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**Addition of the 19<sup>th</sup> century ground floor façades of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, to the Record of Protected Structures in accordance with Sections 54 and 55 of the Planning and Development Act, 2000 (as amended).**

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**Photograph of Structure**



**Procedure Followed**

In accordance with the procedures set out in Section 54 and 55 of the Planning and Development Act, 2000 (as amended), Dublin City Council indicated its intention to add the 19<sup>th</sup> century ground floor façades of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, to the Record of Protected Structures (RPS), as follows:

- A report on the proposed addition of the structure was brought to the Central Area Committee on 12<sup>th</sup> April 2022 where the elected members noted the proposal to initiate the procedure to add it to the RPS.
- The proposed addition was advertised in the Irish Independent on Thursday, 7<sup>th</sup> July 2022 and on the Dublin City Council website. The public display period was from Thursday 7<sup>th</sup> July to Friday 19<sup>th</sup> August 2022 inclusive.

**Request and Reason for Addition**

- The Elected Members of Dublin City Council at the monthly council meeting held on 8<sup>th</sup> June 2015, passed a motion put forward by Councillor John Lyons (Motion 44): *“That the following 1916 Buildings, identified in the Franc Myles Battlefield Report, commissioned by Shaffrey Associates on behalf of Chartered Land, be added to the list of protected structures as buildings of National historical importance. 1 .O'Brien's Mineral Water Building, Henry Place - Occupied by volunteers. 2 .The White House, Henry Place - Occupied and held by Michael Collins. 3. No.10 Moore Street - Point of entry -The First Council of War - Overnight stay. 4. The Bottling Stores rear. 10 Moore*

*Street and Moore Lane - Occupied by Frank Henderson. 5. Hanlons, 20/21 Moore Street - Surrender order accepted by volunteers after consultation with Thomas Clarke, Joseph Plunkett, Michael Collins and Sean Mac Diarmada”.*

#### **Location and Land Use Zoning**

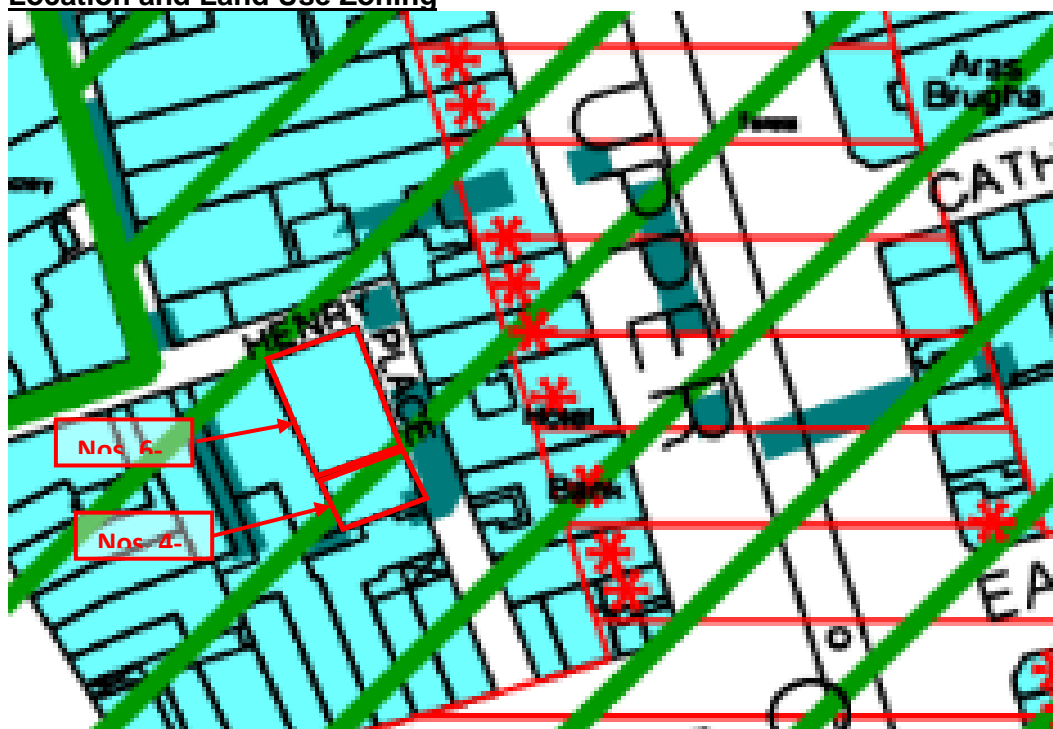


Fig. 1: Site Location and Land Use Zoning

4-8 Henry Place is zoned Z5: “To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”, in the Dublin City Development Plan 2016-2022.

This premises comprises two structures; Nos. 6-8 Henry Place, located on the corner where Henry Place changes direction from south-to-north to an east-west direction, and Nos. 4-5 Henry Place situated immediately to the south of Nos. 6-8 on the south-north axis, closer to Henry Street (see Fig. 1).

#### **Architectural Conservation Area**

4-8 Henry Place is located within the O’Connell Street Architectural Conservation Area (2001); shown in diagonal green-coloured cross hatch on Fig. 1, above.

#### **Relevant Planning History**

Ref No.	Description	Decision
6271/05	Planning Permission is being sought by Seoul Tofu Ltd., for retention of change of use of part ground floor (289sqm) from theatre to ethnic retail outlet, including retention of signage and proposed erection of wall mounted hanging sign, all at Han Yang Asian Market, 6-8 Henry Place, Dublin 1.	Grant Permission: 22/02/2006
2479/08	<b>Description has been abbreviated</b> 7 year permission for development at an overall site of c 2.17 hectares, at nos 40-41, 42 (a protected structure), 43 (a protected structure), 44 (a protected structure), 45-51, 52-54 (protected structures), 55-56, 57 (a protected	Grant Permission on appeal per PL29N.232347: 24/03/2010

Ref No.	Description	Decision
	<p>structure), 58 (a protected structure), 59, 60 (a protected structure) and 61 (a protected structure) and 60a (otherwise 5 Henry Place) O'Connell Street Upper, Nos 37-41a Henry Street, nos 1-13, 14-17 (protected structures and a national monument) and 18-25 Moore Street, nos 71 and 71a Parnell Street, nos 1-8 O'Rahilly Parade, nos 1-15 Moore Lane, Nos 4-13 (including 3 Moore Lane) and 15-18 Henry Place, nos 6-8 at the junction of Henry Place and Moore Lane and including Clarkes Court off Moore Street, Moore Place off Henry Place, Murphys Court off Moore Lane, part of Moore Lane from the junction of Henry Place and Moore Lane to the junction of Moore Lane and O'Rahilly Parade and part of Henry Place from the junction of Moore Street and Henry Place to the rear of no. 61 O'Connell Street Upper (a protected structure), Dublin 1.</p> <p>The proposed development has a gross floor area (GFA) of 158,026sqm; including 109 no. retail units and an anchor store, 110 no. retail units in total (c 56,155sqm); 17 no. cafe/restaurant/bar units (c 5,372sqm); 108 no. residential units; office space (c. 2,893sqm); a gallery (c. 903sqm); a visitor attraction or 'Sky Lift', viewing deck and ticketing area (c. 435sqm); a drop in facility (c. 157sqm); a commemorative centre (c. 268sqm), an assembly hall (c. 320sqm); 2no. new public streets, 3 no. public spaces at street level, a roof garden (c1258sqm); an outdoor performance space (c263sqm); communal residential open space, (c2554sqm); 1115 no. car parking spaces, 560 no. bicycle parking spaces, a c30m high 'green wall' or hydroponic vertical garden with feature lift on the Henry Street frontage, and ancillary uses, with a minimum height above ground of 3 no. storeys, a maximum height of 13 no. storeys and 5 no. basement levels.</p>	<p>Note: permission granted for demolition of 4-8 Henry Place under Reg. Ref: 2479/08.</p>
2479/08X1	As above – Extension of Duration of Planning Permission granted per PL29N.232347.	Extension of Duration granted: 21/07/2016
2861/21	<p><b>Description has been abbreviated</b></p> <p>PROTECTED STRUCTURE: Dublin Central GP Limited intends to apply for Permission for a period of 7 years at a site, 'Dublin Central – Site 3' (c. 0.37 Ha), at Nos. 36 – 41 Henry Street, Nos. 1 – 9 Moore Street, Nos. 3 – 13 Henry Place (formerly known as Nos. 2 – 13 Henry Place), Clarke's Court and Mulligan's Lane, Dublin 1. Also, the site includes the rear of Nos. 50 – 51 and Nos. 52 – 54 Upper O'Connell Street, No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 – 3 O'Rahilly Parade and Nos. 14 – 15 Moore Lane or Nos. 1 – 8 O'Rahilly Parade and Nos. 14 – 15 Moore Lane), Dublin 1. The site is otherwise bounded by Henry Street to the south, Moore Street to the west and Henry Place to the north and east. The proposed development comprises a mixed-use scheme accommodated in 2no. blocks, ranging in height from 1 – 9</p>	<p>Decision to Grant Permission 12/01/2022; now on appeal to An Bord Pleanála</p>

Ref No.	Description	Decision
	<p>storeys over 2no. new independent single level basements. A proposed new passageway separates the 2no. blocks (Block 3A &amp; Block 3B), connecting Henry Street and Henry Place. The proposed blocks comprise: - Block 3A (Eastern Block), fronting Henry Street, Henry Place and the new passageway, with modulating building height at 4, 5, 7 and 9 storeys, over single storey basement...Block 3B (Western Block), fronting Henry Street, Moore Street, Henry Place and the new passageway, with modulating building height at 1, 3, 5, 6 and 7 storeys, with top storey set back, over single storey basement.</p> <p>All associated and ancillary site development, conservation, demolition, landscaping, site infrastructure and temporary works, including: - Conservation, repair, refurbishment and adaptive reuse of part of the existing building fabric, including: - Retention of Nos. 36 – 37 Henry Street, with modifications, a vertical extension and new shopfronts; Retention of No. 39 – 40 Henry Street (upper floor façade); Retention of Nos. 8 – 9 Moore Street, with internal and external modifications and new shopfronts; Retention of Nos. 11 – 13 Henry Place, with internal and external modifications and new shopfronts; Demolition of all other existing buildings and structures on site, including No. 38 Henry Street to form new passageway linking Henry Street to Henry Place; etc.</p> <p>Note: 4-8 Henry Place is proposed to be demolished as part of the proposed development above. The decision of Dublin City Council to grant planning permission per Decision Order No. P2086 includes Condition 7c: <i>A drawn and photographic record identifying the surviving 18th and 19thC fabric across Site 3 shall be provided. The applicant should seek to retain as far as practically possible, these historic fragments within the proposal for the site, particularly the external facades of the Hotel at Block 3A (at No. 5-8 Henry Place).</i> The decision is on appeal to An Bord Pleanála.</p>	

### Recent Enforcement History

None; last E0705/05.

### Description

This description is based on an internal and external inspection by the Conservation Section on the 5<sup>th</sup> August 2021, consideration of available research and documentation, together with the architectural heritage documents submitted as part of planning application Reg. Ref: 2861/21.

#### Nos. 6-8 Henry Place

##### Exterior:

Corner-sited, multiple-bay, two-storey commercial building, largely replacing a c.1870 factory for O'Brien & Co. Extensively rebuilt above ground floor following fire damage in 1956, with further works in the early 1980s. Tripartite, asbestos-covered, saw-tooth roof with north lights having metal windows. Painted cement-rendered walls to ground floor with nineteenth-century brick visible beneath in patches. First floor rebuilt c.1960 with red brick laid to English Garden wall bond. Square-headed windows to ground floor with timber casement windows and some

stone sills. Square-headed windows to first floor with continuous concrete lintels, concrete sills and multi-pane metal windows with pivot openings. Windows to north end of east elevation have red brick mullions. Square-headed door openings to east and north elevations with recent metal doors. Square-headed vehicular opening to east elevation with recent timber shopfront and steel roller shutter, and flanked by tapered cast-iron joggle stones. Curved brick specials visible where render has failed at entrance.

#### *Interior:*

Open-plan space to ground floor formed by internal rectangular beams supporting precast plank ceiling forming floor above, concealed at ground floor level by suspended ceiling tiles. Concrete floor and cement-based render to walls. Square-headed door opening to south wall leading to No.4 Henry Place. Windows blocked up internally with concrete blocks. Western party wall is shared with No.9 Henry Place, which appears to be Calp limestone. Stair hall to southeast corner providing access to first floor with concrete dogleg stairs having steel balustrade. Raised-and-fielded panelled door to east elevation, formerly an external access door with fanlight visible to half-landing level. Second stairs to first floor in northwest corner comprising straight concrete flight having tiled contrast edge strips supported on flanking walls.

First floor comprises central open plan room with a further three rooms, W.C.s and stairs to north and two rooms to south with stairs to second floor and stair hall from ground floor to southeast corner. Cementitious plaster to walls with stud partitions forming internal walls between spaces. Plasterboard ceilings throughout fixed to timber joists supported on external walls with secondary timber joists set perpendicular to main structure. Some timber flooring identified. All joinery is of late twentieth-century date. Straight timber stairs to second floor (attic space) flanked by timber stringers rising slightly above the steps.

The second floor is located within the attic space with plywood finish to floors, painted timber decking forming ceiling applied directly to roof structure, some recent timber rooflights to south pitch.

#### *Nos. 4-5 Henry Place*

##### *Exterior*

Attached two-bay, two-storey commercial premises, built c.1870, in connection with the former O'Brien's Mineral Water Factory to the north and later divided into two separate units. The building is currently disused. Double-pile, hipped corrugated roof with ridges running perpendicular to street and rooflights to north pitches. Painted cement-rendered walls to ground floor with raised render plinth and buff-coloured brick walls laid in English Garden wall bond to first floor and full-height projecting piers delineating bays. Wet dash render to rear elevation with random rubble stone visible beneath failed area at ground floor level. The rear elevation steps in at first floor level. Square-headed window openings to first floor with granite sills, lintels covered behind fascia panels and multi-pane metal windows with six-pane pivot opening sections. Square-headed window opening to north unit at ground floor level with concrete sill and roller shutter. Surviving sections of granite sills to south unit indicate historic window opening. Square-headed door openings with roller shutters.

##### *Interior*

The ground floor comprises three rooms – two to the north and one running along the entire length of the building on its south flank, which may have historically been two rooms based on a nib of wall situated perpendicular to the north wall of the room. This room is accessed from the southern door opening to the east elevation and has a concrete floor finish and plasterboard ceilings. Walls are plastered with painted brick to the east wall. Part glazed timber double doors to the east elevation with square headed openings set in the north wall giving access to the other rooms. A later twentieth century metal spiral staircase provides access to the first floor. The room to the northeast corner is also accessed via part glazed timber double doors set in its east wall. The floor is concrete and walls are rendered, though rubble stone

construction is visible to the north party wall. The remains of door opening to Nos.6-8, now blocked, is visible to the north wall. Timber ceiling joists are exposed with downstand timber bressummer on a north-south axis. The room to the northwest corner has a concrete floor, with modern plaster and some plasterboard to the walls. Exposed timber ceiling joists are visible, with no ceiling surviving. A square-headed opening to the north wall links the structure with Nos. 6-8.

The first floor comprises four rooms with two rooms to the east side of the floor and two to the west. Access to the space to the southeast corner is solely from the ground floor via the stairs; this space was not accessed. Survey drawings indicate a WC along the east side of the space. A downstand beam marks the boundary between the two rooms to the west, with access from Nos.6-8 to the north via a square-headed opening. Plasterboard to ceilings with hardboard to floor and some timber floorboards. Walls are plastered with some areas having a plasterboard finish and later twentieth-century rectangular-section skirtings. A large recess was noted to the west wall of these two spaces. A square-headed door opening with flat architrave and flush door provides access to room to northeast corner, formed by timber stud partitions. Plasterboard to ceiling and timber floorboards. Plastered walls with later twentieth-century rectangular-section skirtings.

### **Historical Background**

The former O'Brien's Mineral Water Factory was located across a number of plots encompassing Nos. 4-8 Henry Place, forming a corner-sited grouping wrapping around the change in axis of Henry Place from a south-north to an east-west direction. The 1847 Ordnance Survey map shows buildings on all the plots, with the laneway referred to as *Off Lane* (Fig. 9). Nos. 6 and 7, located at the northern end of the street have railed basement areas to their front elevations, indicating they may have been constructed as dwellings originally. The numbering of buildings along the lane appear to have changed since then, as No. 5 is shown on what is now Nos. 6-8. Street directories from 1850's indicate residential uses for all the structures, though there had been a variety of uses prior to this.

4 Henry Place is described as *a wretched hovel* in the 1860s records of the Valuation Office; being subsequently described as *in ruins*. The 1864 Ordnance Survey revision shows both No.4 and No.6 as empty plots with no structures (Fig. 10). By the early 1870s, the structures occupying the plots of Nos. 5-8 were described as ruins. However, the Valuation Office records disclose that by 1873 a new factory had been constructed across the plots for Michael O'Brien & Co., making mineral waters. The Goad Insurance Map of 1893 (Fig. 11) depicts this as a two-storey structure with a slated roof, with some metal roofing at the northern end and two rooflights also indicated towards the northern end. Stables are indicated to the west of the factory, on what had previously been a yard, and occupying the site marked 8 Henry Place. This map also shows connectivity between Nos. 6-8 and Nos. 4-5, with an opening in the party wall. The entire group of structures is labelled as *O'Brien & Co, Mineral Water Fac.*

### ***1916 Historical Association***

Henry Place, together with Moore Street and their environs, bore witness to the urban conflict of Easter 1916 (Myles, 2012, p. 25). On Friday 28<sup>th</sup> April 1916, the Irish Volunteers garrison in the GPO commenced evacuation of the building as it became engulfed in fire. Following an initial, failed attempt by a group led by 'The O'Rahilly' to reach the William & Woods factory on Great Britain Street (now Parnell Street), the remainder of the garrison exited the GPO by a side entrance on Henry Street directly opposite the southern end of Henry Place. They made their way along Henry Place before breaking into No.10 Moore Street, located at the junction of Moore Street and the western end of Henry Place. From there, they broke openings through party walls in buildings along Moore Street.

Henry Place travels north before turning at a right angle and running west to Moore Street. It is on this angle that the structures at Nos. 4-8 (the former O'Brien's Mineral Water Factory)

are situated. This corner on Henry Place is referred to in witness statements as a particular reference point in the challenge faced crossing the southern end of Moore Lane, providing shelter from British firing positions at the northern end of Moore Lane. The witness statement from Diarmuid Lynch describes how he was ordered by Padraig Pearse to break into O'Brien's and move across from it along roofs towards Moore Street to avoid the gunfire coming down Moore Lane. However, the advance along the roofs on the southern side of Henry Place to the west of O'Brien's was interrupted by another narrow laneway at Moore Place (on contemporary maps; see Fig. 11). With no implements to bore a hole out into the laneway, the Volunteers were forced to exit back out onto Henry Place.

The Volunteers broke into the O'Brien Mineral Water factory and took a van to place it across the southern end of Moore Lane as cover from British fire. They may also have been seeking drinking water from the factory. According to witness statements, at least one volunteer died in the attempts to gain access to the premises.

The records of the Property Losses (Ireland) Committee, 1916, held in the National Archives, contain three claims relating to the premises of O'Brien's Mineral Water factory. These claims do not record significant damage to the structure of the factory as a result of its occupation, beyond the damage to windows and doors, or any other damage (such as fire) as a result of the Rising.

Henry Place was also part of the route of surrender on April 29<sup>th</sup>, as the Irish Volunteers moved along it from Moore Street, onto Henry Street, O'Connell Street and on to the Rotunda Hospital where they were held overnight.

### **Post-1916**

Goad's Insurance Plan of 1926 shows continued occupancy of the premises by O'Brien's, with some changes to the west side of the lands, following removal of the stables and the incorporation of this plot into the factory. A photograph dating to the 1950s from the Military Archives shows 4-5 Henry Place with a front façade much as it is today.

The premises continued to be occupied by O'Brien's into the 1930s, when Nos.6-8 were taken over by N. McLoone & Co., who were tea and wine merchants. No.4 Henry Place was occupied by another tea merchant from the 1930s. In the 1950s, Nos. 6-8 were occupied by J.J. Roche & Co, with a number of businesses operating from the premises including Roche's clothing factory, Roche's chemists and Atlas Cine Company.

The building was seriously damaged by fire in January 1956; the Valuation Records subsequently deeming it to be in ruins. It is not clear if much damage occurred to Nos. 4-5 at this time. In any event, 6-8 Henry Place was rebuilt to the designs of Robinson, Keefe and Devane, an architectural practice formed in Dublin in 1946 and was again occupied by J.J. Roche & Co and the Atlas Cine Company. The Goad Insurance Plan of 1961 (Fig.12) shows the new premises with a tripartite roof and north lights, along with a stone stairs to the southeast corner. The roof as shown reflects the current roof on the building and is described as being of steel girders with asbestos covering. The building is clearly numbered as 6, 7 & 8 Henry Place with Nos. 4 & 5 identified as a separate structure to the south. The openings previously in place between Nos. 6-8 and Nos. 4-5 are no longer shown.

Later the premises was converted into use as a snooker club, pool room and audio-visual centre during the late-1970s. It was again badly damaged by fire in 1982 and subsequently converted to an amusement centre. It is now in use for storage.

### **References**

- (Digital records accessed 07/12/2021)



- *City of Dublin*, held by Ordnance Survey Ireland. © Public domain. Digital content: © Ordnance Survey Ireland, published by UCD Library, University College Dublin, 1847, Sheet 14 <http://digital.ucd.ie/view/ucdlib:40835>
- *City of Dublin*, held by Ordnance Survey Ireland. © Public domain. Digital content: © Ordnance Survey Ireland, published by UCD Library, University College Dublin, 1864, Sheet 14 <http://digital.ucd.ie/view/ucdlib:40836>
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- Chas E. Goad Limited *Insurance Plan of the City of Dublin Vol.1: Sheet 4, 1893* <http://www.bl.uk/onlinegallery/onlineex/firemaps/ireland/mapsu145ubu4u2uf004r.html>
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  - *Morgan Aerial Photographic Collection - St. Patrick's Day, O'Connell Street and surrounding area, Co. Dublin, March 1955* <https://catalogue.nli.ie/Record/vtls000733345>
  - Records of the Property Losses (Ireland) Committee, National Archives of Ireland <http://centenaries.nationalarchives.ie/centenaries/plic/index.jsp>
- DHLGH (2011), *Architectural Heritage Protection Guidelines for Planning Authorities*
- Molloy & Associates, *Appendices A3.17; A3.18; A3.22; A4 and A5* submitted with planning application Reg. Ref: 2861/21
- Shaffrey Associates Architects & Franc Myles, Archaeology & Built Heritage (06 February 2012). *Application for Ministerial Consent to carry out Works at 14 – 17 Moore Street, Dublin 1, a National Monument*. Unpublished Report submitted to Department of Arts, Heritage and Gaeltacht in response to a Request for Additional Information. \* Note this report includes the Battlefield Archaeological Assessment for Moore Street & Environs by Franc Myles.

### **NIAH Significance/Rating**

The NIAH uses eight categories of special interest (architectural, historical, archaeological, artistic, cultural, scientific, technical & social) and identifies five categories of rating in seeking to rank buildings. The NIAH rating values are International, National, Regional, Local and Record Only (I, N, R, L, O). Structures which are considered of International, National, and Regional significance are deemed worthy of inclusion on the RPS.

The National Inventory of Architectural Heritage (NIAH) survey has been carried out for the area under Stage 1 of the Dublin Survey. However, 4-8 Henry Place was not recorded.

### **Assessment of Special Interest under the Planning and Development Act 2000**

The Conservation Section considers the structures at 4-8 Henry Place, Dublin 1, to be of historical, cultural and social interest, as follows:

#### **HISTORICAL**

4-8 Henry Place is of historical significance due to its direct connection with the events of the 1916 Rising and its occupation following the evacuation from the GPO. Its position on the corner of Henry Place made it an important landmark along the evacuation route. The *Architectural Heritage Protection Guidelines for Planning Authorities* state that the '...level of importance of the historical connection and its relationship to the existing fabric of the structure should be assessed.' (2011, p. 25). The former O'Brien's Mineral Water Factory has been substantially altered since 1916, with just the external ground floor walls surviving from this period. The Guidelines note that '...some events or associations may be so important that the place retains its significance regardless of subsequent alteration.' (ibid). Therefore, while the level of surviving physical fabric pre-dating 1916 is diminished, the survival of the external walls at street level, along with openings that would have been used by the Volunteers to enter



the premises, adds significant historical interest to the structure given its association with this seminal event in Ireland's history.

The former O'Brien's Mineral Water factory provides a tangible link to Henry Place's commercial and industrial past and the historic uses that previously occupied the laneways off O'Connell Street and Henry Street. The surviving jostle stone to the vehicular entrance arch is a noteworthy memento of the building's industrial origins from a time when carts would have been used to transport goods to and from the premises.

#### CULTURAL

The street level elevations of 4-8 Henry Place that survived in part since the 1916 Rising, and the references to this premises in witness statements from volunteers involved at that time, has given these structures a cultural significance over the course of the past century. The *Architectural Heritage Protection Guidelines for Planning Authorities* state that special interest can be assigned to '*...more modest works of the past that have acquired cultural significance with the passing of time.*' (2011, 28). The 1916 Rising was a seminal event in Irish history that has understandably taken on cultural importance, and this, naturally, includes those surviving elements of our architectural heritage that played an important role in the events of that week.

#### SOCIAL

4-8 Henry Place is considered to be of social significance due to its association with the Easter Rising evacuation route. The *Architectural Heritage Protection Guidelines for Planning Authorities* (2011) state that '*the characteristic of special social interest embraces those qualities for which a structure, a complex or an area has become a focus of ... political, symbolic or other sentiment to any group of people*'. The 1916 Easter Rising was a defining moment in Ireland's struggle for independence.

#### ARCHITECTURAL

Constructed over a number of phases, the ground floor elevations retain nineteenth-century fabric, while the floors above date from the mid-to-late twentieth-century. The survival of the elements of the external form of the nineteenth-century factory is noteworthy within a streetscape that has lost much of its earlier fabric. The modest exterior of 4-5 Henry Place is enhanced by the simple use of full-height pilasters to articulate the bays of the building, indicating a level of architectural design in its construction.

The reconstruction of the upper section of the former factory in the 1950s was designed by the architectural practice of Robinson Keefe & Devane, a notable Irish architectural practice. The building's saw-tooth roof profile provides an interesting element to the streetscape of Henry Place, reflecting the premises' former industrial use.

Having regard to the addition request (Motion 44 of the City Council 08/05/2015) and the substantial loss of architectural fabric relevant to the 1916 period, it is considered that the architectural character and significance of 4-8 Henry Place is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneway (Henry Place).

The 19<sup>th</sup> century facades to Henry Place of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, would be considered of 'Regional' significance, on the basis of the NIAH significance/ratings above.

#### CONCLUSION

The Conservation Section concludes that the 19<sup>th</sup> century, ground floor façades along Henry Place (only) of 4-8 Henry Place, Dublin 1, merit inclusion on the Record of Protected Structures primarily on the basis of their historical, cultural and social significance.

It is also concluded that the architectural character and significance of 4-8 Henry Place is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneway (Henry Place). This is based on the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982.

#### **Meeting of the Area Committee**

A report on the proposed addition of the structure was brought to the Central Area Committee on 12<sup>th</sup> April 2022 where the elected members noted the proposal to initiate the procedure to add it to the RPS.

#### **Submissions/Observation Received**

The proposed addition was advertised in the Irish Independent on Thursday, 7<sup>th</sup> July 2022 and on the Dublin City Council website. The public display period was from Thursday 7<sup>th</sup> July to Friday 19<sup>th</sup> August 2022 inclusive. 10 submissions/observations were received in relation to 4-8 Henry Place, Dublin 1.

#### **Summary of Submission from Shirley Nako**

- a) Fully support adding this structure to the RPS arising from its excellent, architectural, historical, cultural & social significance due to its association with the 1916 Rising etc.

#### **Response:**

a): Noted.

#### **Summary of Submission from Rory O'Callaghan, Moore Street Campaign**

- a) All buildings along Moore Street should be added to the RPS in line with the agreed recommendations of the Advisory Group to the Minister.
- b) All 1916 buildings and their curtilage should be added to the RPS.
- c) All locations directly associated with the evacuation from the GPO should be added to the RPS as locations of historic significance.
- d) Concern voiced regarding allegations to undermine and interfere with the deliberations of The Advisory Group to the Minister to be investigated by the appropriate authorities.

#### **Response:**

**a) & b):** The most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5<sup>th</sup> May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 4-8 Henry Place, Dublin 1, to the City Council's RPS has been carried out in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.

Nos. 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015.

The building at 4-8 Henry Place covers the entire of its site. However, the architectural character and significance of the building is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneway (Henry Place). This is due to the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982. Therefore, it is recommended that only the surviving 19<sup>th</sup> century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

c): 4-8 Henry Place is associated with the evacuation from the GPO in 1916.

d): This is not a matter for consideration under the RPS addition process.

#### **Summary of Submission from James Connolly Heron, Relatives of The Signatories to The 1916 Proclamation**

- a) The recommendations for listing are strikingly similar to those highlighted in the Hammerson applications.
- b) No reference to ancillary buildings, yards, basements or cellars nor to survey of same.
- c) The recommendations while welcome do not go far enough, representing cherry-picking, rather than a careful attempt to rebuild/recreate the area under the agreed recommendations of the Advisory Group to the Minister in the Securing History report.
- d) Crucial survey reports not considered by city planners prior to planning consent to Hammerson.
- e) The call for listing the terrace is based on historic grounds as the location of the last refuge of the volunteers and headquarters of the Provisional Government.
- f) The reports confirm existence of 1916 buildings, structures and fabric within the terrace at 10 to 25 Moore Street.
- g) The call by the elected members for listing on historic grounds is not dependent on the contents of the reports. This call for listing 1916 buildings and the terrace in its entirety to the RPS must be heeded once the public consultation process is concluded.
- h) Submissions made re: individual buildings/addresses on Nos. 10 to 24/25 Moore Street; including the properties: 10 Moore Street: pre-1916; 12 Moore Street: party wall to No. 11 is pre-1916; original yard to rear; 12/13 Moore Street: original party wall; 13/14 Moore Street: party wall National Monument; 20/21 Moore Street: original buildings. Also Nos. 18, 19, 22/23 and 24/25 Moore Street and Nos. 14-17 Moore Street as the declared National Monument.
- i) Curtilage does not feature in the reports; protection should be extended to include curtilage.
- j) City Council planners have granted permission for destruction of 'most important site in modern Irish history' (National Museum of Ireland), contrary to call for listing of terrace by elected representative, prior to finalised survey reports, request for redesign of proposed developments by the Department Housing, Local Government & Heritage, the provisions of the Moore Street Area Renewal and Development Bill 2015 and as presented in Seanad Éireann, the Green Party Vision for the Moore Street Area, the support for the listing of the terrace by the 1916 relatives, the Advisory Group to the Minister, the recommendations of the City Council's Moore Street Advisory Committee, the objectives of the Dublin city Development Plan, the Lord Mayor's Forum Report on the Lanes of History and international charters on the protection of history and heritage.
- k) Concern raised regarding allegations of interference in the planning process.

#### **Response:**

**a):** This building at 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015.

**b):** 4-8 Henry Place covers the entire of its site; it has no basement or cellars.

The architectural character and significance of the building at 4-8 Henry Place is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneway (Henry Place). This is due to the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982. Therefore, it is recommended that the only the surviving 19<sup>th</sup> century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

**c):** The most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5<sup>th</sup> May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 4-8 Henry Place, Dublin 1, to the City Council's RPS has been carried out in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.

**d):** The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**e):** Noted. The request for the listing of the entire terrace (10 to 25 Moore Street) relates to Emergency Motion No. 1 passed by the Council's Elected Members at the monthly meeting on 14<sup>th</sup> June 2021. It is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001.

**f):** Noted.

**g):** The proposed addition of a structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), except during the Development Plan review, with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

The request for the listing of the entire terrace (10 to 25 Moore Street) refers to Emergency Motion No. 1 passed by the Council's Elected Members at the monthly meeting on 14<sup>th</sup> June 2021. It is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

**h):** The proposed addition in this instance is the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant. The reference to Nos. 14-17 Moore Street as the declared National Monument is noted.

**i):** The building at 4-8 Henry Place covers the entire of its site. As a result of serious fire damage to the rest of the building, it is recommended that the only the surviving 19<sup>th</sup> century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures; as per Fig. 2 illustrating the extent of the protected structure status and curtilage is shown in

**j):** The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**k):** This is not a matter for consideration under the RPS addition process.

#### **Summary of Submission from Patrick Connolly**

a) Vital to remembering our history.

**Response:**

a): Noted.

#### **Summary of Submission from Michael Mac Donncha, Secretary Moore Street Preservation Trust**

- a) Welcome the proposed addition of each of the six buildings given their importance in relation to the 1916 Rising is documented and acknowledged.
- b) The Architectural Heritage Protection Guidelines (2011) state that "some events or associations may be so important that the place retains its significance regardless of subsequent alteration". It is submitted that the authors of the report have not fully adhered to this important principle. The structure recommended for protection is essentially limited to pre-1916 fabric and the curtilage of buildings is not included. The 'place' as referred to in the Guidelines is the evacuation route from the GPO and the buildings occupied, including 10-25 Moore Street, which retain their significance regardless of alteration and retain their pre-1916 form as a coherent terrace with rear yards opening onto lanes. Therefore, the extent of proposed protection is unduly limited.
- c) Process delayed since 2015 through denial of access.
- d) Assessments carried out in the context of 'live' planning applications.
- e) Extent of protection tailored to suit applications. Extent/curtilage of proposed protected structures to be expanded in line with the Architectural Heritage protection Guidelines for Planning Authorities (2011).

**Response:**

a): Noted.

**b):** The reference to 'place' under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

*a) A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some events or associations may be so important that the place retains its significance regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group."*

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

The building at 4-8 Henry Place covers the entire of its site; it has no basement or cellars.

4-8 Henry Place, known as the former O'Brien's Mineral Water Building, Henry Place, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015.

The curtilage of the building is included in the assessment, though in this instance, due to serious fire damage to the rest of the building, it is recommended that the only the surviving 19<sup>th</sup> century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

c): Noted.

d): The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

e): 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, Henry Place, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015. The extent of protection proposed is in accordance with the Architectural Heritage Protection Guidelines 2011.

#### **Summary of Submission from Patrick Cooney**

- a) Reference to January 2011 City Council Motion ... calling for extension of national monument to the Moore Street terrace in its entirety. Reference to 2021 City Council Motion to add the 1916 terrace 10 to 25 Moore Street to the RPS due to its historic significance etc. and that under the process the terrace must be surveyed and reports presented to councillors for a final decision.
- b) Reports presented to Area Committee were not available for consideration of the planning applications.
- c) Reports are incomplete, but confirm 1916 buildings throughout the terrace supporting the case for the protection of the terrace as a site of national importance.
- d) The National Monument at 14-17 Moore Street makes the case for preservation of the terrace in which it stands under European charters and guidelines for heritage conservation.
- e) Reference to a schedule of reports including various reports by Shaffrey Associates (also with Frank Myles), Dublin City Council, the Moore Street Advisory Committee and its recommendations, the Lord Mayors Forum Report – The Lanes of History, the MSCG Moore Street Report – Securing History and the Dublin (City) Development Plan. References to information provided in Shaffrey Reports (2005, 2011 and 2012) – re Nos. 10, 20/21 and 24/25 Moore Street, re: 18 Moore Street with 19<sup>th</sup> century façade up to and including first floor.; re: 1916 elements visible from the public realm: O'Brien's Mineral Water Works Henry Place, The White House Henry Place, 10 Moore Street, 20/21 Moore Street, 24/25 Moore Street.
- f) Reference to 'Other Reports' including those already included above along with the High Court Judgement of Justice Max Barrett. Submission that the High Court judgement on the status of Moore Street as a 1916 Battlefield National Monument must stand. Issue of Ministerial Consent and associated requirements arising from the 'Barrett Judgement'. Reference to Minister's Bill to Seanad Éireann for the protection of the entire battlefield site.
- g) Concern raised regarding allegations of interference in the planning process.

**Response:**

**a):** The proposed addition of a structure to the City Council's RPS is subject only to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), except during the Development Plan review, with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

**b):** The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**c):** The reports are complete and in accordance with the requirements of the Planning and Development Act, 2000 (as amended); in particular with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the guidance provided by the Architectural Heritage Protection Guidelines (2011) under Section 52 of the Act.

**d):** The context of the proposed protected structures, including that of the National Monument at 14-17 Moore Street (Protected Structures RPS Refs: 5282-5285), informed the assessment of the special historical interest as provided in the various reports, including those on 4-8 Henry Place and the other five buildings, now recommended to the City Council for addition to the RPS.

**e):** The report published for public display on the proposed addition of parts of the subject building to the city's Record of Protected Structures, includes a detailed description and assessment of the special interest of the building in accordance with the requirements of the Planning and Development Act, 2000 (as amended), as per the response to item c) above. The report provided a schedule of appropriate references relevant to both the description and assessment, including the Shaffrey and Myles reports.

The proposed addition in this instance is the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant.

However, it is noted that the most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5<sup>th</sup> May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 4-8 Henry Place, Dublin 1, to the City Council's RPS has been carried out in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.



**f):** It is noted that the High Court judgement referred to was overturned by a decision of the Court of Appeal in February 2018. The issue of Ministerial Consent is an entirely separate process under National Monuments legislation. The provisions of a Bill to Seanad Éireann are not of material relevance as they have not been passed by the Oireachtas. .

**g):** This is not a matter for consideration under the RPS addition process.

**Summary of Submission from Councillor Janice Boylan, Sinn Féin**

- a) Welcome this proposed addition to the RPS. The building is historically important in relation to the 1916 Rising.
- b) Submission to retain the form, layout and as much of the fabric as possible to enable the story of the Rising, evacuation, occupation, battle and surrender to be told. Also, concern regarding limited extent of the structures to be protected. The City Council was clear that the buildings were to be protected, rather than just parts, and that the integrity of the terrace 10-25 Moore Street is maintained.
- c) Concern regarding the length of time it has taken for the structures to be proposed for addition due to access not being afforded.
- d) The Architectural Heritage Protection Guidelines (2011) state that “some events or associations may be so important that the place retains its significance regardless of subsequent alteration”; - it is submitted that this is the case in relation to the Moore Street battlefield site.
- e) The protection voted by motion of the Councillors should not be curtailed to fit the planning applications.
- f) The extent of protection to be expanded in line with the Architectural Heritage Protection Guidelines (2011).

**Response:**

**a):** Noted.

**b):** Nos. 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8<sup>th</sup> June 2015.

While the building at 4-8 Henry Place covers the entire of its site, its architectural character and significance is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneway (Henry Place). This is due to the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982. Therefore, it is recommended that only the surviving 19<sup>th</sup> century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of those six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

**c):** Noted.

**d):** The reference to ‘place’ under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

*a) A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some events or associations may be so important that the place retains its significance*

*regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group.”*

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

**e):** Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**f):** The extent of protection proposed is in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

#### **Summary of Observation from Stephen Troy, Moore Street Business Alliance**

- a) The Moore Street Business Alliance supports the call by the City Council to add all 1916 buildings including the Moore Street terrace to the RPS on historic grounds. It should not be a cherry picking exercise of remaining 1916 elements; - where a building contains such features it must be preserved in its entirety to place it in its context. Thousands of protected structures in the city and all warrant full protection (of the building).
- b) The area should be as near as possible to how it appeared (in 1916) during the volunteers last stand.
- c) The proposed additions do not include the Bottling Stores on the O'Connell Street side of Moore Lane identified as pre-1916 in the Myles/Shaffrey Battlefield Report; a hugely significant location in the story of the evacuation.
- d) Submits the following for noting: Minister O'Brien's comment on the High Court judgement and Eamon O'Cuiv's comments of 18 March 2016.
- e) References to structures: No. 10: pre-1916; 11/12: party wall is pre-1916 and original yard to rear. 12/13: original party wall; 13/14: party wall to National Monument; 14-17: National Monument; No 18: "... was described as derelict in 1916 although a portion of its 19<sup>th</sup> century façade remains to the first floor at the front". No. 19 – party wall to No. 18. 20/21: original buildings; 22/23: original basements. 24/25: original party wall to rear yards. Submit that all be added to RPS including curtilage; where altered to be rebuilt in context and keeping with the National Monument. Note: Cassells on Battlefields of Europe: Moore Street as last extant 1916 battlefield in city and National Museum of Ireland: "most important historic site in modern Irish history".

#### **Response:**

**a):** 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by Elected Members on the 8<sup>th</sup> June 2015.

Having regard to the addition request and the substantial loss of architectural fabric relevant to the 1916 period, it is considered that the architectural character and significance of 4-8 Henry Place is diminished, with the exception of the remaining 19<sup>th</sup> century fabric to the ground floor elevations to the laneway (Henry Place).

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

**b):** It is noted that a number of buildings on Moore Street and in its environs were demolished and replaced with new buildings in the decades after 1916, while the evidence also shows that two others were in ruins in 1916 and were developed thereafter.

**c):** The O'Brien's Bottling Stores to the rear of 10 Moore Street and Moore Lane (at 17-18 Henry Place on the west side of Moore Lane) is among the five named 1916 buildings, along with 4-8 Henry Place, known as O'Brien's Mineral Water Building, requested for addition to the RPS in Motion 44 by the Council's Elected Members on 8<sup>th</sup> June 2015.

**d):** It is noted that the High Court judgement referred to was overturned by a decision of the Court of Appeal in February 2018.

**e):** The Conservation Reports on the 12 buildings have been clear in establishing the special interest of those six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

The report published for public display on the proposed addition of parts of the subject building to the city's Record of Protected Structures, includes a detailed description and assessment of the special interest of the building in accordance with the requirements of the Planning and Development Act, 2000 (as amended). The report provided a schedule of appropriate references relevant to both the description and assessment.

The proposed addition in this instance is the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant.

However, regarding the provenance of buildings on Moore Street, the most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5<sup>th</sup> May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between Nos 12 and 13,, the front façade of Nos 20 and 21 and the post-1916 provenance of Nos 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

#### **Summary of Submission from Stephen Little & Associates on behalf of Dublin Central GP Limited**

- a) Reference to submission in letters dated 6<sup>th</sup> May 2022 and 26<sup>th</sup> May 2022 made by McCann Fitzgerald Solicitors on behalf of Dublin Central GP Limited to Dublin City Council, setting out the grounds and arguments in this matter (and resubmitted here).

It is submitted that there is nothing in the materials submitted that these previous submissions have been considered properly or at all.

- b) The properties subject of the proposed additions to the RPS are located within Site 3 (Ref: 2861/21) and Site 4 (Ref: 2862/21) of the Dublin Central project and have already been assessed by Dublin City Council, as Planning Authority. The decisions of appeals in respect of these sites remain under consideration by An Bord Pleanála (Refs: ABP-312603-22 and ABP-312642-22 respectively).

Submissions per McCann Fitzgerald Letter dated 4<sup>th</sup> May 2022 to the City Council.

- c) There is an extant planning permission that authorises development of these structures (Reg. Ref: 2479/08 ABP PL29N.232347): None of the reports acknowledge the legal significance of this permission. The duration of the extant permission is until 3<sup>rd</sup> September 2022 and any attempt to include these structures on the RPS before expiry would be inconsistent with section 58(3) of the Planning Acts.
- d) There are several pending planning applications: It would be inappropriate and unlawful to interfere with those pending applications by this new process. Reference to the motion agreed by the City Council at its meeting on 14<sup>th</sup> June 2021 calling for additions to the RPS, made expressly “in relation to the Hammerson application for the development of the Dublin Central site that includes the demolition of 1916 buildings, structures and fabric on Moore Street”. Reference to 1<sup>st</sup> June 2021, the date on which 3 planning applications were lodged. Reference to decision to grant permission (now on appeal) per Ref: 2861/21 and to Condition 7(c) thereof including for development at 4-8, 10 and 17/18 Henry Place. Reference to decision to grant permission (now on appeal) per Ref: 2862/21 for development of 10, 11, 12, 13 and 20/21 Moore Street. Extensive expert information, analysis and impact assessment regarding architectural heritage and archaeology were submitted with the subject planning applications that are now for consideration of the Board, which is the exclusive independent forum within which the merits of these issues are to be resolved. It would be fundamentally at variance with proper planning for the Council to prejudice or attempt to exert influence on the outcome of pending planning process (of the Board) by proposing to add these structures to the RPS at this particular time.
- e) There has not been any relevant change since the last plan, or any other plan, was made: The special interest and association of 12 sites has been long known. The Franc Myles Report (2012) referred to in the Council Motions does not justify or recommend the addition of structures to the RPS, but only confirms the historical, cultural and social interest of the relevant structures associated with the events of 1916. The Council did not previously consider these interests such as to merit inclusion on the RPS, including during the preparation of the 2016-2022 Dublin City Development Plan, also having regard to the identification of four structures at nos. 14-17 Moore Street as worthy of protection, and the exclusion of others. This status informed decision-making on design and the preparation of planning applications for the lands. No relevant or material reason for such change in plans or in circumstances has been stated in the 12 conservation reports to justify a new or greater burden on the lands.
- f) The circumstances give rise to a reasonable apprehension of bias and/or pre-judgement: On the basis of the foregoing submission, it is not possible to understand why the Council is progressing the (additions) process, except to surmise that the elected members have already formed a view on the matter; note the reference to the motions of the City Council and in particular that of the 14<sup>th</sup> June 2021 which raises concerns regarding apparent bias and/or pre-judgement.
- g) The 12 conservation reports and recommendations were completed before Dublin Central GP Limited were given an opportunity to be heard; - the first attempt issued on 23 March 2022, comprised reports dated 15 March and 21 March. Thus, the Council completed its architectural heritage assessments such as would suggest that substantial burdens might be imposed before any opportunity was given to be heard in the matter, which is unfair and unlawful. It appears impossible for the Council to

ensure the opportunity for comment is meaningful in the circumstances where the recommendation was final before giving notice to Dublin Central GP Limited, where the elected members have already formed a fixed and inflexible view in the matter and where the Central Area Committee already confirmed that view on 12 April 2022.

- h) The major investment in the regeneration project was made in reliance on planning history, including the extant permission, and the long-standing strong policy, within relevant development plans favouring regeneration of these lands. The legal risks for the Council have been previously highlighted should it fail to respect the property rights of our client (Dublin Central GP Limited). Notwithstanding this, the Council and its elected members in particular, appear determined to add these structures, without any attention to the legal requirements for inclusion on the RPS and without any attention to the submissions of our client.

McCann Fitzgerald Letter dated 26<sup>th</sup> May 2022 to the City Council's Law Agent:

- i) Welcome confirmation that the Council is considering the recommendations made in the 12 no. conservation reports, that no decision for proposed addition have been made and that the submissions made in the letter of 4<sup>th</sup> May will be considered prior to making any decision. Reference to comments of the Law Agent per letter 25<sup>th</sup> May (to McCann Fitzgerald) with submission that 'we cannot understand why you disagree with the points explained in our letter, in particular regarding the extant permission and pending applications' in the absence of elaboration and that '... we do not believe the Council has ever before added a structure to the RPS where there existed a valid and subsisting planning permission for development of that structure'; noting that the Council did not disagree.
- j) It is noted that no real effort was made to protect the buildings until after the submission of the planning applications. The Council never before considered these interests worthy enough to merit inclusion on the RPS, including under the preparation of the Dublin City Development Plan 2016 – 2022. There has not been any relevant change since nor at any time after the introduction of protected structures, nor prior to that time. There is no reason for the change (provided) in any of the 12 reports.

**Response:**

**a):** Noted. The considerations in previous correspondence from McCann Fitzgerald on behalf of Dublin Central GP Limited were carefully considered by the City Council and included a written response by the Law Agent of the 20<sup>th</sup> May 2022.

**b):** Noted.

**c):** It is noted that the former planning permission for the development per Re. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, it is acknowledged that any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

**d):** The Planning Authority is of the opinion that it is not precluded from acting in relation to a proposed addition to the RPS while there are pending planning applications. Indeed, the Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

**e):** The Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

In June 2016 the Planning Authority made a formal request to the Chartered Land Limited, for DCC appointed consultants to undertake conservation assessment inspections of the five buildings referred to in Motion 44 of 8<sup>th</sup> June 2015; i.e. (1) O'Brien's Mineral Water Building, Henry Place, (2) The White House, Henry Place, (3) No. 10 Moore Street, (4) The Bottling Store rear 10 Moore Street and Moore Lane, and (5) Hanlon's, 20/21 Moore Street. On the 7<sup>th</sup> July 2016 Dublin Central Partnership Limited became owner of the lands and access for inspection by the City Council's consultants was declined on 11<sup>th</sup> August 2016 for reasons including those of the pending High Court proceedings at that time.

The Planning Authority again requested access for the purposes of carrying out RPS assessment inspections by the Conservation Section on the 21<sup>st</sup> April 2021. Subsequently, Hammerson Group Management facilitated access to the five buildings, which along with others on Moore Street and Moore Lane were inspected during July/August 2021.

The inspections, assessments and reports on the 12 buildings were clearly focused on establishing the special interest or otherwise of each building and/or its parts in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

**f):** As per e) above, there has been a long-standing and historic interest in considering the protection of 1916 buildings located on Henry Place and Moore Street.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

**g):** The 12 Conservation Reports were provided to Dublin Central GP Limited in draft and unsigned form on the 23<sup>rd</sup> March and were receipted on delivery. The 12 Reports were again provided to Dublin Central GP Limited, McCann Fitzgerald and Hammerson Group Property Limited on 4<sup>th</sup> May last. None of the reports were in final form, were unsigned and with a 'Draft' watermark. As stated in the Cover Letter the draft reports were provided for information and comment in the interest of fair procedure and without prejudice to the fact that Section 55 of the Act does not specify that an owner or occupier is given an opportunity to make submissions in advance of the statutory notification of a proposal to add a structure to the RPS.

**h):** The significant investment involved in the proposed regeneration project is acknowledged. It is noted that the former planning permission for the development per Re. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

The Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

It is noted that the current planning applications on the lands are on appeal to An Bord Pleanála and that no decision has been made by the Board to date.

i): The submissions here are similar to those raised under item e) above and have been addressed in the response to that item.

### **Summary of Observation from Proinsias Ó'Rathaille**

- a) The call by Councillors for the listing of 1916 buildings and terraces of houses as the last headquarters of the provisional government refuge of the GPO garrison must be heeded given the extent of 1916 fabric identified throughout the area in the survey reports conducted by the Council experts.
- b) The area satisfies the criteria accepted and established by the High Court and Court of Appeal in *Moore v The Minister* for national monument recognition and protection as its preservation is a matter of national importance.

### **Response:**

a): The proposed addition of a structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), except during the Development Plan review, with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

However, 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Council's Elected Members on the 8<sup>th</sup> June 2015.

b): The matter of National Monument status for the area is an entirely separate process under National Monuments legislation.

### **Conclusion**

10 submissions/observations were received in relation to 4-8 Henry Place, Dublin 1.

Four submissions include clear statements welcoming the proposed addition of 17/18 Henry Place to the Record of Protected Structures; each of which also support the City Council's motions requesting the addition of the entire Moore Street terrace and/or all 1916 buildings to the RPS. Another submission stated it was *"vital for remembering our history"*.

A further four submissions/observations support the City Council's motions requesting the addition of the entire Moore Street terrace and/or all 1916 buildings to the RPS; though in some cases they do not explicitly welcome/support the proposed addition of the ground floor façades (only) to Henry Place of 4-8 Henry Place.

Each of these eight submissions have been considered and responded to above, including the following responses in particular:



The proposed addition of this structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

The reference to 'place' under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

*a) A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some events or associations may be so important that the place retains its significance regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group."*

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

The submission made on behalf of the property owner, Dublin Central GP Limited, objects to the proposed addition of 4-8 Henry Place to the RPS. The grounds of objection and other matters raised in the submission have been considered and addressed in the responses to the submissions above, including the following in particular:

It is noted that the former planning permission per Reg. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

The Planning Authority is of the opinion that it is not precluded from acting in relation to a proposed addition to the RPS while there are pending planning applications. Indeed, the Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

The Conservation Reports on the 12 buildings on Moore Street and Henry Place have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

In relation to 4-8 Henry Place, the special interests of the structure as identified in the report above have not been materially refuted or otherwise seriously called into question; having regard to the provisions of the Act.

Accordingly, it is recommended that the 19<sup>th</sup> century ground floor façades of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, be added to the Record of Protected Structures in the Dublin City Development Plan 2016-2022.

The extent of the proposed Protected Structure status and curtilage is outlined in Fig.2 of below.

### **Recommendation to the City Council**

In accordance with section 55 of the Planning and Development Act 2000 (as amended), it is recommended that the 19<sup>th</sup> century ground floor façades of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, be added to the Record of Protected Structures in the Dublin City Development Plan 2016-2022.

<b>Recommendation</b>	
<b>Address</b>	<b>Description (to appear on RPS)</b>
4-8 Henry Place, Dublin 1	Commercial Premises (former O'Brien's Mineral Water Factory): 19 <sup>th</sup> century ground floor façades to Henry Place

The making of any addition to the Record of Protected Structures is a reserved function of the City Council.

**Richard Shakespeare**

**Assistant Chief Executive.**

**27<sup>th</sup> October 2022**

## Extent of Protected Structure Status

The extent of protected structure status & curtilage is shown on the map below in red.

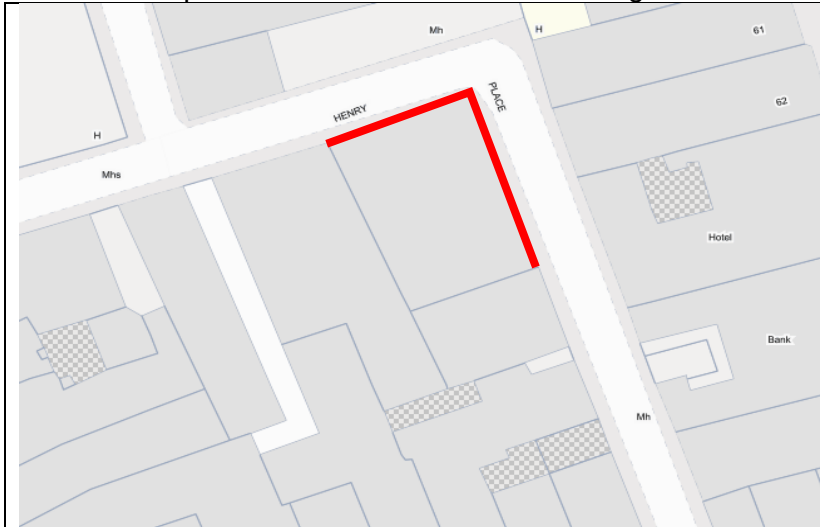


Fig. 2: 4-8 Henry Place, Dublin 1: extent of Protected Structure status and curtilage outlined in red.

## Photographs



Fig. 3: Nos. 4-8 Henry Place - view from northeast



Fig. 4: East elevation of No. 4-5 Henry Place



Fig. 5: Historic door opening to east elevation, now blocked



Fig. 6: Concrete stairs with fanlight from blocked door opening visible





Fig. 7: Nos 4-8 Henry Place on RHS and view south to GPO on Henry Street



Fig. 8: Nos. 6-8 Henry Place on LHS, with view north to corner where Henry Place turns west to meet with junction with Moore Lane and on to Moore Street

## Historic Maps

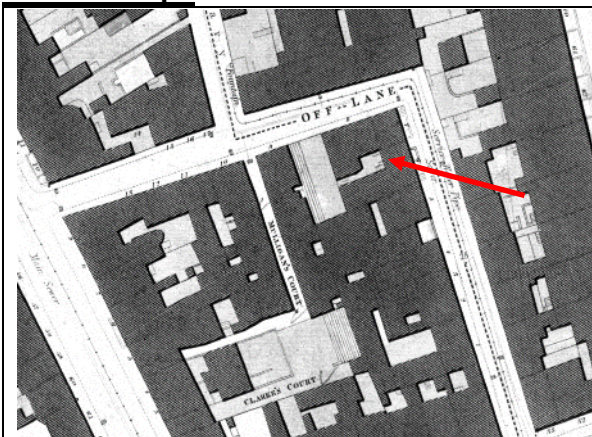


Fig. 9: Extract from 1847 Ordnance Survey map with site arrowed red

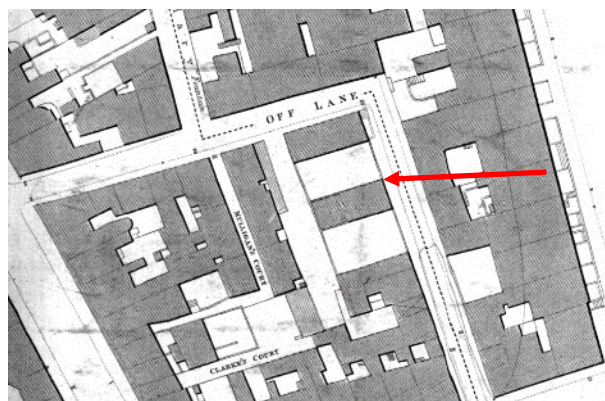


Fig. 10: Extract from 1864 Ordnance Survey map with site arrowed red

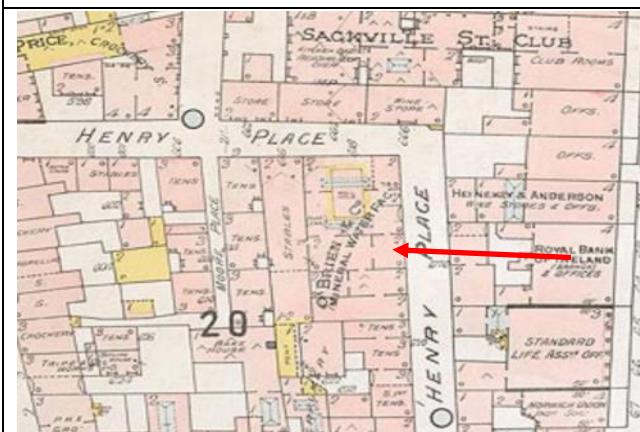


Fig. 11: Extract from Goad's Insurance Plan of Dublin 1893 with site arrowed red

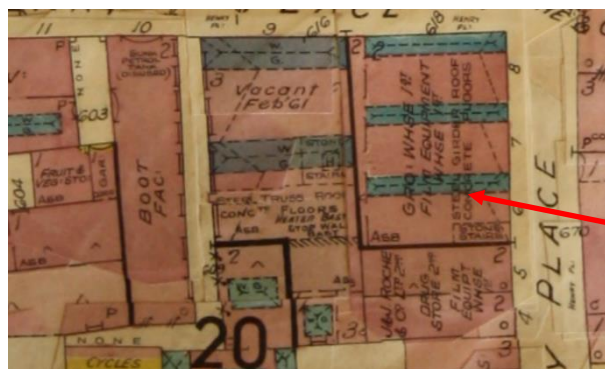


Fig. 12: Extract from Goad's Insurance Plan of Dublin 1961 with site arrowed red; note indication of sawtooth roof with northlights similar to the roof of the building today