



An
Bord
Pleanála

Inspector's Report ABP 312603-22 Addendum Report

1.0 Introduction

This report is an addendum to the inspector's report in respect of ABP 312603-22 dated 19th October 2022.

At a meeting on 30th August 2023 the Board decided to defer this case and a further two cases pertaining to development along Moore Street for further consideration.

It decided to return the files to the inspector for further consideration and assessment in the context of the current statutory Dublin City Development Plan 2022-2028 and any other relevant new or updated plan or policy that has arisen since the inspector's original assessment and report. An addendum report is requested to assist the Board's further consideration of the appeal.

2.0 Development

The proposal subject of this appeal is for a mixed use scheme comprising of a hotel, retail, café/restaurant, build to rent apartments, cultural building and associated works at Nos. 36-41 Henry Street, 1- 9 Moore Street, 3-13 Henry Place, Clarke's Court and Mulligan's Lane, Dublin 1.

It constitutes one of three concurrent applications before the Board for development along Moore Street and its environs. The other file reference numbers are ABP 312642 -22 and ABP 313947-22.

The application is accompanied by two suites of documents. The 1st relates to the masterplan for the overall Dublin Central Development site and the 2nd to the proposed development of the subject site (site no. 3 as labelled in the said masterplan).

The development as proposed is set out in section 3 of my original report.

The Board is advised that subsequent to my reports on the above said files a further 2 appeals have been lodged for parcel 2 as delineated within the masterplan:-

ABP 3183160 -23 (5126/22) – mixed use development comprising office, retail, restaurant/café and associated works at Nos. 43- 58 and 60A O’Connell Street and the rear of Nos. 59-60 O’Connell Street.

ABP 318268-23 (5432/22) – mixed use development at No.61 O’Connell Street including rear onto Henry Place.

3.0 Policy Context

3.1. National and Regional Policy Context

The national and regional policy context remains the same as that set out in my original report.

3.2. Local Planning Context

Since my report the Dublin City Development Plan 2022-2028 was adopted and came into effect on the 14th of December 2022.

The following provides a synopsis of the relevant sections, policies and objectives as they pertain to the proposed development subject of this appeal.

The **zoning objective** for the site remains the same as that designated in the previous plan namely **Z5 – City Centre**, the objective for 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.

Chapter 4 - Shape and Structure of the City

Section 4.5.1 - Approach to the Inner City and Docklands

It is envisaged that **Moore Street Market** will be developed as a significant new cultural and historical amenity with associated public realm upgrades as well as high quality mixed use development. The North East Inner City, to include Moore Street, is identified as a Strategic Development Regeneration Area with the objective to promote the significant development potential of this area and harness further potential funding opportunities.

Policy SC1 addresses **Consolidation of the Inner City**

Policy SC2 addresses development of the **City's Character** including –

- promoting the development of ***Moore Street and the Parnell Quarter*** as major new cultural and historical attractions for the city.

Policy SC3 addresses **Mixed Use Development** including the provision of high quality, sustainable residential development.

Policy SC5 addresses **Urban Design and Architectural Principles**

Section 4.5.3 Urban Density

The objective is to provide opportunities for increased density in a sustainable manner whilst ensuring the highest standards of design as well as the protection of existing amenities and the natural and historical assets of the city.

In some instances, higher density development will be informed by Architectural Conservation Areas (ACAs), the Record of Protected Structures and other heritage designations. In this regard, such development will be required to minimise potential adverse impacts through appropriate siting, scale and massing. Further guidance regarding urban density is set out in Appendix 3 - Achieving Sustainable Compact Growth: Policy for Density and Building Height in the City.

Policy SC10 addresses **Urban Density** seeking appropriate densities and the creation of sustainable communities.

Policy SC11 addresses **Compact Growth** seeking to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors.

Policy SC12 addresses **Housing Mix** seeking to promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix.

Section 4.5.4 addresses Increased Height as Part of the Urban Form and Spatial Structure of Dublin

Policy and guidance regarding building height is set out in Appendix 3.

The appropriateness of building heights is also a key consideration within the historic core, particularly in key sensitive areas of the city such as the Georgian core, the Liffey Quays and medieval centre. Proposals for increased height in these areas must demonstrate that they do not have an adverse impact on these sensitive

environments and that they make a positive contribution to the historic context. The City Council remains committed to the need to protect and enhance conservation areas, Architectural Conservation Areas and the historic core of the city.

Appendix 3 also sets out a detailed set of performance based criteria for the assessment of proposals of enhanced scale and height so as to ensure the protection of the natural and heritage assets of the city.

Policies SC14 – SC17 address Building Height Strategy

Policy SC19 addresses High Quality Architecture

Policy SC20 addresses Urban Design

Policy SC22 Historical Architectural Character - To promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures.

Policy SC23 addresses Design Statements which are required for commercial development proposals (+1,000 sq. m.) in accordance with the principles set out in Chapter 15.

Section 4.5.6 The Public Realm

Proposals to create a new cultural quarter at Parnell Square, to include the re-location of the City Library from the ILAC Centre, ***redevelop Moore Street and its environs*** will significantly expand the public's perception of the city core and will create new destination points in the city.

Chapter 5 - Quality Housing and Sustainable Neighbourhoods

Policy QHSN6 addresses Urban Consolidation

Policy QHSN7 addresses Use of Upper Floors and to resist and where the opportunity arises, to reverse the loss of residential use on upper floors and actively support proposals that retain or bring upper floors into residential use.

Policy QHSN8 addresses Reduction of Vacancy.

Policy QHSN10 addresses Urban Density.

Policy QHSN12 addresses Neighbourhood Development

Promote developments which:

- build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places;

Objective QHSNO11 addresses **Universal Design**

Policies QHSN36 to QHSN37 address **Houses and Apartments and Mix**

Policy QHSN40 Build to Rent Accommodation - To facilitate the provision of Build to Rent (BTR) Accommodation in the following specific locations:

- Within 500 metre walking distance of significant employment locations,
- Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station), and
- Within identified Strategic Development Regenerations Areas.

There will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other permitted and proposed BTR developments within a 1km radius of the site to demonstrate:

- that the development would not result in the overconcentration of one housing tenure in a particular area and take into account the location of the proposed BTR.
- how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.

Policy QHSN41 Built to Rent Accommodation - To discourage BTR

Accommodation schemes of less than 100 units due to the need to provide a critical mass of accommodation to provide a meaningful provision of communal facilities and services. Smaller BTR accommodation schemes with less than 100 units will only be considered in exceptional circumstances and where a detailed justification is provided.

Policy QHSN58 Culture in Regeneration - To recognise culture as an important mechanism in regeneration, with the potential to act as a catalyst for integration, community development and civic engagement.

Chapter 6: City Economy and Enterprise

Policy CEE8 addresses **The City Centre** seeking to support the development of a vibrant mix of office, retail, tourism related and cultural activities in the city centre.

Section 6.5.5 Regeneration and Vacancy

The expedient redevelopment of extensive vacant/under-utilised sites, especially in the city centre area, is critical to sustainable development. Putting in place a critical mass of investment and development in the short-term is essential to break the negative cycle of underdevelopment and to overcome the barriers to progress that have existed. The City Council will look positively on appropriate temporary uses as interim solutions for vacant land and properties.

Policy CEE20 addresses **Vacant Sites**

Tourism, Hotels and Events

Avoiding an overconcentration of hotel development in certain areas of the city centre is particularly important in the context of wider objectives to create a rich and vibrant range of uses in the city centre. As a result, the Council will consider applications for additional hotel and aparthotel development having regard to the existing and proposed mix of uses associated in the vicinity of any such proposed development.

As specified in Chapter 15: Development Standards (Section 15.14.1), where the planning authority deems there to be an overconcentration of such facilities in an area, the applicant will be requested to submit a report indicating all existing and proposed hotel and aparthotel developments within a 1km catchment and justification that the development will not undermine the principles of achieving a balanced pattern of development in the area.

Policy CEE28 Visitor Accommodation - To consider applications for additional hotel, tourist hostel and aparthotel development having regard to:

- the existing character of the area in which the development is proposed including local amenities and facilities;
- the existing and proposed mix of uses (including existing levels of visitor accommodation i.e. existing and permitted hotel, aparthotel, Bed and Breakfast, short-term letting and student accommodation uses) in the vicinity of any proposed development;

- the existing and proposed type of existing visitor accommodation i.e. Hotel Classification/Rating, Hostel Accommodation, Family Accommodation, Alternative Accommodation etc., in the vicinity of any proposed development;
- the impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre including residential, social, cultural and economic functions;
- the need to prevent an unacceptable intensification of activity, particularly in predominantly residential areas;
- the opportunity presented to provide high quality, designed for purpose spaces that can generate activity at street level and accommodate evening and night-time activities – see also Chapter 12, Objective CUO38.

Chapter 7: The City Centre, Urban Villages and Retail

The site is within the O'Connell Street and Environs Scheme of Special Planning Control (2022)

Henry Street is designated category 1 retail street

Moore Street is designated category 2 retail street

Policies CCUV1 to CCUV19 refer. Of note:

Policy CCUV16 Category 1 and Category 2 Streets - To protect the primary retail function of Category 1 Streets in the city and to provide for a mix of retail and other complementary uses on Category 2 streets. To promote active uses at street level on the principal shopping streets in the city centre retail core having regard to the criteria for Category 1 and Category 2 streets (see Appendix 2 and Figure 7.2).

Policy CCUV18 Residential Development - To encourage, support and promote more residential apartments as part of mixed-use developments or through the reuse / retrofit of the upper floors of existing buildings. The use of upper floors for residential use is supported in principle on Category 1 and 2 Shopping Streets.

Objective CCUVO5 Underutilised and Inactive City Centre Streets - To reactivate the underutilised and inactive city centre streets and lanes in the city centre through the inclusion of art, landscaping, street furniture, outdoor dining, activity spaces and residential uses.

Chapter 8: Sustainable Movement and Transport

Henry Street is designated as a primary strategic pedestrian street with Moore Street designated as a secondary strategic pedestrian street.

Policy SMT18 addresses **The Pedestrian Environment** seeking to improve the pedestrian environment and strengthen permeability by promoting the development of a network of pedestrian routes including laneway connections which link residential areas with recreational, educational and employment destinations.

Chapter 11: Built Heritage and Archaeology

Section 11.3 sets out the **Challenges** – including:

- the ongoing need to balance the often competing demands of a modern city in terms of consolidation and future growth with the need to protect its intrinsic character. There is a need to ensure that Dublin City is a real and vibrant city where people live and work, not merely a tourist destination. Dublin's citizens will be encouraged to live in the historic core and the challenge will be to provide sensitive and environmentally sustainable restoration of historic properties, suitable for modern living.
- The challenge is to facilitate and sensitively manage the changes required to adapt, reuse, upgrade and protect our rich architectural heritage whilst retaining its authenticity, integrity and special interests.
- Increasing public awareness of the cultural value and social and economic significance of the city's built heritage is required. The widening appreciation of our heritage, culture and creativity also presents significant potential for collaboration with community, professional and institutional stakeholders across the various cultural spheres.

Section 11.4 The Strategic Approach

In order to ensure the protection and enhancement of the city's built heritage, the following strategic approach will be pursued:

- The preservation of the built heritage and archaeology of the city that makes a positive contribution to the character, appearance, and quality of local streetscapes and the sustainable development of the city.

- Enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive development to ensure their preservation for existing and future generations.
- Ensure buildings of architectural and historic interest are protected.
- Identify and designate Architectural Conservation Areas and Areas of Special Planning Control.
- Safeguard Monuments and Places listed on the statutory Record of Monuments and Places (RMP).
- Implement and build on the success of the Dublin City Heritage Plan 2002-2006 along with the outcomes of the current City Heritage Plan Review 2021 and promote the role of heritage in fostering creative places that meet local needs and aspirations.
- Promote the reuse of redundant and underused heritage buildings and continue to promote active land measures such as the Living City Initiative and the Living-Over the Shop scheme to encourage the sensitive reuse and adaptation of such buildings.
- Implement policies that support high quality architecture which respects cultural identity and past traditions of building settlement.
- Promote the environmental benefits of heritage conservation as a crucial contributor to sustainability as it fulfils the interrelated economic, cultural, social, and environmental principles of sustainable development.
- Promote best practice in the restoration of the fabric of historic buildings and enhance adaptive capacity, strengthen resilience and reduce the vulnerability of heritage in line with the National Climate Change Sectoral Adaptation Plan for Built and Archaeological Heritage (2020).

Historic Use

The historic use of the structure is part of its special interest and often the best use for a building will be that for which it was built. However, on occasion a change of

use will be the best way to secure the long-term conservation of a structure. Where a change of use is proposed, the building should be capable of being converted into the new use without harmful extensions or modifications..... In finding the optimum viable use for protected structures, other land-use policies and site development standards may be relaxed to achieve long-term conservation.

Demolition - Planning permission shall not be granted for the demolition or substantial demolition of a protected structure or a proposed protected structure except in exceptional circumstances. It is accepted that in some circumstances, the loss of a protected structure may be the only option and this may be permitted where it will secure substantial public benefit or where there is no other viable option. Any proposal regarding the demolition of a protected structure will require the strongest justification provided by a qualified professional with expertise in architectural conservation.

Policies BHA1 to BHA6 pertain.

Of relevance:

Policy BHA2 Development of Protected Structures - That development will conserve and enhance protected structures and their curtilage and will:

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

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

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

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

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

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

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

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

Policy BHA3 Loss of Protected Structures - That the City Council will resist the total or substantial loss of protected structures in all but exceptional circumstances.

Policy BHA5 Demolition of Regional Rated Building on NIAH - That there is a presumption against the demolition or substantial loss of any building or other structure assigned a 'Regional' rating or higher by the National Inventory of Architectural Heritage (NIAH), unless it is clearly justified in a written conservation assessment that the building has no special interest and is not suitable for addition to the City Council's Record of Protected Structures (RPS); having regard to the provisions of Section 51, Part IV of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Section 11.5.2 Architectural Conservation Areas

The site is within the O'Connell Street and Environs ACA

https://www.dublincity.ie/sites/default/files/media/file-uploads/2018-05/01_O_Connell_Street_ACA_adopted_09.07.01.pdf

While the purpose of ACA designation is to protect and enhance the special character of an area, it should not be viewed as a means of preventing new development but rather to help guide and manage change to ensure developments are sympathetic to the special character of the ACA.

There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit. In such exceptional circumstances, a proposal for demolition or substantial demolition will be considered having regard to the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011). Where it is proposed

to demolish a structure that contributes to the character of an ACA or to demolish behind a retained façade, the onus is on the applicant to make the case for demolition.

Dublin City Council will consider the effect both on the character of the area and any adjacent protected structures. When it is proposed to demolish an undistinguished building in an ACA, the proposed replacement should not be of lesser quality or interest than the existing one and should not adversely affect the character of the area.

In considering a proposal for demolition, the applicant must demonstrate that the proposed replacement integrates exemplary principles of sustainable design.

Priority Architectural Conservation Areas

Further ACAs will be considered for designation over this development plan period. Sixteen ACAs have been identified for prioritisation. These and any others considered necessary at any time, will be progressed over the development plan period subject to a prioritisation programme to be agreed as part of the implementation of the development plan and the availability of resources.

Priority ACA projects include **Moore Street**.

Policy BHA7 Architectural Conservation Areas

(a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA.

(b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA.

(c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density,

building lines and materials, and that it protects and enhances the ACA.

Contemporary design which is in harmony with the area will be encouraged.

(d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

(e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA. (f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.

Policy BHA8 Demolition in an ACA - There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit.

Objective BHA02 Designation of ACAs - To identify and designate further ACAs, within the identified priority areas in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Policy BHA11 Rehabilitation and Reuse of Existing Older Buildings

(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.

(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.

(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

Policy BHA18 addresses Historic Ground Surfaces, Street Furniture and Public Realm

(a) To protect, conserve and retain in situ historic elements of significance in the public realm

(b) To maintain schedules of stone setts, historic kerbing and historic pavers/flags, and associated features in the public realm, to be protected, conserved or reintroduced (Appendix 6), and to update and review these schedules during the period of this development plan.

BHA24 addresses Reuse and Refurbishment of Historic Buildings

Policy BHA26 addresses Archaeological Heritage

Objective BHA017 addresses Tourism.

Policy BHA30 Moore Street National Monument - To co-operate with, and facilitate, the state in its preservation of the National Monument at 14-17 Moore Street on a joint venture basis, and to support the retention and refurbishment of the cultural quarter associated with 1916 on Moore Street and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report to the Minister for Heritage and Electoral Reform and the minister's response.

Chapter 12: Culture

Section 12.5.2 Cultural Hubs and Quarters

Policy CU7 Cultural Clusters and Hubs - To support existing, and encourage the growth of, emerging cultural clusters and hubs within the city, which bring together cultural activities interlinked with supporting uses (such as restaurants, retail, galleries and venues) to create vibrant, defined cultural quarters and communities within the city that give a variety of cultural experiences to all.

Parnell Square and North Inner City including Moore St. and O'Connell St.

This area of the city, framed by the capital's premier street, has, in recent years grown and developed significantly as a new hub for culture and heritage within the city.... Further investment is also planned for the area including a large scale public realm upgrade of Parnell Square and Moore Street.....restoration of pre-1916 buildings on Moore Street and the establishment of a commemorative visitor centre marking a key touchstone in our State's foundation.

Policy CU9 Parnell Square and North Inner City Cultural Cluster - To promote and support the growth of the Parnell Square and North Inner City cultural cluster to facilitate opportunities that provide benefits both to the wider City and to the economic growth and regeneration for the NEIC that supports artists, mitigates social

exclusion and increases opportunities for expression and artistic engagement for the diverse local community and in particular, young people.

Policy CUO9 14-17 Moore Street - To support the preservation and restoration of the historic terrace 10-25 Moore Street and adjacent yards and lanes, and the remaining historic built heritage of the street, including numbers 1-8 Moore Street, and the establishment of a commemorative visitor centre, as a fitting tribute to the men and women of Easter 1916 and as an educational and cultural resource centre and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report, OPW and other stakeholders including the response of the Minister for Heritage and Electoral Reform.

Chapter 13: Strategic Development Regeneration Areas

The site is within Strategic Development Regeneration **Area 10 – North East Inner City**

Given the significance of this area and its regeneration potential, Dublin City Council is committed to preparing a Local Area Plan for this SDRA during the lifetime of this development plan and, therefore, this SDRA forms an interim strategy and sets guiding principles for the LAP.

The area is undergoing transformation with a number of initiatives being implemented on foot of the Mulvey report titled “Creating a Brighter Future”. The area has also recently received funding for a number of projects under the Urban and Regional Development Fund (URDF) including public realm works at Parnell Square, Moore Street, the Five Lamps and also **restoration works at Moore Street** and Mountjoy Square.

The main focus will be on the regeneration of identified key sites in accordance with site briefs.

Guiding Principles for Key Opportunity Sites

O’Connell Street/Moore Street Civic/Cultural Hub 1 – O’Connell Street to Moore Lane incorporating Carlton Site

This 2.2 ha site incorporates buildings extending from O’Connell Street, Ireland’s premier street, to Moore Street, including Moore Lane, O’ Rahilly Parade, Henry Street North and Henry Place. It is identified within the Guiding Principles Map as a civic/cultural hub because of both its historical/cultural importance and because of its

potential as a focus for quality retail and mixed-use development. The site is of significant historical importance given its association with the 1916 Easter Rising, and Moore Street is also well known for its open-air fruit and vegetable market. The area has the potential to be transformed through heritage led, mixed-use regeneration that acknowledges and responds creatively to the cultural roles and historical significance of this centrally located site.

Scheme design shall be based on a comprehensive masterplan that incorporates a convenient access route to the planned Metrolink stop, quality connections across the site, and a cultural interpretative element.

Any final proposal must incorporate at least one new east-west pedestrian route interlinking to at least two new civic spaces within the block, utilising the existing lane structure for cross connections.

Masterplan proposals should hence incorporate the following:

- New pedestrian connections linking both O'Connell St. to Moore St. via a new public square, and also Henry Street to Henry Place/Moore Lane.
- Exceptional architectural design to match the importance of this city block that will effectively interlink the historic GPO with the emerging cultural quarter at Parnell Square.
- A new civic square, open to the public, and quality pedestrian access to the proposed Metrolink station.
- An appropriate mix of uses to ensure activity both day and night. Active ground floors should front public routes.
- The restoration of a significant element of the Upper O'Connell Street streetscape, including the former Carlton Cinema façade, No 42 O'Connell Street, and Conway's Pub on Parnell Street.
- Heritage – led retention and restoration of all pre-1916 buildings and fabric along Moore Street.
- Acknowledge the urban architectural and historical context and complement the scale and design of the National Monument at Nos. 14 -17 Moore Street and its reuse as a commemorative visitor centre (URDF Government funding relates).

- Moore Street Public Realm Renewal works to include lighting, public art, paving, stalls, signage (URDF Government funding relates).
- Promote a high quality street market that firstly offers a diverse food range, speciality food with outdoor seating serving same that knits with the proposed Public Realm Renewal works proposed for the area and secondly a high quality urban environment that promotes a mix of uses, including residential at upper levels to ensure passive supervision and continual activity.
- A detailed phasing plan to address different stages of construction, co-ordinated as necessary with other planned works that may take place during the planned construction period.

Proposals for this area must also have regard to:

- The policies and provisions of the O'Connell Street Architectural Conservation Area (ACA), 2001, and the Scheme of Special Planning Control for O'Connell Street & Environs 2016, including any amendments thereto, along with those of the proposed Draft Moore Street Architectural Conservation Area or similar where adopted.
- Protected Structures (as provided on the City Council's Record of Protected Structures (RPS)) and the policies and objectives of this development plan for such structures, together with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Ministerial Recommendations for the proposed addition of buildings and other structures to the City Council's RPS, provided under Section 53 of the Planning and Development Act, 2000 (as amended), together with the relevant policies and objectives for same in this development plan.
- The content of the Moore Street Advisory Group's 2021 report to the Minister.

Chapter 15 addresses Development Standards

Volume 1 – Appendices

Appendix 2 set out the Retail Strategy for the city

Appendix 6: Conservation

Section 2.1 - In accordance with Policy BHA 18(a), the following paved areas and streets with historic (antique) granite kerbing and pavers/flags to be protected,

conserved and reintroduced under the programme for areas with historic ground/street surfaces, together with any associated historic features:

- historic milestones, boundary markers, bollards, boot scrapers, troughs, guard or jostle stones, cast iron basement lights, street skylights and prisms, and
- historic and traditional gratings, historic gutter setts, decorative manholes, coal hole and other covers.

Moore Street

Section 2.2 – In accordance with Policy BHA 18(a), the following paved areas and streets with historic (antique) granite kerbing are to be protected, conserved and reintroduced under the programme for areas with historic ground/street surfaces, together with any associated historic features:

- historic and traditional gratings, historic gutter setts, decorative manholes and other covers.

Henry Place

Moore Lane

Volume 4 – Record of Protected Structures

RPS Ref.No.	Address	Description
8906	4-8 Henry Place	Commercial Premises (former O'Brien's Mineral Water Factory): 19th century ground floor façades to Henry Place

3.2.1. O'Connell Street and Environs Scheme of Special Planning Control , 2022

<https://www.dublincity.ie/sites/default/files/2022-11/O%27Connell%20Street%20and%20Environs%20Scheme%20of%20Special%20Planning%20Control%202022.pdf>

Vision: To strengthen O'Connell Street and environs as a place of importance in the social, economic and cultural life of citizens and visitors, where buildings and their uses reflect a civic dignity and pride, and property owners and occupiers acknowledge their obligations as stakeholders in this area of special significance to the Irish Nation.

PART 1 – Land Use

Objectives

To protect and promote uses that contribute to the special interest or character of specific premises.

To promote an appropriate mix and balance of uses.

Uses permitted, not permitted and open for consideration are listed. Consideration is also given to complementary non-retail uses.

PART 2 – Maximising the use of buildings

Objectives

To attract and encourage a strong and complementary mix of uses on the upper floors of all buildings.

To seek the more intensive use of the upper floors and basement levels of buildings in the area.

It is a general objective of this scheme to seek the redevelopment of vacant, underutilised and underperforming sites located in the O'Connell Street Area.

Office and residential uses will be actively encouraged above first floor level.

PART 4 – The built fabric

Objective: To secure the retention of the historic fabric of the area

4.0 Assessment

I refer the Board to my assessment in my original report.

Whilst there is a material degree of commonality between the policies and provisions of the previous and current plans on matters pertaining to consolidation and redevelopment of city centre sites, retail provision, diversity of uses, density and urban design I note a number of substantive changes/additions which I bring to the Board's attention.

Of note:

Strategic Development Regeneration Area

The site is within the **North East Inner City (Area 10)**, Strategic Development Regeneration Area with the objective to promote the significant development potential of this area and harness further potential funding. Given the significance of this area and its regeneration potential, Dublin City Council is committed to preparing a Local Area Plan for this SDRA during the lifetime of this development plan and, therefore, the development plan provides for an interim strategy and sets guiding principles for the LAP.

The site subject of the appeal would form part of a key opportunity site extending from O'Connell Street to Moore Street, including Moore Lane, O' Rahilly Parade, Henry Street North and Henry Place.

I consider that the proposal as part of the larger scheme proposed for Moore Street and immediate environs accords with the guiding principles for such key opportunity sites as set out in the plan. The proposal will assist in realising the vision of the area becoming a civic/cultural hub having regard to its historical/cultural importance and its potential as a focus for quality retail and mixed-use development. It can be catalyst for the area's transformation through heritage led, mixed-use regeneration that acknowledges and responds creatively to the cultural roles and historical significance of this centrally located site. As noted in my original assessment the scheme design is based on a masterplan that incorporates an access route to the planned Metrolink stop, new connections across the site, and a cultural interpretative element. The overall scheme incorporates a new east west pedestrian route and civic space and utilises the existing lane structure to allow for pedestrian permeability. A mix of uses to ensure day and night activity is proposed with an architectural design that I consider to be appropriate and respectful of the cultural and historic context incorporating retention/restoration of pre-1916 building and fabric along Moore Street. The masterplan envisages a high quality street market

with public realm renewal works, albeit such measures would be outside of the applicant's control. I submit that the proposed development, both on its own and in conjunction with the other phases, therefore, accords with the requirements set out for the area in the SDRA in the plan.

Residential

In terms of residential provision the current plan has specific policies with respect to Build to Rent Accommodation, namely policies **QHSN40** and **QHSN41**. The latter policy discourages BTR Accommodation schemes of less than 100 units due to the need to provide a critical mass of accommodation to provide a meaningful provision of communal facilities and services. Smaller BTR accommodation schemes with less than 100 units will only be considered in exceptional circumstances and where a detailed justification is provided.

Block 3B (western block) of the proposed development seeks to provide for 79 Build to Rent units. I refer the Board to section 8.3.8 of my assessment wherein I submit that the proposed housing tenure to be appropriate to the location having regard to the city centre location in close proximity to centres of employment, together with educational, sporting, cultural and commercial facilities. In this regard I also note that policy **QHSN40** of the current plan seeks to facilitate the provision of such type residential development in 3 specific locations in the city including in strategic development areas of which the site forms part. The site, in terms of its location and context located on the primary/secondary retail shopping area in the city is not within an area where residential use is prevalent and there is not an over concentration of BTR schemes. I would also submit that the site's cultural/historical context presents a unique scenario which could be considered exceptional and where a scheme of less than 100 BTR units could be considered. I would also suggest that the provision would accord with other plan policies which seek to promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix (**Policy SC12**), and the promotion of high quality mixed use development including the provision of high quality, sustainable residential development (**Policy SC3**). I am, therefore, of the opinion that the proposal would not materially contravene the provisions of Policy QHSN41.

Hotel Provision

In terms of visitor accommodation policy **CEE28** refers in which the substantive concern is the avoidance of a proliferation of such type facilities in an area. Having regard to the provisions of the policy I submit the following:

- A hotel is a permissible use within the Z5 city centre zoning.
- The use is part of a larger, mixed use development which will provide for a dynamic mix of uses which assist in the regeneration of this part of the city dominated by retail with significant underutilisation and vacancy.
- Whilst the hotel provision on Parnell Street and O'Connell Street are noted I do not consider that the additional visitor accommodation would give rise to an unacceptable intensification of activity or would impact on the wider objective to provide a rich and vibrant range of uses in the city centre including residential, social, cultural and economic functions;
- the proposal in terms of its design and interface at street level, specifically onto the proposed pedestrian lane and onto Henry Place, can generate activity at street level and accommodate evening and night-time activities.

I therefore consider that the proposed use to be acceptable. I note that the **height** limits set in the previous plan have been removed and that the provisions of policies SC14 – SC17 are now applicable. Notwithstanding, I refer the Board to section 8.5.9 of my report wherein I consider that the height of the hotel as proposed would adversely impact on views of the GPO from the east. In my opinion this would be contrary to the development plan provisions in terms of the need to protect and enhance such views. I therefore reiterate the recommendation to omit two floors and refer the Board to condition 7 (a) of my recommendation.

Culture and Cultural Heritage

Architectural Conservation Area

The site is within the O'Connell Street and Environs Architectural Conservation Area. There is a similarity in terms of policies of the previous and current plans pertaining to same with a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit. I note that policy **BHA5** of the current plan explicitly states there is a presumption against the demolition or substantial loss of any building or other structure assigned

a 'Regional' rating or higher by the National Inventory of Architectural Heritage (NIAH), unless it is clearly justified in a written conservation assessment that the building has no special interest and is not suitable for addition to the City Council's Record of Protected Structures (RPS); having regard to the provisions of Section 51, Part IV of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines for Planning Authorities (2011). I also note that policy **BHA8** emphasises the presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit.

Policies CHC20 and CHC30 of the previous plan which sought to develop a 1916 Historic Quarter including Moore Street, the GPO and Parnell Square largely align with the current plan's vision for the area as set out throughout, including the vision for the designated opportunity site within the North East Inner City SDRA. I would bring to the Board's attention the provisions of Policy **CUO9** of the current plan which refers to Moore Street. The policy seeks to *'support the preservation and restoration of the historic terrace 10-25 Moore Street and adjacent yards and lanes, and the remaining historic built heritage of the street, including numbers 1-8 Moore Street, and the establishment of a commemorative visitor centre, as a fitting tribute to the men and women of Easter 1916 and as an educational and cultural resource centre and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report, OPW and other stakeholders including the response of the Minister for Heritage and Electoral Reform'*.

In this regard I refer the Board to section 8.4.1 of my report which details the body of work that accompanies the application. As acknowledged in my report the significance and import of the area is not disputed and has been in the public consciousness for a significant period of time. Notwithstanding, Nos. 1-7 Moore Street which were constructed post 1916, were not and are not on the record of protected structures. They are assigned regional significance in the NIAH. This remains unchanged from the previous plan. The Board is advised that Nos.8 and 9 Moore Street are being retained and adapted as part of the proposed development. I would also direct the Board to section 8.5.2 of my report in which I note that the interior of the site historically had a number of lanes and archways leading to small courts and backyards to the building fronting onto the larger streets. Save for the

entrance to Clarke's Court these external rear spaces and access routes were gradually filled in and were gone by the 1950s. The network of historic lanes and streets enclosing the site are being retained.

The application is accompanied by an Architectural Heritage Impact Assessment wherein it is concluded that the feasibility of the retention and adaptation would have a major impact on the architectural character of the buildings and negate much of the reasoning for retaining the fabric in the 1st instance. Whilst the extent of demolition is material I would not alter my views as set out in sections 8.5.20 to 8.5.24 of my assessment. Having regard to all the relevant policies in the round (as referenced in this assessment) and the primacy of the redevelopment of an important city centre site with its cultural and historical significance at the core of any proposals, I conclude that whilst the buildings to be demolished are indicative of the character and appearance of the ACA, that the public benefit of the proposal outweighs the case for their retention.

I note that in the current plan Moore Street is one of 16 ACAs which have been identified for prioritisation during the lifetime of the plan. As yet no maps or detail is available or how it will interface with the O'Connell Street and Environs ACA of which the eastern section of Moore Street (within the subject site) forms part.

Protected Structures

Nos. 4-8 Henry Place is included in the **Record of Protected Structures** set out in Appendix 4 of the 2022 development plan (**RPS Ref. 8906**). The designation refers to 19th century ground floor facades to Henry Place of the former O'Brien's Mineral Water Factory. This is at the location of the proposed hotel. I refer the Board to section 8.5.10 of my original assessment wherein a condition comparable to that attached by the planning authority requiring the retention of the facades and incorporation into hotel elevations is recommended (condition 7(b) attached to my recommendation).

As noted in my original report the proposed scheme includes the demolition of other buildings on the site. As noted the buildings have no architectural, cultural or heritage significance, the majority of which were constructed post 1916.

I note that Part I of the Planning and Development Act states that a protected structure includes the land lying within the curtilage of the structure, any other structures lying within that curtilage and all fixtures and features which form part of the interior or exterior of any structure.

Having regard to the location of the proposed demolition in the context of protected structures the following could be considered to be located within the curtilage of the protected structure:

- Save for the ground floor façade Nos. 4-8 Henry Place. As noted in my original report the architectural character and significance of the building was diminished with the exception of the remaining 19th century fabric to the ground floor elevations to the laneway. This is based on the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged much of the premises, followed by another fire in 1982.
- The removal of the rear boundary wall to Nos. 50-51 O'Connell Street and Nos. 52-54 O'Connell Street (protected structure) onto Moore Lane to facilitate construction traffic with no additional works proposed to the plots. The wall is at a remove from the protected fabric and is not considered to inform it for the purpose of this application.

In accordance with the provisions of the Act they could be considered to be protected. In this regard it is noted that Section 57(10) of the Act states that permission shall not be granted for the demolition of a protected structure, save in exceptional circumstances.

I consider that the applicant has provided a body of material to support the conclusions as to the lack of architectural, cultural or heritage significance of the buildings to be demolished. I also note that the record of protected structures in the current City Development Plan, 2022, is very specific as to what is included in terms of the protected structure within the site, namely the ground floor façade of Nos 4-8 Henry Place, only. I am satisfied that the removal of the above referenced structures would have no impact on the setting of the protected structures and, therefore, I have no objection to their demolition. I would also submit that having regard to the importance of the site as stated in my original report and reiterated herein, I consider that exceptional circumstances could be seen to apply and I consider that the public benefit of the proposal outweighs the case for their retention. I also consider that weight

should be given to the proposed re-use and integration of the structures to be retained into the proposal and which would have positive regenerative impacts with the works considered to be of high quality in addition to the retention of the laneway network. I consider that it provides for an appropriate balance in preserving the urban heritage whilst simultaneously attempting to consider the need for modernisation and providing for public amenity.

The proposal could also act as a catalyst for further redevelopment and regeneration of the area and will assist in improving and enhancing the vitality of the area. On this basis I do not consider that a refusal of permission on the grounds of the proposed demolition to be justified.

O'Connell Street and Environs Scheme of Special Planning Control 2022

The Board is advised that the Special Planning Control Scheme was updated in 2022 with the area covered by same aligning with the O'Connell Street and Environs ACA. The objectives for the area are in line with the policies and objectives of the 2022 city development plan.

5.0 Recommendation

In conclusion I endorse my recommendation set in out in section 12 of my original report subject to the following amendments under the heading **Proper Planning and Sustainable Development** as follows:

It is considered that, subject to compliance with the conditions set out below, the proposed development:

- would secure the redevelopment of under-utilised urban land in a prominent city centre location which forms part of a key opportunity site in the North East Inner City (Area 10), Strategic Development Regeneration Area in the current Dublin City Development Plan which is identified as a civic/cultural hub and focus for quality retail and mixed-use development. The proposed development would assist in the redevelopment and rejuvenation of this part of Dublin City in accordance with the development plan's policies and objectives,

- would be consistent with national, regional and local policy measures and guidance which seeks to secure more compact and higher density development in city centre areas,
- would make a positive contribution to the urban character of the area,
- would not seriously injure the amenities of development in the area, the O'Connell Street and Environs Architectural Conservation Area, the character and appearance of the National Monument at Nos 14-17 Moore Street, the protected structure within the site and protected structures in the vicinity.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

I confirm that the report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Pauline Fitzpatrick
Senior Planning Inspector

November, 2023