposal of pest infestation by specialist contractors. In addition, steel floor supports and roof and wall repairs were carried out to prevent further pest ingress. The works stopped short of carrying out repairs to the roof of the building which was in poor condition and leaking in many places.

The works allowed the Estate Agent appointed by Dublin City Council, to carry out controlled viewings in the building. When bringing the property to market in December 2019 it was apparent that further deterioration of the property had occurred with collapsing internal ceilings and some water ingress from the roof. *Figure 2.*

The building is currently only accessible using full P.P.E.



*Figure 2 Internal images, August 2019*

## 6. Site Constraints:

### a. Access:

A shared pedestrian Right of Way for adjoining buildings exists between the subject property and Harbour Court, shaded yellow on the attached Map Index No. SM-2020-0564

### b. Services: NA

### c. Other: NA

## 7. Valuation of site: (Provide range)

Open Market Value: €550,000

## 8. Site Capacity/Development Potential

Is the site considered suitable/viable for Housing Y

**Reasons:** The proposed purchasers intend developing self-contained residential units on the upper floors.

Is the site considered suitable for Commercial Development Y

**Reasons:** The proposed purchasers intend reinstating the ground floors and basement to retail use.

Is the site considered suitable/viable for Community use N

**Reasons:** The Central Area Office is of the opinion that the local area is currently well served with a number of former retail units given over to community use.

## 9. Proposed Use for site and rational for recommending same.

In January 2020 the property was brought to market through a tender process. Five submissions were received and were marked on: Development Proposal (Professional team, Conservation Architect, RPS experience); Financial offer, Experience (previous properties purchased & restored); and Proposed Use.

Robert McCarthy and Michael McCarthy were the successful Tenderer. The successful Tenderer proposes a refurbishment and restoration of the buildings for residential use on the upper floors and retail use at ground and basement levels with an estimated spend of over €1.65million. This will ensure the refurbishment and return of the protected structure to beneficial use and will provide necessary residential units and a retail offering which will benefit this part of the city.

**10. Assess whether and to what extent the monetary benefit to the council from disposing of the site outweighs the long-term social and economic benefit foregone in terms of the necessary development of housing and other public uses.**

Whilst the Council shall receive a consideration of €550,000 for the disposal of this property, the Council shall also benefit from long-term social and economic benefit as the Council's Housing Department shall have first option on either leasing the units under the Long Term Leasing Scheme or acquiring the units. In addition the successful Tender proposes an estimated spend of over €1.65 million on the refurbishment and restoration of the buildings with up to 6 new residential units on the upper floors. The successful Tender also proposes retail use at ground and basement levels which will increase shopping footfall in the area and bring about the restoration of a protected structure, No. 109 Marlborough Street.

Reports from the following accompany this report:

Housing Manager

Chief Valuer

City Architect

City Planner

Area Manager

**Conclusion:**

Therefore, it is now proposed to dispose of the building at 28 Abbey Street and 109 Marlborough Street, Dublin 1 to Robert McCarthy and Michael McCarthy, as it has met the criteria as demonstrated above and subject to the terms and conditions, which the Chief Valuer has recommended as fair and reasonable.

Richard Shakespeare

01/04/2021

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**Richard Shakespeare**  
**Assistant Chief Executive**

**Date**



## **Proposed Disposal of 28 Abbey Street & 109 Marlborough Street, Dublin 1.**

### **Area Managers Report:**

**2/3/21**

The former Plough Public House once occupied a prominent position as a licensed premises on lower Abbey Street, Dublin 1.

This public house and music venue was located directly across the road from another notable premises (The Flowing Tide) and was well frequented by both locals and traditional music enthusiasts from across the city.

Unfortunately the premises has fallen into a state of dilapidation and now only acts as a blight on the local landscape. The perception of wider dereliction is further compounded by the fact that the premises in its current state sits adjacent to Irelands National Theatre, The Abbey Theatre and overlooks a main City Centre Luas stop.

Any redevelopment of these premises is welcome in the context of the wider plan that the Central Area Office is working on to improve the public realm in Dublin's North East Inner City.

The Central Area Office carried out a site visit to the buildings in early 2020 to review what future uses could be attainable from this prominent city centre location. We reviewed its suitability in terms of retail offering via a social enterprise or not for profit community uses.

This office is of the opinion that the local area bounded by lower Abbey Street is well served with a number of former retail units given over to community use.

We believe because of the premises location on a main city centre artery and being so well served by public transport that retail use is of utmost benefit to the North City and local communities.

The proposal set out here to develop ground floor/basement retail use will increase shopping footfall in the area and increase passive safety by increased movement by those shopping/browsing in the street.

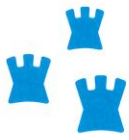
This office would also welcome the proposal to deliver self-contained residential units on the upper floors.

This element of the refurbishment supports our endeavours to deliver on liveable city centre streets that can help create a vibrant inner city promoting neighbourhoods and sociability particularly at evenings and weekends.

Therefore my recommendation to the members is that we dispose of said properties in line with the recommendation set out by our Development Department.

**Karl Mitchell**

**Central Area Manager**



## Proposed Disposal of 28 Abbey Street & 109 Marlborough Street, Dublin 1.

I refer to the proposed disposal of the above properties and would comment as follows:-

This four storey building is prominently located at the corner of Abbey Street and Marlborough Street, opposite the Abbey Theatre and in its present dilapidated condition projects a poor image of the area and represents a gross underuse of city centre accommodation.

The proposed disposal for retail with potentially up to 6 new residential units above, would not only provide much needed homes in the heart of the city centre, but would enliven the street frontage and bring about the long term restoration of a protected structure, thereby contributing to the build heritage of the North East Inner city. For all these reasons the proposed disposal complies with the Z5 zoning objective of the City Development Plan to consolidate the development of the Central Area, and to protect its civic design character and dignity. In addition the proposed disposal is supported by the Living City Initiative and Living over the shop policies.

The City Development Plan also contains policies (e.g. QH6) to encourage a variety of housing in order to improve tenure diversity and help achieve a more socially inclusive city, and the proposed disposal in the context of the NEIC presents an opportunity in this regard.

Regards

John O'Hara

John O'Hara | City Planning Officer | Head of Land Use Policy |

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# MEMO

## MEAMRAM



City Valuers Office, Development Department,  
Civic Offices, Wood Quay, Dublin 8

Oifig Luachálaí na Cathrach, Roinn Forbartha  
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8  
T. 01 222 2112 F. 01 222 2682 E. [cityvaluersoffice@dublincity.ie](mailto:cityvaluersoffice@dublincity.ie)

Please Quote: Our Ref: LB/109/16

3<sup>rd</sup> March 2021

Paul Clegg,  
Executive Manager,  
Planning and Property Development Department

**Re: Proposed Disposal of Nos 28 Abbey Street and 109 Marlborough Street, Dublin 1.  
Rejuvenation of North Inner City Dublin – Abbey Theatre District.**

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With regard to the above matter, I would advise as follows:

Nos 28 Abbey Street and 109 Marlborough Street are prominently located at the intersection of two Luas Lines – the Luas Cross City and Red Lines – and face the main entrance of the Abbey Theatre.

Despite their high-profile location, the subject properties have been boarded since 2014 and vacant for longer, detracting in a material way from the area. The City Council identified the properties as meeting a threshold for direct intervention and at that time the Abbey Theatre also expressed an interest in utilising the buildings when refurbished. Since acquiring the properties in 2017, the Council has undertaken significant expenditure to secure the structural stability of the properties, providing intermediate repair works to the roof to prevent water ingress, the appointment of a pest control company following an infestation of pigeons and rodents, as well as professional agent and surveyor fees for the proposed disposal of the properties.

Despite the emergency works completed, their structural condition has continuously deteriorated in recent years and the properties provide a serious financial risk and burden to the Council. They remain in very poor condition and their unsightly frontage detracts from the visual quality of the streetscape, particularly as they are located across the road from the Abbey Theatre. Their proposed refurbishment will provide a much needed uplift to both Abbey Street and Marlborough Street. In particular, No. 109 Marlborough Street, being listed on the Record of Protected Structures, amplifies the necessity for its restoration and return to active use.

Their rejuvenation will also prove complementary to the development of the nearby Clery's Quarter, a major mixed-use scheme set to transform the former department store to grade-A office, prime retail, panoramic rooftop restaurant, tea-rooms and a 4-star hotel. This development is due for completion in 2022 and aims to restore O'Connell Street as one of the city's principal thoroughfares and will provide a significant increase in footfall of workers, shoppers and tourists to the area.

If the property remains in its current derelict state, its deteriorating structural condition in a prime location will only serve to highlight this issue further, against the backdrop of regeneration in the surrounding area. Their refurbishment would result in improving the attractiveness of the existing retail units and cafes along Abbey Street and Marlborough Street, and provide an additional retail unit(s).

The proposed purchaser has already undertaken preliminary discussions with the Pharmacist on Eden Quay for a possible relocation opportunity, subject to agreement.

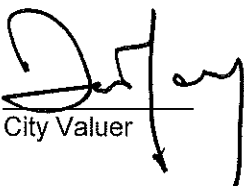
The upper floors of this property are to be refurbished back into residential use following an extended period of vacancy which promotes the Council's objective for living over the shop. The terms agreed with the proposed purchaser ensure the Council's Housing Department shall have the first option of either leasing the units under the Long Term Leasing Scheme or acquiring the units. The residential units will enhance the vibrancy of the property and will contribute to the evening and weekend economy of the surrounding area.

In January 2020 the City Valuer's Office, together with Lisney Chartered Surveyors, brought the property to the market. Following a detailed tender process and assessment of submissions, Robert McCarthy and Michael McCarthy were the successful tenderers based on the specified award criteria for the competition, taking account of their professional team and conservation architect; financial offer; proposed use; and previous conservation experience. The McCarthy's have a proven track record with the Council following the successful redevelopment of Mount Argus monastery in Harold's Cross for the Dublin Regional Homeless Executive.

The City Valuer's Office is of the opinion that the price agreed of €550,000 reflects the open market value of the building and together with the terms and conditions, recommends this for acceptance.

In addition to the purchase price, the proposed purchaser has committed to spending over €1.65million in its refurbishment and restoration. This will be a major and very impactful investment in the area, providing a significant economic boost post Covid. As this property comprises buildings only, there is no valuation figure relating to any adjoining development or development site.

Should you have any further queries please do not hesitate to contact Laura Bourke at ph. 087 2227998 or email [laura.bourke@dublincity.ie](mailto:laura.bourke@dublincity.ie) or David Garvey at ph. 222 2112 or email [david.garvey@dublincity.ie](mailto:david.garvey@dublincity.ie).

  
City Valuer



# Memo

Rannóg Ailtire na Cathrach  
Seirbhísí Tithíochta agus Pobal  
Oifigí na Cathrach, An Ché Adhmaid, BÁC 8

City Architect's Division  
Housing and Community Services  
Civic Offices, Wood Quay, Dublin 8

T: +353 (1) 222 3527 F: +353 (1) 222 2084

16/03/2021

**Re: City Architect Assessment on Condition Report of Proposed Property Disposal.**

**Property/Site: The Plough, 28 Abbey Street Lower and 109 Marlborough Street, Dublin 1**

CA file reference: CA19037 The Plough, Abbey St

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City Architects has been advised of the proposal made to dispose of this property.

This report describes the property's condition set out in a 2018 building inspector report following an inspection of the property at that time.

## **Site Condition (1<sup>st</sup> February 2018)**

The building was found to be in a 'very poor' condition with 'various health & safety issues'. The inspection was a non-invasive survey and the inspectors could not comment on condition of any building elements or works that may have been concealed.

Many areas of the building at upper levels were inaccessible due to poor structural condition, with *'flooring in a lot of places...either rotten and in some cases missing'* and with some enclosed rooms locked without key.

A large ope was noted as having been formed through a chimney on an upper floor which was not supported. Photographic record indicated some internal party walls had been crudely cut away and remnants left unsupported. The inspector report noted that works may have been done in recent times to *'possibly support'* basement walls *'as the luas lines runs very close to the building'*. The inspector report made recommendation that a structural engineer assess the building before any works would be carried out.

The inspector noted that *'there are a number (of) places on the upper floors that daylight can be seen in the roof, that would suggest that slates have either slipped or are missing'* and that *'this is allowing a lot of rain water into the building'*.

The inspector report stated that *'there is an infestation of pigeons in the building, and droppings covering all of the upper floors and stairs'* with a *'large number of plastic bags containing bird droppings stored throughout the building'*.

The rear steel escape stairs was determined by visual inspection to be unsafe for use.

## **Record images**

See below a sample of recorded images taken by building inspectors on date of inspection 1<sup>st</sup> February 2018.



*Figure 1 - Ceiling debris and previous tenant waste within public house.*



*Figure 2 - Temporary supports applied to basement level external walls.*



*Figure 3 - Upper level rooms in poor condition and spoiled with pigeon droppings.*



*Figure 4 - Upper level rooms in poor condition and spoiled with pigeon droppings.*

### **Conclusion:**

This property was determined by building inspectors at time of inspection on 1<sup>st</sup> February 2018 to be in a 'very poor' state. As some time has elapsed since this inspection occurred it is likely that further decay has occurred to the property.

**Ali Grehan**  
**City Architect**



# Memo

Seirbhísí Tithíochta agus Pobal  
Oifigí na Cathrach, An Ché Adhmaid, BÁC 8

Housing and Community Services  
Civic Offices, Wood Quay, Dublin 8

T: +353 (1) 222 6114

25/01/2021

**Re: Housing Supply Management Report on Proposed Property Disposal.**

**Property/Site: The Plough, 28 Abbey Street Lower and 109 Marlborough Street, Dublin 1**

I refer to the proposed disposal of the above property and wish to confirm the Housing Department's interest in having the first option on leasing or acquiring all residential units developed on the premises, subject to planning and all other statutory approvals.

Securing residential units in this development would provide much needed housing in this area.

Yours faithfully



Dymphna Farrell  
Senior Executive Officer

It is concluded that this prominent corner building needs to be restored and brought back into active commercial and residential use at the earliest opportunity, and that the proposed disposal supports this objective.



Brendan Kenny  
Assistant Chief Executive