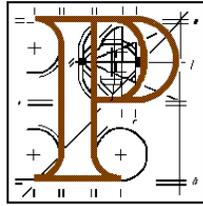


An Bord Pleanála



Inspector's Report

Development:	Construction of hotel, retail unit, public bar/ licensed restaurant with all associated site development works above and below ground.
Location:	17, 18, 19 Moore Lane and 30 Moore Street, Dublin 1
Planning Application	
Planning Authority:	Dublin City Council
Planning Authority Reg. Ref.:	2140/15
Applicant:	Kendlebell Midwest Ltd.
Type of Application:	Permission
Planning Authority Decision:	Grant Permission
Planning Appeal	
Appellant:	The Save Moore Street Committee Mel MacGiobúin An Taisce
Observer:	Lucille Redmond and others Save 16 Moore Street Committee Councillor Ciarán Cuffe The 1916 Relatives Association
Type of Appeals:	3 rd v Grant
Date of Site Inspection:	23 rd October 2015
Inspector:	Dolores McCague

1 SITE LOCATION AND DESCRIPTION

- 1.1 The site comprises two separate portions. The larger portion is located at the junction of Moore Lane and Parnell Street, Dublin and the smaller portion is located a short distance away on Moore Street.
- 1.2 The site at No 17, 18 and 19 Moore Lane, which is on the junction of Moore Lane with Parnell Street, is 603 sq m in area; and that at No 30 Moore St is 48 sq m in area.
- 1.3 The Moore St site is rectangular in shape, surrounded on three sides by a multi storey development of relatively recent construction comprising retail at ground level and hotel over. The site has a narrow frontage, 6m, and a depth of 8 m. The surrounding building is metal clad where it faces the site and the subject site is defined by the gap it thus creates in the building.
- 1.4 The Moore St site is almost triangular in shape, with a short axis along Parnell Street and a long axis along Moore Lane where it narrows almost to a point at the southern end. This area is currently used for parking and is surrounded by hoarding with access at the southern end. To the west is Jury's Inn Hotel with a Lidl store occupying part of the ground floor. Conways Pub, a protected structure, is located on the eastern side of Moore Lane. Moore Lane, to the south/rear of Conway's Pub comprises the rear of buildings which have frontage to O'Connell Street Upper. A small laneway, O'Rahilly Parade, runs to the south of the site linking Moore Street and Moore Lane. The site does not extend to O'Rahilly Parade. To the north of the site, on the northern side of Parnell Street the Rotunda Hospital is located, and the site faces onto Parnell Square West which runs in a north-westerly direction from Parnell Street. Parnell Square and the surrounding area have fine late Georgian streetscapes which remain relatively intact. Parnell Street, west of the site, has been the subject of large scale redevelopment in the early – mid 1990s which mainly comprises ground / first floor retail units with residential development overhead. Moore Lane and O'Rahilly Parade are currently service lanes serving the rear of buildings fronting onto main thoroughfares as well as accommodating some warehousing and small scale offices. The northern boundary of the site which fronts onto Parnell Street has a site frontage of just under 25 metres. The frontage onto Moore Lane is just under the 48 metres.

2 PROPOSED DEVELOPMENT

- 2.1 The proposed development is the construction of a 107 bedroom hotel, retail unit and public bar / licensed restaurant on two sites with a gross floor area of 4,381 sq m; 4,094 sq m gross floor area on Moore Lane and 287 sq m on Moore Street.
- 2.2 Development on the Moore Lane site will consist of a 7 storey building over basement level comprising a 95 bedroom hotel (reduced from 102 bedrooms in response to a further information request), including a central atrium and ancillary hotel facilities, such as: public bar/licensed restaurant, reception area, laundry room, storage, staff facilities, plant (including substation with associated switch room), terrace at the sixth floor level on the northern elevation. Each room overlooking Moore Lane and Parnell St will have a glazed sliding door and a solid ventilator panel. The hotel is 3,839 sq m. gross floor area. A stand-alone public bar / licensed restaurant at ground floor level is 255 sq m. gross floor area.
- 2.3 Development on the Moore Street site will consist of a 7 storey building over basement level, comprising hotel accommodation with retail at ground floor level. The hotel accommodation will comprise 5 hotel bedrooms operationally linked to Moore Lane, including plant at basement level and a terrace at sixth floor on the south-western elevation. Each room will overlook Moore Street and will have a glazed sliding door and a solid ventilator panel. The hotel area is 272 sq m. gross floor area. The retail unit at ground floor level is 15 sq m. gross floor area.
- 2.4 There will be cycle parking, lighting, associated site servicing (foul and surface water drainage and water supply), the provision of SUDS measures, including green roofs and an attenuation tank on the Moore Lane site, hard and soft landscaping, changes in levels and other associated site excavation and site development works.

3 PLANNING AUTHORITY DECISION

- 3.1 The application was submitted on the 29th January 2015. The application contains:

Drawings - building drawings and siteworks drawings, topographical survey, drainage layout, watermain layout; and

Reports: screening for appropriate assessment, conservation assessment, archaeological assessment, engineering services report and planning report.

- 3.2 The report Screening for Appropriate Assessment prepared by Openfield Ecological Services includes:

- 3.3 There is potential to impact on the South Dublin Bay and River Tolka Estuary SPA (site code 4024) and the South Dublin Bay SAC (site code 0210), which are within 2km of the site and the Poulaphouca Reservoir SPA (site code 4063) from which water supply will originate. The development will result in discharges of wastewater from the site to the municipal treatment plant at Ringsend where discharges from the plant are currently not in compliance with the Urban Wastewater Directive. Irish Water, has prioritised the enhancement of the Ringsend plant in its Proposed Capital Investment Programme 2014-2016 and is currently finalising proposals to increase the capacity of the plant from 1.64 million PE (population equivalent) to 2.15 million PE. The Ringsend Plant is licensed to discharge treated effluent. On average it treats effluent for a 1.65 million PE, however weekly averages can spike at around 2.36 million PE. This variation is due to storm water inflows during periods of wet weather as this is not separated from the foul network for much of the older quarters of the city, including the subject site. The Annual Environmental Report for 2013, the most recent available, indicated that there were a number of exceedences of the emission limit values, set under the Urban Wastewater Treatment Directive, which can be traced to pulse inflows arising from wet weather. Upgrading works planned by Irish Water are expected to be completed by 2016.

- 3.4 There is no evidence that abstraction is affecting the conservation objectives for Greylag Geese or Black-headed Gulls at the Poulaphouca Reservoir. The screening report finds that significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects to the integrity of the Natura 2000 network.

- 3.5 The Archaeological Assessment, prepared by Irish Archaeological Consultancy includes:

- 3.6 A paper survey included cartographic sources:
- John Speed map of the Dublin City, 1610
 - Bernard De Gomme, Map of Dublin City and Suburbs, 1673
 - Charles Brooking, Map of Dublin City and Suburbs, 1728
 - John Rocque, Map of the City of Co. Dublin, 1756
 - Ordnance Survey 6"/25" maps of County Dublin (1837, 1875 and 1910).
- 3.7 The area lay undeveloped until the late 17th century and has been subject to continuous redevelopment in following centuries. The area is located within the zone of archaeological potential for the historic centre of Dublin City (DUO18-020). The larger eastern site is located on a small part of a recorded brickworks site (DUO18-0200506). An 18th or 19th century house site (DUO18-390) is recorded c 100m to the south.
- 3.8 Summary of previous excavations includes: 58-66 Parnell St/Moore Lane. Testing identified a number of basement foundations and cellars of 18th and 19th century buildings that fronted onto O'Rahilly Parade and Moore Street. Excavation revealed four principal phases of activity. Medieval cultivation soils were recorded associated with St. Mary's Abbey parkland. Evidence for the 18th century brickfield was noted; it is likely associated with the construction of Sackville Mall by Luke Gardiner. The third and principal phase of activity on the site dated between 1750 and 1770, when the site was extensively built over with the construction of substantial Georgian houses fronting onto Parnell Street (formerly Great Britain Street); this involved the laying out of nine property plots running north-south, parallel to Moore Street. The final phase of activity relates to the occupation of the site down to the present day and includes alterations to the existing buildings and the piecemeal addition of new buildings within the site.
- 3.9 Field inspection – the northern boundary to the site is characterised by an overgrown and partially ruinous brick and stone wall, which is now obscured by wooden hoarding. The eastern boundary to the site consists of a mixture of stone and brick walls that relate to previous post medieval structures that once fronted onto Moore Lane. These walls have been modified to perform as boundary walls and windows and doors have been blocked and rearranged. Portions of the wall have been covered in cement render or wooden bill boards. At the southern end of this boundary wall is the site of a large entrance, which presumably provided vehicular access to a building. The entrance is blocked with modern cement blocks. However, the red brick reveals either side are still apparent. At the base of the wall, there are in-situ

stone setts. These denote the vehicular entrance and are further emphasised by the granite kerb stones that recess back to the boundary wall either side of the setts.

- 3.10 Mitigation - it is recommended that all ground disturbances associated with the development of the eastern plot (17-19 Moore Lane) be monitored by a suitably qualified archaeologist. Full provision should be made available by the developer for the resolution of any archaeological features/deposits that may be discovered, if this is deemed to be the appropriate manner in which to proceed. Prior to construction it is recommended that a written and photographic record be made of the stone setts and granite kerbing, if retention is not possible. This should be carried out by a qualified archaeologist or built heritage specialist.
- 3.11 Engineering Services Report prepared by O'Connor, Sutton, Cronin includes:
- 3.12 Details of public transport, cycle and pedestrian infrastructure are outlined and in relation to parking provision, none is proposed on site but there are a number of existing car parks locally, it is proposed to provide 10 bicycle parking spaces at ground floor level. A negligible amount of construction traffic is expected but since work on the Luas Cross City, which runs along Parnell Street, is due to begin in the near future, which has the potential to coincide with the construction stage of the proposed development, in consultation with the RPA, it has been agreed that the applicant will prepare a Construction Traffic & Pedestrian Management Plan, in full agreement with the RPA and DCC; and they have no objection to a condition re same.
- 3.13 Foul drainage – it is proposed to construct separate foul and storm water internal drainage systems for both sites in accordance with the Building Regulations and SCC's Regional Code of Practice for Drainage Works; and to combine at the last private manhole with a separate spur provided so that future LA works can accommodate separate storm and foul flows. SuDS requires that run-off from a developed site is the same or lower than storm water run-off from the site, if it remained undeveloped. The site must be able to retain, within its boundaries, storm water volumes from extreme storm events up to a 1 in 100 year storm, more commonly expressed as a 1.0% occurrence of the event taking place. New development must have the physical capacity to retain storm flows and release them at a controlled rate.
- 3.14 A further component of the SuDS protocols is to increase the overall water quality of surface water runoff before it enters a natural water course or public sewer. On the Moore Lane site green roof technology is to be utilised – sedum green roof; and an attenuation tank to cater for the storm water volumes experienced during a 1 in 100 year storm

event. The Greater Dublin Strategic Drainage Study (GSDSDS) requires that storm water is reviewed under four criteria –

- 1 River Water Quality protection,
- 2 River Regime Protection (sufficient stormwater retention to protect the river during extreme events),
- 3 Level of Service (Flooding) Site: sub criteria
 - i) no flooding on site except where planned (30 year high intensity rainfall event),
 - ii) no internal property flooding (100 year high intensity rainfall event),
 - iii) no internal property flooding (100 year high intensity rainfall event),
 - iv) no flood routing off site except where specifically planned, (100 year high intensity rainfall event),
- 3 River Flood Protection (control of runoff rates).

- 3.15 It is proposed to achieve these criteria in the case of the Moore Lane site by collecting storm water run-off in a separate internal drainage system drained to the basement, and to discharge at a controlled rate of 2l/s into a combined manhole before outfalling into the public combined sewer. Analysis shows that no flooding will occur in 30 year return period storm events (except in tank); no flooding will occur in 100 year return period storm events (except in tank); proposed buildings are at least 500mm above the design 100 year water level in the attenuation; no overland flow is expected in 100 year return period storm events. Sufficient stormwater retention is achieved to protect the river during extreme events.
- 3.16 It is proposed to achieve these criteria in the case of the Moore Street site by green roof technology – sedum green roof where interception volume comprises at least 5mm rainfall on the development; retention comprises at least 15mm rainfall on the development. Discharge will be made via an oil interceptor. Storm water runoff will drain to the basement, where it will be pumped to high level and discharge at a controlled rate 2l/s into a combined manhole before outfalling into the public combined sewer.
- 3.17 Flood risk analysis – the site is approx. 500m from the River Liffey and outside the 0.1% AEP (Annual Exceedence Probability) fluvial floodplain cased on FEM FRAMS (Floor Fisk Assessment Management Study) maps (in draft form). There are no records of fluvial flooding in the immediate vicinity (OPW Floodmaps.ie).
- 3.18 The risk of fluvial flooding is negligible and no mitigation is proposed.

- 3.19 Tidal flooding – there is no historical or perceivable flooding of the site associated with tidal flood action.
- 3.20 Pluvial flooding – there is no historic record (OPW Floodmaps.ie) of pluvial flooding. There is a remote possibility that it may occur; storm water would follow the roads infrastructure and enter the developments drainage systems and flood the attenuation areas provided. The bedrooms would not be at undue risk. Pluvial flooding is the most likely to be affected by climate change and should be monitored.
- 3.21 Existing off site drainage – LA records indicate public combined sewers in both Moore Lane and Moore Street. It is proposed to connect into these existing sewers.
- 3.22 Groundwater flooding – the Calp limestone underlying the site is identified as a locally important aquifer moderately productive in local zones. Groundwater vulnerability is low. The flood risk represented by groundwater is minor.
- 3.23 The Conservation Assessment prepared by Historic Building Consultants includes:
- 3.24 Parnell Street is one of the ancient streets of Dublin and led north-eastwards to Ballybough from the first bridge to be built across the Liffey. The area around the present sites was open countryside until the beginning of the eighteenth century when Moore Street, Moore Lane and O’Connell Street Upper were laid out. Parnell Square followed in the middle of the century along with the Rotunda Hospital (1750s). The city of Dublin grew up on the southern side of the Liffey near Christchurch cathedral and later developed a northern suburb around the Church St. area. Various streets led out from the settlement and its suburbs into the countryside beyond and one of these was the road that is now Parnell St. This was marked on De Gomme’s map of Dublin, produced in 1673, on which the road is labelled as the highway to Ballybough, with no buildings along the route further out than the Green Street area. By the early eighteenth century however, the development had reached further out. Moore St, was laid out in 1708 and Drogheda St, the present O’Connell St Upper, shortly afterwards, certainly by 1716. In between these two streets was a deposit of clay and this allowed for the opening of a brickfield to provide the bricks for this new suburb. John Rocque’s large-scale and detailed map of Dublin, published in 1756, shows the area as it was at that time. The old brickfield is still not build upon, but the streets around it are fully developed and have the appearance of a well-matured area of the city. Moore Lane is labelled ‘Brick Field Land’ and is seen to act as a stable lane for the big houses in O’Connell St Upper. Moore St has a substantial open area on its eastern side where the brickfield had been, with just a few houses at the southern end, of this side, of the street. At the northern end, on the eastern side, there were houses facing onto Parnell St, then Great Britain St, and these

houses had stables or mews at the rear of the properties, fronting on to a stable lane, now known as O'Rahilly Parade. The only building on the western side of Moore Lane, from its shape some kind of commercial building, was part of the planning application site.

- 3.25 The site of the brick fields was developed by the end of the eighteenth century. The properties along Parnell St, Moore Lane, Moore St and O'Rahilly Parade were mostly small plots occupied by a wide variety of low-intensity businesses.
- 3.26 Designations and listings are referred to.
- 3.27 The report concludes that the proposed development would not have any adverse effect on protected structures or conservation area or any other element of built heritage significance.
- 3.28 The Planning and Environmental Report prepared by Tom Phillips & Associates includes:
- 3.29 Moore Lane - The scheme proposes a seven storey over basement building with a setback top floor along the Parnell St frontage. Its main shoulder height is similar to that of the adjoining Jury's Inn.
- 3.30 The ground floor will be occupied by a stand-alone public bar/licenced restaurant and the entrance to the hotel and basement public bar/licenced restaurant.
- 3.31 The (basement) public bar/licenced restaurant will function as a conventional bar and restaurant and will be accessible to both residents of the hotel and the general public.
- 3.32 There are 90 bedrooms along both street frontages from first floor upwards which are accessed by open galleries around the day-lit volume of the atrium. There are 6 no. other bedrooms that look into the atrium space from first floor upwards and 6 no. bedrooms that are internal. A pair of glazed lifts serve the upper floors which bridge access across the void on every level. A large roof light over the atrium space will bring daylight and sunlight deep into the scheme. This roof light projects above the general roof level to provide a reservoir for smoke accumulation, which is an essential part of the fire safety strategy for the building. In the event of fire, automatic opening vents linked to the fire alarm system, which will be incorporated into the vertical sides of the roof light, will open to allow the accumulated smoke to quickly dissipate. The atrium will not have a floor area. Measuring 25.3m in height it does not exceed the Development Plan's 28m height standard. It will not be visible from street level. The basement also contains plant, service space and general back of house uses, associated with the operation of the hotel. This area is connected by a dedicated service lift to a service space/yard at street level, located on Moore Lane, at the southern end,

away from the more prominent and public frontage of Parnell St, and adjacent to the Jury's Inn service bay. The Moore Lane building frontage follows the line of Dublin city's CPO for the widening of the Lane and does not impact on the implementation of this CPO by DCC in the future.

- 3.33 Moore Street – The scheme is seven storeys including a setback top floor comprising: a small retail/commercial space at ground floor, plant space at basement level, five hotel bedrooms above, with the uppermost being a duplex room. It is intended that the hotel area will be managed from the hotel on Moore Lane. The room width is expressed elevationally and the infill of this bay system is generally comprised of a large glazed panel, a glazed sliding door and a solid ventilator panel. Where glazing is set back or recessed, the flanking elements and reveals are treated in the same material, which will give a robust sculpted and modelled appearance to the form of the building. The wall material will be floor height, honed, high-quality, insulated, precast concrete panels with a terracotta/sandstone colour. The choice of colour and finish will create a tonal relationship and a visual connection with the brick of many of the buildings nearby. Fenestration will generally be double glazed in anodised aluminium, thermally-broken frames in a finish to be agreed, while balustrades will be in frameless clamped glass. The shopfront glazing will be large format planar glazing in recessed frames.
- 3.34 The planning history is referred to – in determining the permissions, the Council identified the following generic issues collectively on both sites: design quality, zoning, plot ratio, height, scale, car parking, acknowledgement of the CPO (Reg Ref 11663) for Moore Lane, O'Connell St Architectural Conservation Area, Protected Structures, and site coverage. The scheme has been designed to ensure that it respects the surrounding environment in terms of scale, height and design. The proposed development will greatly improve the visual amenity of the sites, which have both remained underutilised for a number of years.
- 3.35 Figure 4.1 of the report is an extract from a drawing of a department store; permitted under (Reg Ref 2479/08). The report states that the Phase 1 works (of the permitted mixed use development) in respect of which a compliance submission has been made, will not directly impact the proposed development on Moore St and Moore Lane. The proposed development on Moore Lane will not negatively impact on the development of the former Carlton Cinema site, but will rather add to the area's vitality and viability in conjunction with the permitted development.
- 3.36 The report examines the planning and development context of the lands and concludes that the proposed uses are listed as permissible use in the Development Plan, support the Plan's policy to promote a dynamic

land use mix in the inner city, protected structures have been taken into account in the design which will not have a negative impact on these structures, the development will not adversely impact on the conservation area; in relation to the zone of archaeological interest, the development will not negatively impact on the zone, the Moore Street site was disturbed during the construction of the hotel that flanks it and no adverse impact on archaeology is anticipated, stone setts and granite kerbing will have to be removed and recorded during the programme of archaeological monitoring on the Moore Lane site; the proposed plot ratios are appropriate for city centre sites, site coverage complies with standards; the proposal complies with the building height standards; specific policies in relation to restaurants are cited, with which the development is stated to comply. The report concludes that the proposal is compliant with the Development Plan and National Guidance.

3.37 Submissions:

3.38 Railway Procurement Agency (RPA) – 3/3/2015 – intensive LCC track and ancillary infrastructure, including overhead conductor system installation, will take place in Parnell Street adjacent to the application site. RPA notes that tandem construction with the proposed development is likely. Should this be the case there are likely to be significant interface challenges which will need to be addressed in order to avoid any negative impacts. They recommend conditions re. constructability plan and S49 Metro North levy scheme.

3.39 An Taisce – 4/3/2015 – proposal would have a serious adverse effect on the setting of the 18th century square and would detract from the special character of the surrounding protected structures and be contrary to policy FC30. The site contains pre-1916 structures and the City Council has pledged to have an independent survey of the area carried out. The proposal would also include a set back of the historic building along Moore Lane. They recommend a revised proposal to provide for a transition in scale between the Jury's Hotel building and the four storey Victorian public house, and which respects the scale and setting of Parnell Sq. Pre 1916 structures and the need for a survey to be addressed.

3.40 Reports

3.41 Roads & Traffic Division – undated – it is not proposed to provide any off street car parking for the development. This non provision of car parking is similar to a number of other city centre based hotels. There are a number of multi storey car parks available in the immediate vicinity of the site and the site is also located in a very accessible location in terms of

public transport. A total of 10 bicycle parking spaces are proposed. Deliveries to the hotel will be made from street level.

There is an existing CPO agreement for a road widening scheme on Moore Lane. The current proposal does not seem to impact on the line. A 1.8m wide footpath is proposed along the Moore Lane frontage while the building line will front onto Parnell Street in line with Jury's Hotel on the adjoining site. Roads & Traffic Division have no objection to the proposed development. Conditions are recommended re: traffic management plan for construction traffic, alterations to public footpath, costs of repairs to public road etc, and compliance with CoP.

- 3.42 Environmental Health Officer – 6/2/2015 - conditions including re. ventilation system incorporating a stack erected to a minimum height of 1m above the eaves of the premises or adjoining premises.
- 3.43 Drainage Division – 19/2/2015 – conditions including a requirement for a suitably qualified hydrogeologist, engaged to draw up a report on the effects of this development on groundwater levels and flow patterns in the area, for submission for agreement to the Drainage Division prior to commencement of development.
- 3.44 Planning 25/3/2015 – recommending further information request on 6 points:
- 1 address concerns that the massing and height of the building on its eastern side is excessive; explore the possibility of modifying the scheme by the provision of a significant setback on the Moore Lane frontage; address the visual impact of the cranked corner and blank façade as is evident in Photomontage View 4,
 - 2 provide a photomontage view of the proposal from the northern end of Parnell Street West taken from the centre of the road approximately opposite No. 40 and in the vicinity of the entrance to the Rotunda car park.
 - 3 Indicate the proposed locations for signage for the 3 entrances on Parnell St which shall have regard to the Shopfront Design Guide and the Shopfront Design Guidelines for the O'Connell Street Area.
 - 4 Identify in plan, section and elevation any necessary plant, ducts and louvered openings required for the ventilation of the kitchen and any other areas of the development which are to have mechanical ventilation. In this regard it is noted that the 'stand-alone' ground floor bar/restaurant has no 'stand-alone' kitchen or toilets and the applicant is requested to clarify how this facility is to be serviced.

5 internal bedrooms which have no daylighting from the atrium do not provide an acceptable level of amenity for visitors to Dublin, respond.

6 new storm public sewer required from the site, along Moore Lane and Parnell Street to the existing 225 diameter public sewer on Parnell Street, liaise with Drainage Division of DCC and with RPA and submit a drainage layout.

3.45 The planning authority requested further information, 27/3/2015 on six points, as above.

3.46 A further information response was received on 11/6/2015. The response includes:

further photomontages;

revised drawings which include revisions to the Moore Street layout: at ground floor a stand-alone bar/restaurant, bathrooms and kitchen added, a meeting room to replace the inner bedroom on each bedroom floor and a window to the corner bedroom added on the Parnell St end of the Moore Lane elevation. At sixth floor a 1m setback to Moore Lane elevation and the corner room removed, revised elevations showing schematic proposed signage;

revised drainage layout for Moore Lane site; and

a document titled written response to a request for further information ref 2140/15, which includes: The revised setback of 1m on the sixth floor, from Moore Lane, is proposed having regard to the planning authority's concerns regarding the proposed height and massing on the O'Connell Street Architectural Conservation Area. The original application proposed a 1m setback along Parnell Street which is maintained. In addition the previously blank gable at the corner of Parnell St and Moore Lane has now large glazed opes on each level from first floor upwards similar to that proposed on the northern and eastern elevations of the building. Six signage zones are proposed on the Moore Lane building and one on the Moore St building, signage details to be agreed with Dublin City Council. Re. proposed ventilation and restaurant layout, an indicative design and installation of a kitchen extraction system for the hotel's ancillary bar/restaurant has been prepared. An indicative layout for the proposed standalone restaurant at ground floor level has been prepared. Tenants have not been identified for either unit, therefore the layouts outlined are indicative only. A condition, requiring that the finalised layout be agreed with Dublin City Council prior to occupation of the unit, is suggested. The air extracted from the kitchen canopies will discharge vertically through a conical discharge nozzle at an elevation of

1m above building eaves level. A condition, requiring that the size and positioning of the plant be agreed with Dublin City Council prior to occupation of the hotel, is suggested. An indicative layout showing the location of kitchen and toilets for the standalone restaurant at ground floor is shown on the plans. A condition, requiring that the finalised internal layout and the location of the plant be agreed with Dublin City Council prior to occupation of the unit, is suggested. Six windowless bedrooms have been replaced by six meeting rooms. Six bedrooms which avail of light via the atrium remain. The proposed development includes a pumped rising main internally within the Moore Lane building to allow a connection to the public sewer on Parnell St. This proposal has been prepared and co-ordinated with 'as built' drawings received from the RPA for the Luas Cross City utility diversion works. As such, there is no requirement for a drain to be constructed along Moore Lane. The line of the proposed sewer does not pass under the proposed alignment of the LUAS line, which is located on the opposite side of Parnell St from the proposed tie in. The invert level of the proposed sewer has been carefully selected to avoid clashes with the existing utilities on the as-built drawings. The proposed development has been agreed in principle with the RPA and Dublin City Council's Drainage Department. Responses to submissions received by the planning authority are included in the further information response.

3.47 Further Reports

3.48 City Archaeologist – 1/7/2015 – conditions

3.49 Planning – 3/7/2015 referring to FI response and recommending grant of permission.

Assessment of responses

Item 1 – the applicant has submitted revised proposals which include a 1m setback along the eastern elevation of the building which addresses Moore Lane and Conway's Pub. The setback has been achieved by the omission of a corner room and a marginal reduction in the bedroom sizes which addresses the Moore Street frontage, all at the top floor level. The resulting room sizes range from circa 17-21 sq m, but these will benefit also from the provision of a terrace as a consequence of the setback. The resulting amenity level is considered appropriate. In relation to the corner treatment, the revised proposals include the insertion of window opes on the north-east corner of the building. This introduces glazed elements for each of the upper floors at a prominent corner which addresses Moore Lane/Parnell St. This approach mitigates the concerns regarding the elevational treatment of the corner. Overall, on balance, it is considered that the above revisions represent an appropriate design solution and address the concerns regarding the

massing, scale and height of the proposal. The setback element in conjunction with the elevational treatment which introduces significant glazing, alleviates concerns regarding the overbearing impact on Moore Lane, whilst also addressing the streetscape in a more positive manner; especially between Parnell St and Moore Lane. The planning authority is satisfied that the overbearing impact of the proposal, as revised, has been reduced considerably and will not detract from the visual amenity of the O'Connell St ACA or protected structures in the vicinity.

3.50 Decision to grant planning permission 9/7/2015 subject to 18 conditions, including:

2 S 48 Development contribution €303,289.74.

3 S 49 Development contribution €86,730 Metro North.

4 Use of retail units and design of shopfronts and signage for prior agreement in writing.

7 No additional items at roof level without prior grant of permission.

10 Drainage requirements, including a report for the written agreement of Drainage Division, from a hydrogeologist on the effects of the development on groundwater levels and flow patterns in the area.

12 Prior to commencement, a construction plan for the proposed development which identifies all interfaces with the Luas Cross City (LCC) and resolves how the proposed development may be constructed having regard to the installation works in the immediate vicinity of the site necessary for the LCC, to be submitted for the written agreement of the Planning Authority. The construction plan shall also have regard to vehicular and pedestrian traffic management and include evidence of consultation with the Railway Procurement Agency (RPA) and the Luas Cross City Team.

15 Before use commences, a scheme shall be submitted to, and approved in writing by the Planning Authority for the effective control of fumes and odours from the premises.

16 Prior to commencement details to be submitted for agreement of the proposed ventilation system including plan, section and elevation drawings of any necessary plant, ducts and louvred openings required for the ventilation of the kitchen and any other areas of the development which require mechanical ventilation.

18 Prior to commencement details of the materials, colours and textures of all external finishes including samples, to be submitted to and agreed in writing by the Planning Authority.

- 3.51 The decision was in accordance with the planner's recommendation.
- 3.52 Observations on the file have been read and noted.

4 PLANNING HISTORY

History for 30 Moore St:

3258/14 planning permission refused for a 2 storey retail unit.

The proposed development by virtue of its location in a key city centre Category 2 retail street and by virtue of its low two storey form fails to achieve Development Plan policy objectives for achieving sustainable urban patterns, forms and uses. The proposed development would therefore, accordingly, be contrary to the proper planning and sustainable development of the area and to policy SC13 which seeks to promote sustainable densities, particularly in public transport corridors, in order to achieve the best use of serviced urban land, to reduce reliance on the private car, to maximise the use of public transport infrastructure and to facilitate sustainable urban development patterns, as well as sections 4.4.3, 16.5 and 17.4 of the Dublin City Development Plan 2011-2017 and to the zoning of the site which is to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.

2235/09 Planning permission granted for a 248 sq m development in 6 storeys (total height 22.85m) over single level basement, with a set back from the fifth floor level; consisting of an art gallery, museum and offices.

History for 17-19 Moore Lane

4372/04 planning permission granted for a seven-storey mixed use development on the site; 27 apartments on 6 levels with retail use at ground level as per previously granted scheme 0870/03.

5343/07 planning permission granted for a 7 storey over basement development (4193.8 sq m) comprising retail at ground and basement level (758 square metres) and office at first to sixth floors (2578.5 square metres). Condition no. 2: the proposed building shall be set back on the Moore Lane frontage to allow for the land take shown on the map index

no. 11663 accompanying the Moore Lane – O’Rahilly Parade CPO (Road Widening) Order 1999.

5343/07lx1 Extension of duration permission 4372/04 granted until December 2017.

1597/07 Dublin City Council granted planning permission for the construction of a nine-storey development comprising of a retail use at ground floor level of 43 apartments and levels 1 – 8 above. Dated 3rd April 2007.

1597/07lx1 permission refused for the extension of the duration of permission for a nine-storey development comprising retail use on ground floor and 43 apartments on levels 1-8 comprising 8 one bedroom apartments and 35 two-bedroom apartments, private balconies and communal roof terrace on level 7.

PL29N.230136 PA Reg Ref No.2567/08 Construction of a 16-storey over-basement development consisting of retail use and office space together with ancillary site works. PA decision to refuse on the grounds that the proposed development would materially affect the visual impact of the immediate streetscape and the adjoining conservation area of Parnell Square; the proposed development would also give rise to an undesirable precedent. Board refused for one reason: policy as set out in the Dublin City Development Plan 2005 – 2011 to protect the skyline of the inner city, proposed development by reason of its height and location would conflict with that policy.

PL 29N.219536 PA Reg Ref No. 5885/05 planning permission was sought for the construction of an eight-storey development on site comprising of a mixed use development, retail use on ground floor, 38 two bedroom apartments and 1 one bedroom apartment on levels one to eight with balconies and a communal roof terrace on level 6. Dublin City Council’s decided to refuse for five reasons. Refused by the Board for one reason the height of the building in close proximity to an architectural conservation area and that the overall development would be of poor architectural quality and would seriously injure the character of the area.

0870/03 grant of permission on foot of outline permission (reg. ref. no. 1564/99) for mixed use development comprising 27 no apartments on 6 levels with retail use at ground floor.

4084/09 Planning permission refused for the retention, for a temporary period of 18 months, of a commercial off-street surface car park on a 0.073ha site; comprising 28 no. spaces accessed from Moore Lane.

History on nearby sites:

PI 29N.232347 PA Reg Ref No. 0870/03, planning permission granted 2010 for a period of 7 years for retail development at former Carlton Cinema site and the majority of a city block bounded by Parnell Street, Moore Lane, O’Rahilly Parade, Moore Street, Henry Street, Henry Place and O’Connell St Upper.

PL 29N.107418, PA Reg Ref No. 1755/97, planning permission granted for hotel and retail development on site bounded by Parnell Street, Moore Street, O’Rahilly Parade and Moore Lane (Jury’s Inn Hotel development). Condition no 2 required that:

- 1) The sixth floor shall be omitted from the development
- 2) The fifth floor shall be set back from the north-eastern elevation at an angle of 60 degrees in relation to the parapet.
- 3) The outer screens enclosing the ‘open plantroom’ and facing onto Parnell Street, Moore Street and Moore Lane shall slope inwards and be finished in a light colour material. These screens shall not exceed three metres in height.

5 GROUNDS OF APPEAL

5.1 Three third party appeals have been submitted against the decision to grant planning permission.

5.2 The Save Moore Street Committee

5.3 An appeal has been made by The Save Moore Street Committee, c/o Michael A Barry. It includes:

5.4 The area in question forms part of what the National Museum of Ireland describes as ‘*the most important historic site in modern Irish history*’ and is situate within the Dublin City ACA. There is no reference in the grant

of permission to the historic importance of the area – the very birthplace of the Nation.

5.5 The grounds attaches a copy of the submission made to the planning authority including a letter from the third party referring to:

- the fact that the Dublin City Council has called for an independent Battlefield Survey of the area;
- policy FC61 of the Dublin Development Plan requires a Heritage Survey of Moore Street;
- to date no state agency or Government Department has surveyed, investigated, or assessed this historic site in the public interest;
- any planning application to develop this area should only be considered when the battlefield landscape has been surveyed by suitably qualified battlefield experts;
- any interference with the streetscape or removal of 1916 fabric will make it difficult for future generations to assess the decisions of the leadership of the GPO garrison as they fled the burning GPO;
- there are monumental remains surviving on the battlefield that form the wider context of the National Monument in Moore Street;
- according to the National Museum, the surviving building fabric, streetscape and street surfaces within the entire area are both ‘monumental in form, historic in character and national in importance’;
- the National Museum states that, given the huge significance of the events of Easter week 1916, consideration must be given to determining whether the original street surfaces are National Monuments in their own right or are part of the same National Monument as No. 14 to No. 17 Moore Street;
- the National Monuments service financed an initiative to map the location of Ireland’s main battlefields – Irish Battlefields Project, the approach entailed interpreting the written evidence and locating events on the ground with a view to long term protection and interpretation of the sites, their report on the 1916 battlefield must be made available to the planning authority for consideration in dealing with this application;
- the National Museum is of the view that ‘the Archaeological Method statement for 14, 15, 16 and 17 Moore Street failed to take into account the monument as a key component of the GPO/Moore Street axis through the 1916 battlefield landscape. There is no historical account of the activities of Easter 1916 provided in the

Archaeological methodology, there should be proposals for structural survey of battlefield activity and a detailed finds retrieval strategy;

- the proposed development takes no notice of the historic significance of the area and does not meet the requirements of the principles of 'The Venice Charter' that have been adopted by the Department of the Environment regarding conservation and development in context with National Monuments.

5.6 The grounds attaches a copy extract from a report on *Archaeological Assessment of Moore Street and its Environs* by Mr Franc Myles prepared in connection with a previous development on another site in the vicinity. The extract submitted is a map of '*surviving pre-1916 built fabric visible from the public realm*', which includes the eastern boundary of the subject site along Moore Lane.

5.7 The grounds attaches a copy of a letter dated 25th April 2012 from the acting director of the National Museum to the Minister for Arts, Heritage and the Gaeltacht, in connection with an application for Ministerial consent under the National Monuments Acts, regarding proposed works at 14-17 Moore Street.

5.8 The grounds attaches a copy of a letter dated 21st September 2011 from the director of the National Museum to the Minister for Arts, Heritage and the Gaeltacht, in connection with an application for Ministerial consent under the National Monuments Acts regarding proposed works at 14-17 Moore Street.

5.9 **Mel MacGiobúin**

5.10 An appeal has been made by Mel MacGiobúin, it includes:

5.11 Concerns in relation to:
Overdevelopment of the site,
Poor urban design taking the context and siting of the development,
Poor standard of internal design which will not meet accommodation standards,
Overall development not meeting the local development context of the Development Plan objectives,
Historical context of the site and lack of assessment against the Dept of Heritage reports and Dublin City Council studies (e.g. Shaffrey Report),

Lack of evaluation against ACA and protected structures.

Overdevelopment of the site

- 5.12 Plot ratio in excess of 1:5, overall site coverage of 97%. The Development Plan seeks a plot ratio of 1:3 maximum, in the majority of developments. Only those areas such as the Docklands identified as suitable for higher density development are permitted to exceed this. Only in proposed sites e.g. overlooking water (U2 tower or Bolands Mills) is such ratio achieved.
- 5.13 The Development Plan states '*Outside the identified mid to high-rise areas, proposed buildings will be assessed against the qualitative and quantitative standards set out in the development plan, including those standards addressing local character, streetscape, open space, daylight and the amenity of existing and future residents.*'
- 5.14 The site is predominantly facing a city lane with one aspect facing a street and abutting two major protected structures. The lane width would not normally accommodate such a quantum of development. There is no analysis of quality of development, the additional information, which observers did not have a right to comment on, the quantum has been adjusted but overall little change to bulk, massing and overdevelopment.

Poor urban design taking the context and siting of the development

- 5.15 There is no review of urban design and context and no analysis of zoning context.
- 5.16 *Land-Use Zoning Objective Z5: To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.* This development can not be described as protecting the civic design character and dignity if the area. The applicant states that the view is from the less attractive section of the ACA. The site is very important in establishing a strong urban design envelope adjacent to two very important protected structures and the need to create a strong termination to the vista from Parnell Square, recently designated a cultural hub. The creation of a legible context onto a city lane needs to be addressed; and the poorly designed set back.

Poor standard of internal design which will not meet accommodation standards.

- 5.17 Many rooms will have no natural light. Some have false views to give the illusion of a view and light. The issue of standards was not addressed in the decision. Hotels are recognised as forming residential rather than commercial designation in the city Plan. To accept this standard is in breach of the residential building standards for the city.

Historical context of the site and lack of assessment against the Dept of Heritage reports and Dublin City Council studies (e.g. Shaffrey Report)

- 5.18 There is no sign in the planner's report of any aspect of the various Dublin City Council policy committees and planning reports or even the list of protected structures.
- 5.19 A letter written by The O'Rahilly, before his death at Sackville Lane is quoted in the grounds. He was the only Irish volunteer leader to die on the battlefield.
- 5.20 Moore Lane, at the Parnell Street end, has a sign by Discover Dublin indicating it as the point of surrender by Padraic Pearse to General Lowe. There was an armed barricade here that fired on the Irish Rebel forces as they escaped from the GPO, down Henry Place, crossing the end of Moore Lane before breaking into the Moore Street Terrace from Henry Place at No 10. They continued to break through the adjoining 15 properties to Sackville Lane occupying all the houses and yards adjacent to Moore Lane.
- 5.21 The National Monument 14-17 Moore Street is recognised for the events of 1916, where some of the last of the Provisional Government HQ acts took place. The Hotel will tower over and obscure these significant sites. Moore Street and its adjacent area is mentioned in 200 witness statements relating to the 1916 rising. The entire Moore Street Battlefield site, from the GPO along Henry Street including all of Henry Place, Moore Street and Moore Lane, to the original Rotunda Hospital, is stated to be the most important site in modern Irish history. The British Imperial War Museum has regarded the battlefield site as of vital importance at an international level, being the only remaining urban battlefield site in Europe, if not the world. It has been recommended for independent studies to ascertain the degree of remnant pre-1916 fabric across the battlefield footprint. One aspect that has come to light: the

cobblestones on Moore Lane all along its length and in particular at the Parnell Street end adjacent to the site. Patches can be seen lying beneath the road surface.

- 5.22 James Boland, a relation of the Easter Rising rebel Harry Boland, confirmed that he worked with Dublin Corporation as an overseer in the 1880's responsible for paving the streets, establishing that the cobbles of Moore Lane are from the 19th century.
- 5.23 The remaining street market and footfall of the 1916 Rising have a huge draw: local, national and international; with further potential to be developed as part of the historical/cultural quarter and in keeping with the development plan.

Overall development not meeting the local development context of the Development Plan objectives

- 5.24 The proposal does not meet the Z5 standards.
- 5.25 The grounds has attached photographs of the site and surrounding area and features.
- 5.26 The grounds has attached a copy of the first party's submission to the City Council.
- 5.27 **An Taisce**
- 5.28 An appeal has been made by An Taisce. It includes:
- 5.29 Reference to S 37(4): that under Article 28 (1) (c) (ii) the proposed development warrants to be referred to An Taisce.
- 5.30 The grounds refers to the main site at the corner of Parnell Street and Moore Lane. The proposed seven storey building, in view of its scale and design and its relationship to Parnell Square, would be contrary to the provisions of the current Dublin City Development Plan on Protected Structures, Architectural Conservation Areas, development in historic areas, views, land-use zoning and transitional zone areas. There are multiple sensitivities to this site, facing directly up Parnell Sq West, and

in proximity to the National Monument at No 14-17 Moore Street and wider 1916 battlefield site. Parnell Sq is one of Dublin's five Georgian Squares which are among the city's highest-rated assets in respect of architectural heritage and urban planning. The southern portion of the square lies within the O'Connell Street and Environs, Architectural Conservation Area and the square is designated a conservation area. The ACA conservation statement of 2001 refers to O'Connell St. as of major architectural, historical, cultural, artistic and social importance, a district that was formally planned, laid out and developed between 1740's and early 1800's. Many protected structures lie adjacent, on Parnell Sq west as well as the Rotunda Hospital and Conway's Pub.

5.31 The Policy FC30 of Dublin City Development Plan – to protect protected structures, their curtilage and settings from any works that would cause loss or damage to their special character.

5.32 In relation to Conservation areas the plan states '*Conservation areas have been designated in the city in recognition of their unique architectural character and important contribution to the heritage of the city. Designated conservation areas include extensive groupings of buildings or streetscapes and associated open spaces, these areas require special care in terms of development proposals which affect structures in such areas, both protected and non-protected.*'

5.33 The special value of conservation areas lies in the architectural design and scale of these areas and is of sufficient importance to require special care in dealing with development proposals and works by the private and public sector alike. Dublin City Council will thus seek to ensure that development proposals within all conservation areas complement the character of the area, including the setting of protected structures, and comply with development standards.

5.34 The accompanying policy is to protect and conserve the special interest and character of Architectural Conservation Areas and Conservation Areas in the development management process.

5.35 Referring to the Development Plan

Section 17.10.8 of the Plan outlines standards required in Conservation and Architectural Conservation Areas so as not to constitute a visually obtrusive or dominant form of development.

The Z5 zoning for the area requires proposals to identify, strengthen protect and reinforce, the civic design character and dignity of the area.

Policy FC 26 To protect and conserve the city's cultural and built heritage; sustaining its unique significance, fabric and character to ensure its survival for future generations.

Paragraph 17.1.1 Dublin City Council will ensure that all new developments enrich the urban qualities of the city which means encouraging a distinctive response which complements the setting.

Policy SC2 to protect the grain, scale and vitality of city streets.

- 5.36 An Taisce is concerned, with regard to the location at the southern end of Parnell, with the large sized windows looking onto the square; citing policy SC 30 and the Government Policy on Architecture 2009-2015, which recognises that architectural quality is measured by a building's contextual and environmental response in addition to the aesthetic qualities of the individual building.
- 5.37 An Taisce points out that the naming of the floors is incorrectly stated in the document as e.g sixth floor for the seventh storey. In the case of the proposed seven storey building the top floor must always be the '*seventh storey*'. The height is excessive. The appropriate response for a new building on this site is a step-down between Jury's Inn and Conway's pub: a five to six storey height. The Rotunda Hospital and Parnell Sq have Z8 conservation-oriented zoning. The Plan refers to transitional zones '*while the zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and use zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone.*' The Georgian Square is an environmentally sensitive zone. The proposed development would produce an abrupt transition in scale, contrary to the Development Plan provisions.
- 5.38 The proposed plant area to the roof of the building will have significant visibility in the downhill view along Parnell Sq West and will add to the height and profile of the building; it should be designed out (16.1.9 DP), if possible by relocating any necessary plant to basement level. Dublin City Council have committed to having an independent survey to identify

significance in relation to the 1916 Rising. This is necessary to address the significance of the site and to identify any pre 1916 structures. The elevational design should be revised to provide for a more appropriate solid-to-void ratio responding to the architecture of Parnell Sq. A revised building height should provide for a transition in scale between Jury's hotel and Conway's Pub to preserve and enhance the scale, setting and amenities of Parnell Sq.

6 OBSERVERS

6.1 Lucille Redmond & others

6.2 An observation has been received from Lucille Redmond, Muriel McAuley, Helen Litton, Prionnsias O'Rathaille and Honor O'Brolchain.

6.3 The submission includes:

6.4 The site is part of a network of lanes – Moore Lane, Henry Place and O'Rahilly Parade – an integral part of the 1916 battlefield. The street and its lanes are more suited to shops and small businesses which would keep the lane's historic context in perspective and renew the local identity of this vital city centre streetscape, which is the site of important history of Dublin. This was a busy artisan centre in the 18th century with shops and workshops supplying the wealthy residents of the great northern squares. The first skin hospital in Dublin was in 20 Moore Street and no. 19 was the premises, with workshops behind, of renowned ceramicist Frederick Vodrey.

6.5 This network of lanes is the route through which the GPO garrison retreated under fire from the flames of O'Connell Street. The retreating Irish Volunteers, Citizen Army and Cumann na mBan carried the wounded James Connolly through machine gun and rifle fire, laying the stretcher down outside the mineral water factory known as the White House to break in for shelter; they made a foray along the lane to 10 Moore Street where they broke through and occupied the entire terrace of houses abutting the lane.

6.6 On the part of the lanes now called O'Rahilly Parade (called Sackville St in 1916) Michael, The O'Rahilly died after leading a foray attempting to wind through to Parnell Street. He was shot in Moore Street, machine gunned as he made for shelter in Sackville Lane, and lay dying there for most of the Friday and Saturday of Easter Week.

- 6.7 On Sackville Lane and Moore Street, British sniper and machine gun nests poured fire on the retreating Irish. Sections of witness statements, made to the Bureau of Military History, referring to the retreat through Moore Street, are attached to the grounds.
- 6.8 The proposal includes widening of the laneway which requires the consent of the Councillors; rules for disposal of public land.
- 6.9 Sean McEntee's witness statement describes the northern end of Moore Lane leading into Parnell Street as occupied by his group who had charged with The O'Rahilly. He describes them tunnelling through the houses at right angles: a) towards the Williams & Woods factory (Parnell Street); and b) towards Moore Street.
- 6.10 Attached to the observation are other documents:
- Extracts from the witness statement of Lieut. Sean McEntee
 - Extracts from the witness statement of QMG. Michael Staines
 - Extracts from the witness statement of Lieut. Sean McLoughlin
 - Extracts from the witness statement of Captain Liam Tannam
- 6.11 **The Save 16 Moore Street Committee**
- 6.12 An observation has been received from The Save 16 Moore Street Committee, c/o James Connolly Heron.
- 6.13 The submission includes:
- 6.14 There is no reference in the decision to the statement of the National Museum that the site is the most important historic site in modern Irish history. Policy FC61 of the Dublin Development Plan has been ignored. The principles of the Venice Charter regarding presentation of National Monument in context has been ignored. The site contains pre-1916 structures that are of national importance and therefore national monuments in their own right. No ministerial consent has been sought or obtained for their obliteration. No reference is made in the public notice to the status of structures of national importance. The application should be rejected pending an independent survey of the site by suitably qualified battlefield experts.
- 6.15 Attached to the observation are other documents

6.16 The submission attaches a copy of the submission made to the planning authority including a letter from the observer referring to:

- the site in question forms part of the 1916 battlefield and last headquarters of the 1916 provisional government. To date there has been no independent battlefield survey of the area as recommended by the Dublin City Council Moore Street Advisory Committee. Nor has a Heritage Survey of the Moore Street area been carried out in accordance with Policy FC61 of the Dublin Development Plan.
- There are two extant reports under Ministerial Consent for work to the National Monument:
 - i) A conservation report on 14, 15, 16 and 17 Moore Street by Shaffrey Associates Architects.
 - ii) A Shaffrey/Myles Battlefield Report ('The Wider Battlefield context')

both commissioned by Chartered Land as part of their submission for consent to the Minister. They are inadequate, inaccurate and misleading in many respects.

- the site forms part of an area described by the National Museum as the most important historic site in modern Irish history.
- the application is for adjustments to Moore Lane that will alter and modernize one of the capitals earliest thoroughfares. A CPO process is required.
- the application will alter the exact location of a British army machinegun post that played a pivotal part in the attack on volunteers fleeing the burning GPO leaving a number of them lying dead or wounded.
- the application seeks the demolition of structures identified by the Myles/Shaffrey Report as being pre-1916 elements viewed from the public realm. This is contrary to policy FC30 of the Dublin Development Plan.
- the application is not in keeping with its surroundings, in particular Conway's Public House, a protected structure.
- The development is not in keeping with a sensitive development of Moore Lane in line with its direct link to the 1916 Rising.
- The development is in proximity to the 1916 National Monument. No application for Ministerial consent accompanies the application.
- The site and structures form part of the 1916 battleground and given its direct link to the Rising and to the existing Moore Street National Monument, are by direct association National Monuments in their own right.

- The application refers to a grant of permission to Chartered Land for the development of the surrounding Dublin Centre/Carlton site. That application has stalled and its validity is now open to question on a number of grounds.
 - Dublin City Council has yet to carry out a survey of the Moore Street Area, a requirement of the Dublin Development Plan and recommendation of the Moore Street Advisory Committee. Until such time as that report is presented and considered, any planning application to develop this historic area is premature and contrary to the public interest.
 - The application is premature pending an independent Battlefield Survey and Heritage Survey of the site;
- 6.17 The observation has attached a copy of the map referred to previously and titled '*surviving pre-1916 built fabric visible from the public realm*', which includes the eastern boundary of the subject site along Moore Lane.
- 6.18 **Cllr Ciarán Cuffe**
- 6.19 An observation has been received from Cllr Ciarán Cuffe
- 6.20 The submission includes:
- 6.21 The applicant's archaeological report makes little reference to the importance of the area in the 1916 rising. Cllr Cuffe requests that detailed further information be sought and if planning permission is granted that a full inventory of the existing building fabric is made and lodged with the Board and local authority.
- 6.22 The O'Connell St. ACA extends as far as the western side of Moore Lane. The proposed treatment of the east side of the building clashes with Conway's Pub, a building of Regional Importance in the NIAH. Listings in the NIAH are not the same as Protected structures, contrary to statement in the applicants report.
- 6.23 The Proposed development contains bedrooms that have no external windows, generally associated with seedier establishments. The suggestion that such rooms could be lit from the so-called atrium is absurd given its narrow form, which is a void, lacking in architectural

significance. This is entirely inappropriate from the perspective of human health and fire safety.

- 6.24 The proposed unit on Moore St is only 15 square metres in area, and the floor area is closer to 30 square metres; it should be extended to the maximum possible to maximise footfall.
- 6.25 There is no evidence that the compilers of the AA screening visited the site and this is not best practice. The permission previously granted, 2479/08, provides for a loading bay for at least 4 articulated trucks directly across from the proposed development on Moore Lane. Treble glazing should be considered. The proposed bike store is too small to accommodate the proposed ten bikes and should accommodate twice as many and have a larger area per bicycle.
- 6.26 No dimensions are given for the roof plant, the dimensions should be clearly specified or conditioned.
- 6.27 In the event of permission, the existing stone setts and kerb stones should be recorded, retained and reinstated if removed during construction. Pre-cast concrete panels, as proposed, have a poor record in terms of longevity and appearance in the Irish climate and should be reconsidered.
- 6.28 **The 1916 Relatives Association**
- 6.29 An observation has been received from The 1916 Relatives Association c/o Donna Cooney, PRO.
- 6.30 The submission includes: the applicant's archaeological report makes little reference to the importance of the area in the 1916 rising. There should be a specialist battlefield report, as this is a unique internally recognised urban battle field site. The boundaries of this site need to be defined. Observers request that detailed further information be sought in the context of the site's location in the heart of the 1916 battlefield site; and the internationally-accepted principles contained within the Venice Charter, must be taken into consideration. There is no reference made to the plans to link up the new 1916 themed exhibition centre with the Moore Street area battlefield site. A Lord Mayor's forum is being set up to devise a plan for the whole Moore Street area, in consultation with interested parties.

- 6.31 The O'Connell St. ACA extends as far as the western side of Moore Lane. The proposed treatment of the east side of the building clashes with Conway's Pub, a building of Regional Importance in the NIAH. Listings in the NIAH is not the same as the Protected structures, as stated in the applicants report.
- 6.32 The proposed development contains bedrooms that have no external windows, generally associated with seedier establishments. The suggestion that such rooms could be lit from the so-called atrium is absurd given its narrow form, which is a void, lacking in architectural significance; entirely inappropriate from the perspective of human health and fire safety.
- 6.33 The proposed unit on Moore St is only 15 square metres, and the floor area is closer to 30 square metres; it should be extended to the maximum possible to maximise footfall.
- 6.34 There is no evidence that the compilers of the AA screening visited the site and this is not best practice. The permission previously granted 2479/08 provides for a loading bay for at least 4 articulated trucks directly across from the proposed development on Moore Lane. Treble glazing should be considered. The proposed bike store is too small to accommodate the proposed ten bikes and should accommodate twice as many and have a larger area per bicycle.
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- 6.36 In the event of permission, the existing stone setts and kerb stones should be recorded, retained and reinstated if removed during construction. Pre-cast concrete panels, as proposed, have a poor record in terms of longevity and appearance in the Irish climate shd should be reconsidered.

7 RESPONSES

7.1 The Planning Authority

- 1** The planning authority has not responded to the grounds of appeal.

2 The First Party

- 7.2 The first party has responded to the grounds of appeal, which includes:
- 7.3 The Moore Lane site has an extant permission (Reg ref. 5343/07); for the development of a 7 storey over basement development totalling 4193.8 square metres comprising 758 sq m of retail within ground and basement level, 2578.5 sq m office space first to sixth floors, roof plant, ESB substation, bin stores and service area. Granted in 2007 subject to 21 conditions; permission extended to 2018.
- 7.4 The Moore Street site was refused planning permission for a two storey development (Reg ref 3258/14) for two reasons which include: unsustainable density and design, including an overly deep fascia.
- 7.5 The proposed development is informed by the recent planning history.
- 7.6 Compliance with the Z5 zoning is outlined.
- 7.7 The proposed development responds positively to the urban context; responds to the sites urban centrally located brownfield context, is consistent with the sites planning history and fulfils the policies and objectives of the Development Plan.
- 7.8 The first party has responded to the specific grounds of appeal, including:
- 7.9 Urban design rationale – uses are compliant with the Z5 zoning; the development will make a considerable improvement on the streetscape by infilling unsightly cavities; the proposal addresses the sites constraints whilst also respecting the historic importance of the area. The proposed development is similar in scale and form to the extant permission on Moore Lane (Reg ref. 5343/07); which provides for the development of a 7 storey commercial building; permission extended to 2018. There were no third party observations submitted in that case.
- 7.10 Height standards - the proposal complies with the Development Plan's height standards without impacting on the surrounding context, in particular Conway's Pub, Parnell Sq and O'Connell St. ACA. The

proposal is more respectful of the street's existing building height than the permission which still exists for a 7 storey development.

- 7.11 The scale of the buildings is appropriate, for the same reason and also having regard to the extant permissions on the Moore Lane site and in the vicinity, existing site context, and development management standards applicable to the lands as designated under the Development Plan. The proposed building height for both buildings has been largely guided by the height of the Jury's Inn building. The planning authority contend that the building height with Jury's Inn will help complete this block and will ensure the development integrates more seamlessly into the surrounding context. It will not result in an abrupt transition in scale, but rather will conform to the building line and complement the streetscape by completing the city block.
- 7.12 Compliance with the Development Plan's indicative site ratio and site coverage - the proposed density is appropriate having regard to the city centre location, connectivity across the site and the building will have similar plot ratio and site coverage of the extant permission. The extant permission for a 7 storey building has a plot ratio of c 5.2:1 based on a site area of 703 square metres and a total gross floorspace of 3,623 sq m from ground to sixth floor levels. This does not include the setback along Moore Lane required by Condition No. 2 of that permission. Nevertheless the plot ratio is anticipated to still be higher than the Development Plan's indicative plot ratio standards. The site area for the extant permission was some 100 sq m larger than the current proposal as it did not take account of the Moore Lane CPO. The marginal increase in plot ratio will not adversely impact on the surrounding environment.
- 7.13 Rooftop plant – the proposed development does not include any rooftop plant. The plant rooms are provided at basement level.
- 7.14 High quality design proposals – the proposal provides high quality contemporary tourist accommodation in the city centre; the mix of uses will ensure the area's vitality and vibrancy are maintained; the Development Plan residential standards are not applicable to this commercial development.
- 7.15 In the context of No.s 14-17 Moore Street, No.s 14-17 Moore Street and their back gardens are protected under Preservation Order issued by DAHG, the proposed development will not interfere with or have an adverse impact on this site. The development has no connection with

the permitted Carlton Cinema Development which included works to Nos. 14-17 Moore Street.

- 7.16 The proposed development is not reliant on an independent battlefield survey – preparation of such is beyond the control of the applicant. The proposed development will not adversely impact on the preparation of a battlefield survey having regard to the findings in Myles/Shaffrey Report and to the fact that the development will not alter the surviving street network. Extant permission (reg ref 5343/07) on the Moore Street site was granted by DCC without this survey being undertaken. Assessment of Historical Context – an archaeological assessment of the proposed development area has been carried out and makes recommendations for archaeological monitoring on site which will ensure that any remains (including the foundations of 19th/20th century structures) are recorded and documented.
- 7.17 There will be no interference with street network or removal of 1916 built fabric, the proposed development area comprises two vacant plots. The buildings that would have stood there in 1916 have been removed on foot of the Parnell Street Area CPO. The subject proposal will not further alter the street network. The Moore Lane building frontage follows the line of Dublin City’s CPO for the widening of the Lane and does not impact on the implementation of this CPO by Dublin City Council in the future. Portions of the external walls of the original structures on the Moore Lane site survive as a modified boundary wall with modern additions. These have not been designated protected structures in the Development Plan and are of no archaeological or architectural significance. The extant permission on this site permits the removal of the remaining built fabric to facilitate the development.
- 7.18 Venice Charter – the Venice Charter Articles are not directly applicable. Notwithstanding this, due regard was given to the principles of the Charter during the development of the scheme.
- 7.19 The proposed uses are appropriate for the site having regard to their city centre location.
- 7.20 Documents attached to the response include copies of drawings one of which shows the CPO lines in relation to the proposed development.

3 Further Responses

- 7.21 Responses to the grounds of appeal, observations, and the first party's response to the grounds of appeal and observations, have been received.

4 Third Party

- 7.22 Third parties have responded to the first party has responded to the grounds of appeal.

- 7.23 The third parties **The Save Moore Street Committee**, have responded to the first party's response to the grounds of appeal and observations, which includes:

The first party and the City authorities have ignored what the National Museum have described as 'the most important historic site in modern Irish history'.

- 7.24 The third party **Mel McGiobúin** has responded to the first party's response to the grounds of appeal and observations, which includes:

The design standards which the first party intends to provide, even with conditions from Dublin City Council, are not of sufficient quality for a site of this importance. This proposal is especially weak regarding its use as a low grade hotel, at a strategic junction. The density is overpowering and overbearing, particularly adjacent to protected structures. The threat of the office application should not be used to force a grant of permission for an equally weak and poorly designed application. This site is as part of the most important cultural and historical complexes in the country and requires careful and sustainable planning. The Board is requested to seek the opinion of the relevant state bodies including the National Museum and DAHG.

5 Observers

- 7.25 The observers **Lucille Redmond and others**, have responded to the first party's response to the grounds of appeal and observations, which includes:

- 7.26 They disagree with the first party that 14-17 is not a national monument and provide evidence in this regard.

- 7.27 The observers reject Dublin City Council's suggestion that saving setts and kerbs and taking photographs to show what used to be there, is an adequate preservation of the battlefield. It is urgently necessary to make a battlefield site survey using the Bureau of Military History's witness statements and further statements in its pension records, witness in the many books written by participants, witness in the British records of the 59th Division, the Royal Dublin Fusiliers etc. and contemporary maps and insurance documents; not simply a look see viewing by architects.
- 7.28 The plan for two more hotels is not a suitable use for this place, the area is well served with hotels and hostels, while the city centre is starved of craft studios, mixed housing for all classes, local shops and a sense of a vivid and living cityscape lived in and cared for by Dubliners.
- 7.29 From the witness statements of the group who had charged with the O'Rahilly, the description can only be of this site at the northern part of Moore Lane.
- 7.30 The observers **The Save 16 Moore Street Committee**, have responded to the first party's response to the grounds of appeal and observations, which includes:
- 7.31 The area is already well served with hotel accommodation. This area is held by the National Museum to be a 'theatre of conflict' and the 'most historic site in modern Irish history' it includes pre 1916 structures and laneways of national historic importance what will be disfigured and destroyed. No independent expert survey or report has been done or assessment of the pre 1916 structures. There is no procedure to designate a site as a battlefield. It is a battlefield as a result of a battle taking place. The entrance to Moore Lane from Parnell Street was the location of a British Army machinegun post. This is an historic fact. The proposed development will widen and interfere with the line of Moore Lane. Moore St is a pre famine street and its laneways are, according to An Taoiseach, 'the lanes of history'. These streets and lanes pre date O'Connell St, Sackville St and the GPO. They should be cherished and protected. This site contains 1916 structures that are National Monuments and consent to alter or destroy them is required from the Minister for Arts, Heritage and the Gaeltacht. No such consent has been sought.

8 BOARD CORRESPONDENCE

- 8.1 The Board wrote to The Heritage Council and the DAU, DAHG requesting any submissions or observations.
- 8.2 The DAU submitted an observation, 8/10/2015, which includes:
- 8.3 The archaeological assessment has been submitted on behalf of the developers to address potential impacts of the proposed development.
- 8.4 The eastern portion of the development Moore Lane is located within the northern part of a brickworks site (RMP No. DU018-20606-). The archaeological assessment proposes that archaeological monitoring should take place for subsurface archaeological remains at the Moore Lane portion of the development. This has been incorporated as Condition 9 of the grant of planning permission and is acceptable for development such as this in Dublin City.
- 8.5 The archaeological assessment also concluded that the small site at 30 Moore Street is unlikely to have any archaeological potential having been disturbed by the construction of a nearby hotel and supermarket complex. The two portions of the proposed development form part of the block of buildings bounded by Moore Street, Moore Lane, Parnell Street and O'Rahilly Parade. This entire block is of modern construction.
- 8.6 The western plot survives as a vacant area within the footprint of the hotel/ supermarket complex, while the eastern plot occupies a triangular shaped area to the east and is currently used as a car park.
- 8.7 There is no direct impact from the proposed development on the National Monument site at Nos 14-17 Moore Street / 8-9 Moore Lane. No 39 Moore Street is c. 90, from the nearest point of the National Monument. On Moore Lane, the closest portion of the proposed development is c. 80m from the Moore Lane portion of the National Monument. With regard to the impact of the proposed development on the Moore Street National Monument, there are no recognisable direct or indirect impacts.

Architectural observations

- 8.8 The Department has no objection in principle to the proposed development of this corner site. The design of the facades could perhaps respond more appropriately to their surrounds. The surviving

fragment of walling along Moore Lane includes parts of brick and stone ground floor facades incorporating stone sills together with door and window openings. The pavement along the development site includes granite kerbs and two areas of stone setts that were associated with carriageways.

- 8.9 Architectural Heritage – should An Bord Pleanála decide to grant permission for this development, the Department recommends that it be conditional on a survey and measured drawings being made of the wall and pavement along the site boundary to Moore Lane. The Department further recommends that the granite kerbstones and areas of setts should be protected during the course of construction and made good on completion of the works.

9 PLANS AND POLICIES

- 9.1 The **Dublin City Development Plan 2011-2017** is the operative plan.
- 9.2 Relevant provisions include: overarching policies to consolidate the city centre retail core and for zoning to underpin a compact and sustainable city with standards to reinforce this approach. To minimise car dependence and maximise the use of public transport infrastructure and continue to promote modal shift from private car use to more sustainable forms. That the policies, strategies and projects for developing a sustainable drainage system for the Greater Dublin Region, as identified in the Greater Dublin Strategic Drainage Study are included in the plan; such as the need for upgrading of wastewater infrastructure and minimising storm water discharge to the public drainage network by the use of Sustainable Urban Drainage systems. To require sustainability to be incorporated into the detailed design of buildings. To promote the role of the city as the national and regional economic engine, and the role of tourism as a key driver for the city's economy particularly through making the city attractive for visitors, international education, business tourism and conventions.
- 9.3 More specifically the plan states:
- 9.4 Dublin City Council will promote the city's built heritage including protected structures both through development management and guidance to building owners; promote the regeneration and enhancement of the north city Georgian squares; prepare a statutory

local authority plan for Croke Park and Environs including Mountjoy Sq and Parnell Sq; and promote the awareness of Dublin's industrial, military and maritime heritage

- 9.5 Conservation areas have been designated in the city in recognition of their unique architectural character and important contribution to the heritage of the city. All of these areas require special care in terms of development proposals which affect structures in such areas, both protected and non-protected. The eastern boundary of the subject site is on the boundary of the O'Connell Street Architectural Conservation area and northern edge of the subject site is on the boundary of the Conservation area associated with Parnell Sq / Parnell St.
- 9.6 The plan will seek the preservation and enhancement of all National Monuments in the city and consult the National Monuments Service in assessing proposals for development which relates to Recorded Monuments.
- 9.7 There is a specific policy to investigate the heritage status of Moore St, (FC61).
- 9.8 Land use zoning Z5, City Centre, applies to the subject site with the objective - to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity. The purpose of this zoning is to sustain life within the centre of the city through intensive mixed-use development, a dynamic mix of uses, which interact with each other, create a sense of community and sustain the vitality of the inner city both by day and night. Ideally, this mix of uses should occur both vertically through the floors of the building as well as horizontally along the street frontage. While a general mix of uses e.g. retail, commercial, residential etc. will be desirable throughout the area on the principal shopping streets, retail will be the predominant use at ground floor level. Figure 8 (page 152 of the Plan) identifies the principal shopping streets, of which Parnell Street is one.
- 9.9 An indicative plot ratio standard of 2.5 – 3.0 applies to Z5 City Centre, and an indicative site coverage of 90% applies in Z5 areas. Maximum heights in the city centre are given as 6 storey (19m) for residential and 7 storey (28m) for commercial¹ development; a building of the same

¹ Changed from 'office' to 'commercial' in Variation no. 14 to the City Development Plan, also included in the variation is the following clarification '*The commercial category includes uses (or a*

number of storeys as pre-existing height may be permitted. Development Standards refer to issues which will be taken into consideration when assessing applications for certain types of development, e.g. restaurant and night clubs / licensed premises where noise, residential amenity and the need to maintain high quality retail functions on the primary city centre streets and ensure a balanced mix of uses will be taken into account. Car parking standards are maximum standards. Standards for bicycles include 1 per 10 bedrooms for hotel development, and 1 per 150 sq m for restaurant and pub development.

- 9.10 Appendix 12 lists streets with stone setts (to be retained, restored or introduced) where paved areas; granite paving, flags, kerbing and other features are to be retained. The list doesn't include Moore Lane. Appendix 13 lists streets with paved areas and streets with granite kerbing (the list may need to be reviewed during the life of the plan), where granite kerbing, concrete flags, brick, and other features are to be retained. The list doesn't include Moore Lane but does include Moore Street.

10 ASSESSMENT

- 10.1 The issues which arise in relation to this development are: appropriate assessment, the battlefield site, the City Development Plan development control standards, built heritage conservation/visual amenity and other issues, and the following assessment is addressed under these headings.

10.2 Appropriate Assessment – Screening

- 10.3 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document

mix of uses) such as hotel, office, conference centre, retail, health, education (inc. student housing), etc, and that are permissible/open for consideration under the relevant land use zoning category.'

'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.

- 10.4 A report titled 'Screening for Appropriate Assessment' accompanied the application. This identifies the potential to impact on the South Dublin Bay and River Tolka Estuary SPA (most of the intertidal areas in Dublin Bay but not including those around Bull Island) (site code 4024) and the South Dublin Bay SAC (the intertidal area of Sandymount Strand) (site code 0210), which are within 2.4km of the site and connected to the subject via surface water and waste water discharge; and the Poulaphouca Reservoir SPA (site code 4063) from which water supply will originate. The report concludes that despite the fact that the effluent treatment plant, to which the proposed development will discharge, is overcapacity and subject to surges, the impact of the proposed development will not be significant, because there is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA. Accepting that pollution is undesirable, regardless of the conservation objectives of the SPA, and would be contrary to the aims of the Water Framework Directive, the upgrading works at Ringsend wastewater treatment plant and implementation of the Greater Dublin Drainage Study will address future capacity demand. Discharges of wastewater and surface water from the project cannot result in significant effects to the integrity of the SAC's or SPA's in Dublin Bay. There is no evidence that abstraction is affecting the conservation objectives for Greylag Geese or Black-headed Gulls at the Poulaphouca Reservoir.
- 10.5 The report notes that upgrading of the wastewater treatment plant is scheduled to be carried out in 2016; which indicates that it may precede the subject development.
- 10.6 The proposed development involves the construction of hotel, retail unit, and public bar/ licensed restaurant in the city centre, where water supply, surface water and wastewater discharge are managed by Dublin City Council. Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 10.7 **Battlefield Site**
- 10.8 Walls remain along Moore Lane of the former houses which occupied this site. These are of interest related to the 1916 uprising. The proposed development will involve removal of these structures.

- 10.9 Along Parnell Street there are fragments of buildings within the subject site.
- 10.10 The site is important through its relationship and proximity to the GPO, headquarters of the uprising, because these streets and the buildings along them were (attempted) escape routes for the volunteers from the burning GPO. They were also a place of combat where escaping rebels were fired on by government forces and their snipers and where the rebels opened fire. Later this was the place from which the leadership arranged the surrender. O'Rahilly Parade to the south east of the site(s) is so named after the rebel leader, The O'Rahilly, who died in combat, in this lane, during the uprising. Moore Lane was part of an (attempted) escape route and the houses along it were an important part of the battle, used by rebels who broke through from house to house, in an attempt to join other groups taking part in the uprising. This area was also the place where the plan to surrender was put into effect.
- 10.11 At the Parnell St end of Moore Lane & Moore Street, government forces set up and defended a barricade, to block the rebels' escape.
- 10.12 Having regard to the significance of this area in the 1916 uprising, it is not surprising that the third parties and observers have all raised the issue of the importance of the sites as battlefield sites and of protecting the remnants of the built fabric which remain from that period; because of the significance of the connection they provide to such an important event in the history of this state.
- 10.13 What survives from 1916 ? What appears to survive from the period at Moore St, in the vicinity of the site, is only the general line of the street. The development which forms the current street boundary, along both sides of the street, is modern. The plots now occupied by individual buildings are far in excess of the size of former building plots, but a comparison of the modern mapping with historic mapping indicates that the building line along the street follows the line of former buildings.
- 10.14 On Moore Lane much survives from the period: the form of the street, the set back of buildings; some of the fabric of buildings, and much of the floorscape of the street, some of which is concealed beneath surface dressing. At the eastern side of the site the outer shell of former buildings at ground floor level forms the boundary to the street. This can be seen from the public street along Moore Lane which is edged by building fabric; towards the Parnell St end of the site a hoarding conceals building remnants. Remaining street floorscape can be seen in granite kerbs, two cobbled and kerbed vehicular entrances, and some cobbled street fragments, visible where the surface dressing has worn away. Within the site building remnants can also be seen along Parnell St; from outside the site they are concealed behind a hoarding. The building fabric which remains along Parnell St did not formerly form the street frontage. It is clear, from a comparison of modern mapping and

historic mapping, that the street front along Parnell St is now set back in line with the rear of the buildings which formerly formed the frontage development along Parnell St. This is a result of street widening which has occurred at this location.

Impact of the proposed development on historic built fabric:

- 10.15 The proposed development on Moore St takes place in a context which has already been altered by the development surrounding it and the proposed development would not impact on the 1916 battlefield site.
- 10.16 The proposed development on Moore Lane requires the removal of building remnants along Moore Lane and at the Parnell St end of the site. At the Parnell St end of the site the building remnants, although partly located along the boundary, are within the site. Along Moore Lane the building remnants are outside the site, within land which is, according to the information available on this file, subject to CPO, and therefore under the control of Dublin City Council. The development cannot proceed without the removal of this wall line along Moore Lane. The planning authority having consented to the development, have accepted that development will take place within the CPO land. The removal of the line of wall along Moore Lane will facilitate the street/road widening, which was the purpose for which the compulsory purchase order was made.
- 10.17 It is not clear from the information on the file whether or not any removal of the street floor: the granite kerbs and setts on Moore Lane, will be required as part of the proposed development.
- 10.18 Having regard to the fact that the building remnants along Moore Lane are within the CPO land take, and will be subject to road widening, a decision as to whether they should be removed or not, is, in my opinion, outside the scope of this appeal. Should the Board be disposed to grant permission, it may consider that the removal of the building fabric should be confined to ground level only, as is required to carry out the development. If such a condition were attached to the permission, it would allow the planning authority to decide, at a later date, whether or not it is appropriate to retain the surface expression of the former building line along Moore Lane, as a reminder, within the surface of the widened street, of the historic street and its associations.
- 10.19 The building remnants along Parnell St are from the interior of the building terrace and not the street front. The proposed development in its present form cannot be implemented without removing this building fabric. Implementing the existing permitted development (ref. no. 4372/04, whether the duration has been extended to December 2017 as stated by the planning authority, or 2018 as stated by the first party), would involve removal of these remnants.

- 10.20 Some third parties and observers want a battlefield survey to be carried out before any further development takes place in the area.
- 10.21 The DAHG have recommend that a survey and measured drawings should be made of the wall and pavement along the site boundary to Moore Lane and that the granite kerbstones and areas of setts should be protected during the course of construction and made good on completion of the works.
- 10.22 Based on the foregoing, notwithstanding that this area is an important part of the 1916 battlefield, and that the proposed development will involve the destruction of the ground floor level street front remnant along Moore Lane, which dates from this significant historic period, I do not recommend that planning permission should be refused for this reason.
- 10.23 **City Development Plan, Development Control Standards**
- 10.24 Third parties and observers have raised concerns in relation to compliance with the development control standards of the Development Plan, specifically in relation to building height, plot ratio and site coverage.
- 10.25 The development plan contains standards in relation to building height. As applied to this development the standard is a maximum of 7 storeys to a maximum height of 28m.
- 10.26 The proposed development on Moore Lane is 7 storeys and 25.3m high to the top of the atrium roof; 23.3m to parapet level.
- 10.27 The proposed development on Moore Street, where development was previously refused because of low height, is 7 storeys, 24m high.
- 10.28 Plot ratio and site coverage standards set out in the Development Plan are indicative. Indicative plot ratios of 2.5 – 3.0 apply in the city centre. The Moore Lane building has a plot ratio of 5.8:1. The Moore St. building has a plot ratio of 5.12:1.
- 10.29 Indicative site coverage of 90% applies in this area. The Moore St building has a site coverage of 97%. The Moore Lane building has a site coverage of 95%.
- 10.30 Having regard to the infill nature of the proposed building on Moore St; and the extent of street frontage onto Parnell St and Moore Lane in respect of the Moore Lane site and also the relationship with the blank façades of the adjoining Jury's Inn Hotel development, I am satisfied that the development is acceptable in terms of compliance with the development control standards: height, plot ratio and site coverage as set out in the City Development Plan.

10.31 Build Heritage Conservation / Visual Impact

- 10.32 Concern has been expressed by third parties and observers that the proposed development is inappropriate on this prominent site, where it is close to a protected structure, Conway's Pub, from which it is separated by Moore Lane; and relatively close to another protected structure, the Rotunda Hospital, from which it is separated by Parnell St. It's siting in relation to Parnell Sq, an important Georgian Sq, which is across Parnell St from the site, and where the development will be particularly visible when looking south along the western side of the square, contributes to the sensitivity of the location. The proposed development is also on the boundary, of the O'Connell Street Architectural Conservation Area to the east, and of the Parnell Sq / Parnell St Conservation Area to the north.
- 10.33 Photomontages have been provided showing the visual impact of the proposed development, viewed from key vantage points, and its relationship to built heritage items referred to in the previous paragraph.
- 10.34 The revised and augmented photomontages submitted in response to the further information request are of particular relevance.
- 10.35 It can be seen that the existing view south along the west of Parnell Square, is closed off by the former Dublin County Council offices which do not contribute positively to this view (view 7). The proposed development will screen the view of this building and the rear of other properties. The proposed development is mainly viewed in relation to Jury's Inn hotel from this direction and is of a similar scale to that development. In my opinion the impact of the proposed development as viewed from Parnell Square is acceptable.
- 10.36 The impact on the Rotunda Hospital can be seen in views 1 and 3. The proposed development is separated from the Rotunda Hospital by the relatively wide expanse of Parnell Street. Again the link with the existing Jury's Inn hotel, serves to reduce the impact of the proposed development, viewed in relation to the Rotunda Hospital.
- 10.37 The impact on Conway's Pub, a protected structure and the most proximate part of the O'Connell Street Architectural Conservation Area, can be seen particularly in view's 1, 3, 4 and 5. The angle of view of photomontages 4 and 5, where Conway's Pub is closer to the viewer than the proposed development, does not fully reflect the visual impact of the proposed development on this protected structure. The difference in height between the proposed development and Conway's Pub would be more apparent from directly opposite Moore Lane, however as this is a busy thoroughfare, there is little opportunity to stand and view the buildings from this location.
- 10.38 The photomontages accurately reflect the relationship of the buildings as viewed from the angles shown, which are the main ones from which the

relationship between the protected structure and the proposed development will be seen. The fact that the proposed development will be separated from Conway's Pub by a widened street at Moore Lane and will be set back significantly behind the building line of Conway's Pub, will reduce the impact of the proposed development. The alterations to the proposed development, which were incorporated into the design in response to the request for further information: the glazing of the cranked wall line directly opposite the Pub and the setting back of the top floor level from Moore Lane, will also reduce the impact of the proposed development in relation to Conway's Pub.

- 10.39 Concerns have been expressed by third parties and observers that the proposed finishes are inappropriate for this prominent site.
- 10.40 The proposed walls are to be concrete panels with a terracotta/sandstone colour, with large glazed panels.
- 10.41 I consider that the proposed development taken in the context of the adjoining Jury's Inn hotel development would be acceptable in terms of design and finish. I consider that the proposed development would not be unduly imposing, viewed in the context of Conway's Pub and would be acceptable viewed in the context of the Rotunda Hospital and Parnell Square. I consider that the scale and design of the proposed development should not be a reason to refuse permission.

10.42 **Other Issues**

- 10.43 Concern has been expressed by third parties and observers that the proposed development at Moore Lane provides inferior accommodation and should not be permitted for this reason.
- 10.44 The layout submitted in response to a request for further information, omits bedrooms which have no natural light, and substitutes meeting rooms for these rooms. There remain a number of bedrooms, (one on each floor), to which natural light is supplied via a light well, extending from the first floor to the roof top, where a glazed atrium fulfils the dual function of providing light, and ventilation in the case of fire.
- 10.45 The void into which these bedrooms will face is not very large but it is part of a larger light filled area which comprises a second void in the centre of a circulation area, and glazed lifts. The proposed bedrooms will therefore be well provided with natural light. These rooms will have an acceptable level of amenity.
- 10.46 Concern has been expressed that the proposed retail unit at Moore Street is small and should be extended to the maximum possible to improve the retail function of the street. The first party has pointed out that the space required for the stairwell and lift is such that the retail unit

cannot be extended. I accept that the constrained site area, means that the retail unit is necessarily of limited extent.

- 10.47 Concern has been expressed that the proposed bicycle parking provision is neither of sufficient scale in terms of the space allocated per bike, or in relation to the number of bikes. The Development Plan standard for bicycle parking provision is 1 per 10 bedrooms for a hotel and 1 per 150 sq metres for a restaurant /pub, which would indicate a requirement in the region of 12 bike spaces. The proposal is to provide for 10 spaces, 2.4m total width, in an area adjacent to the bin store. I am reasonably that the space to be provided will be adequate in terms of area, various methods of stacking bikes would allow for extra provision if this becomes necessary. It appears likely, from the layout and the inaccessible location of the storage area, that the facility will not be available for general use and will only be suitable for use by guests of the hotel. No alternative to this space allocation is immediately apparent and for this reason, on balance, I consider the bicycle parking provision to be acceptable.

11 RECOMMENDATION

I recommend that planning permission be granted, for the following reasons and considerations, subject to the conditions set out hereunder.

12 REASONS AND CONSIDERATIONS

In light of the foregoing assessment it is considered that the proposed development would not unduly impact on the adjacent protected structures, Architectural Conservation Area or Conservation Area, would provide hotel accommodation and a public bar/ licensed restaurant of an acceptable standard, would be acceptable in terms of the mixture of uses in this city centre area, would provide for a density of development which would make adequate use of public services including transport, would comply with the provisions of the City Development Plan and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions:

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11th day of June 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 2 Details of the signage associated with the hotel use shall be agreed in writing with the planning authority prior to occupation of the hotel.

Reason: In the interest of visual amenity.

- 3 The design of the shopfront onto Moore Street and the shopfront for the stand-alone bar/restaurant facility onto Parnell Street, including the fascia signage, shall be the subject of a separate planning application.

Reason: In the interest of visual amenity.

- 4 Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements, shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

- 5 The use of the retail unit shall be agreed in writing with the planning authority prior to occupation of the unit, and any change in retail use shall be subject to prior written agreement with the planning authority.

Reason: In the interest of orderly development.

- 6 Before the use hereby permitted commences, a scheme shall be submitted to and approved in writing by the planning authority, for the effective control of fumes and odours from the premises. The scheme shall be implemented before the use commences and thereafter permanently maintained.

Reason: In the interests of the amenities of both the immediate neighbours and general surrounding area.

- 7 A suitably qualified and experienced person shall undertake the design and installation of the kitchen extraction system. The ventilation system shall be designed to incorporate a stack erected to a minimum height of 1 metre above the eaves of the premises or adjoining premises and be so sited to ensure the emissions will cause no nuisance. A suitable filtration system shall be installed to neutralise cooking odours prior to their discharge. The development and associated site works must be in compliance with appendix 1, schedule D – code of practice for noise and air pollution control.

Reason: To safeguard the amenities of adjoining premises, and surrounding area.

- 8 Details of the proposed ventilation system including plan, section and elevation drawings of any necessary plant, ducts and louvred openings required for the ventilation of the kitchen and any other areas of the development which require mechanical ventilation, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and to protect the amenities of the area.

- 9 Details of the materials, colours and textures of all external finishes including samples, shall be, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and to protect the visual amenities of the area.

- 10 Subject to condition no. 7 no development shall take place above roof level, other than those shown on the drawings, unless authorised by a prior grant of planning permission.

Reason: In the interest of orderly development and to protect the visual amenities of the area.

- 11 The meeting rooms hereby approved shall not be used as hotel bedrooms or for overnight accommodation.

Reason: To ensure an adequate standard of development.

- 12 The developer shall retain an archaeologist to advise regarding the archaeological implications of site clearance, demolition, and or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary. The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable. The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.

The archaeologist shall consult with and forward their method statement in advance of commencement to the City Archaeologist. In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including, if necessary, the archaeological excavation of such features. In the event of significant archaeological features occurring on site the archaeologist retained by the developer

shall immediately contact the City Archaeologist, who will consult with the National Monuments Service, Department of Arts, Heritage and the Gaeltacht, to determine the further archaeological resolution of the site. A written and digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the City Archaeologist, National Monuments Service, Department of Arts, Heritage and the Gaeltacht. Following submission of the final report to the City Archaeologist, where archaeological material is shown to be present, an archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and shall be lodged with the Dublin City Library and Archive.

Reason: In the interests of preserving, or preserving by record, archaeological material likely to be encountered, damaged or destroyed in the course of development.

- 13 A survey and measured drawings shall be made of the wall and pavement along the site boundary to Moore Lane, and shall be submitted to the planning authority, prior to the commencement of the development.

Reason: To preserve by record historical material associated with the 1916 rising.

- 14 The boundary walls of the former buildings along Moore Lane shall be removed to ground level only.

Reason: To allow the planning authority to decide whether ground level expression of these buildings should be retained in order that they may be identified as the line of the former buildings along Moore Lane.

- 15 Where features of historic interest such as kerbstones, settes, or other historic features are encountered outside the site boundary along Moore Lane they shall be protected during the course of construction and retained in situ, except where their removal is necessary to carry out the development. In such circumstances the features shall be

recorded prior to removal and reinstated on completion of the development.

Reason: To preserve historical material worthy of preservation and in particular having regard to its association with the 1916 rising.

- 16 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 17 A traffic management plan for all stages of construction shall be agreed in writing with the planning authority before development commences. The plan shall detail access arrangements for labour, plant and materials and shall indicate the locations of plant and machine compounds. All alterations to the public road and footpaths shall be agreed in writing with the Roads Maintenance Division, Dublin City Council Environment and Transportation Department. All works shall be carried out at the applicant's expense and at no cost to the local authority. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of traffic safety and to ensure a satisfactory standard of development.

- 18 Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, a construction plan for the proposed development which identifies all interfaces with the Luas Cross City (LCC) and resolves how the proposed development may be constructed having regard to the installation works in the immediate vicinity of the site, necessary for the LCC. The construction plan shall also have regard to vehicular and pedestrian traffic management and include evidence of consultation with the Railway Procurement Agency and the Luas Cross City Team.

Reason: In the interests of traffic safety, orderly development and to ensure that the proposed development facilitates construction of the Luas Cross City as a strategic transport infrastructure for the city.

- 19 Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenities of adjoining premises, and surrounding area.

- 20 During the construction and demolition phases, the proposed development shall comply with British Standard 5228 – Noise Control on Construction and Open Sites Part 1, Code of practice for basic information and procedures for noise control. Noise levels from the proposed development shall not be so loud, so continuous, so repeated, or of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

Reason: To safeguard the amenities of adjoining premises, and surrounding area.

- 21 During demolition works on the site, all necessary steps to contain dust shall be taken so as to prevent or limit dust being carried to occupiers of other buildings in the area. During any construction or commercial site clearance, excavated materials shall be damped down or otherwise suitable treated to prevent the emission of dust from the site. All stockpiles shall be planned and sited to minimise the potential for dust nuisance.

Reason: To safeguard the amenities of adjoining premises, and surrounding area.

- 22 Prior to the commencement of the development, a suitably qualified hydrogeologist shall be engaged to draw up a report on the effects of the development on groundwater levels and flow patterns in the area, the report shall be submitted to the Drainage Division of Dublin City Council for written agreement and for agreement on proposed remediation works, if required, which shall be carried out prior to any work commencing on the site.

Reason: To safeguard the existing groundwater regime having regard to the extent of the basement structure.

- 23 The developer shall pay to the planning authority a financial contribution of €303,289 (three hundred and three thousand two hundred and eighty nine euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

- 24 The developer shall pay the sum of €86,730 (eighty six thousand, seven hundred and thirty euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000 in respect of the proposed Metro North Scheme. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of

indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Dolores McCague

Inspectorate

Date

Appendix 1 Map and Photographs

Appendix 2 Extracts from the Dublin City Development Plan 2011 -2017