



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP 312603-22**

### Development

Hotel, retail, café/restaurant, build to rent apartments, cultural building, and associated works.

### Location

Nos. 36-41 Henry Street, 1-9 Moore Street, 3-13 Henry Place, Clarke's Court & Mulligan's Lane, Dublin 1.  
Protected structure.

### Planning Authority

Dublin City Council

### Planning Authority Reg. Ref.

2861/21

### Applicant

Dublin Central GP Limited

### Type of Application

Permission

### Planning Authority Decision

Grant subject to conditions

### Type of Appeal

1<sup>st</sup> Party v. condition

3<sup>rd</sup> Party v. Grant

### Inspector

Pauline Fitzpatrick

## **1.0 Introduction**

- 1.1. This is the 2nd addendum report to the inspector's report in respect of ABP 312603-22 dated 19<sup>th</sup> October, 2022. The 1<sup>st</sup> addendum report is dated 16<sup>th</sup> November, 2023.
- 1.2. The Board in its Direction dated 01/12/23 decided to defer the consideration of the case and to issue a section 137 notice to the parties to the appeal on matters that it proposes to take into account other than those raised by the said parties.
- 1.3. By way of section 137 of the Planning and Development Act, 2000, as amended, the parties to the appeal were invited to provide any comments on matters of relevance to the proposed development by reference to changes to policy and/or wider provisions of the Dublin City Development Plan 2022-2028, that came into force since the lodgement of the appeals now before the Board and that may have relevance to the proposed development.
- 1.4. The notice states that any comments provided should specifically, but not exclusively, address changes in policy/provisions relating to the following chapters of the Development Plan:
  - Chapter 4 – Shape and Structure of the City
  - Chapter 5 - Quality Housing and Sustainable Neighbourhoods (including commentary on policy on houses and apartment mix and Build to Rent Accommodation)
  - Chapter 6 – City Economy and Enterprise (including policy changes on visitor accommodation)
  - Chapter 7 – The City Centre, Urban Villages and Retail
  - Chapter 8 – Sustainable Movement and Transport
  - Chapter 11 – Built Heritage and Archaeology
  - Chapter 12 – Culture
  - Chapter 13 – Strategic Development Regeneration Areas

- Chapter 15 – Development Standards

1.5. This report considers the submissions made on foot of the said request.

## 2.0 Responses to Section 137 Request

### 2.1. Applicant's Response

The submission by Stephen Little & Associates on behalf of the applicant, which is accompanied by supporting drawings and details, can be summarised as follows:

#### *Chapter 4 – Shape and Structure of the City*

##### *High Quality Regeneration & Heritage Protection*

- It is considered that the proposed mix of uses, and design remain consistent with the policies that inform the shape and structure of the city.

##### *Compact Growth*

- The proposal remains representative of appropriate redevelopment of a highly accessible, underutilised, brownfield city centre site for a mix of uses consistent with the compact growth policies.

##### *Building Height Strategy*

- The applicant has previously demonstrated how the proposed development is consistent with section 3.2 criteria and SPPR3 of the Building Height Guidelines.
- At a reduced height of max. 23.25 metres, the tallest building element is neither a 'Locally Higher Building' nor a 'Landmark/Tall Building' as described in Appendix 3 of the current plan. It can be considered a building of 'Prevailing Height.'

#### *Chapter 5 – Quality Housing and Sustainable Neighbourhoods*

- Whilst the Apartment Guidelines were updated in 2023 to remove the application of more flexible design standards to BTR apartment proposals, the transitional arrangements (section 5.10) allow for applications/appeals within

the planning system on or before 21/12/22 to be considered and decided in accordance with the previous version of the Apartment Guidelines that included SPPRs 7 and 8.

## *Chapter 6 – City Economy and Enterprise*

### *Driving Economic Growth and Tackling City Centre Vacancy*

- In terms of the local economy, hotels/tourism/business travel increases spend in adjacent retail outlets. Visitor accommodation also provides an important social and cultural function. The active ground floor use of a hotel such as café/restaurant, plays a vital role in the activation of streets, particularly outside the typical office and retail hours. Hotels, in general, help to create a more vibrant nighttime economy through the entire week and into the evenings.

### *Visitor Accommodation*

- The Board is referred to the Commercial Rationale Report submitted with the application. In relation to hotel development it notes that Dublin will continue to be a global hub for business, culture and history. The proposed hotel development will be sustainable due to its centralised location along key transport routes, the forecast growth in tourist numbers and the supply issues in terms of hotel rooms across the city.

### *Transition to a Low Carbon, Climate Resilient and Green Economy*

- The Board is referred to the Energy & Sustainable Statement accompanying the application. The scheme is aspiring to be one of Ireland's first Net Zero Carbon schemes.

## *Chapter 7 – The City Centre, Urban Villages and Retail*

- The proposal provides new active frontage and connections to support the primary shopping street of Henry Street and the traditional market area on Moore Street. The proposed hotel will draw footfall through the quieter, interior streets and laneways, including Henry Place and Moore Lane, enhancing the vibrancy and safety of the city centre.

## *Chapter 8 – Sustainable Movement and Transport*

- The proposed redevelopment is very well located in terms of accessibility by foot, bicycle, and public transport.

## *Chapter 11 – Built Heritage and Archaeology*

- At the time of the June 2022 planning application and the subsequent appeal, the ground floor facades of the former O'Brien's Mineral Water Building on Henry Place were not included on the RPS. The historic fabric and merit of this building was assessed at the time and recorded in the Molloy & Associates Conservation Architects documents. It is acknowledged that the fabric is now listed for protection. The decision to add these structures to the RPS remains the subject of pending legal proceedings, High Court 2023 3 JR. The proposals made within the response are made without prejudice to those proceedings.
- The extent of the protected structure and curtilage is defined by reference to Figure 2 of the Chief Executive's report to Dublin City Council made on 27<sup>th</sup> October 2022. It is, therefore, limited to ground floor only, façade only, and what is now known as 6-8 Henry Place, only.
- Revised elevation drawings are provided to demonstrate a proposed design with the integration of the protected structure. These elevations do not yet reflect the implementation of condition 6 of Dublin City Council's decision to grant permission. The design scenario now before the Board entails the protected structure becoming an anchor for the project at the Henry Place corner with the proposed contemporary hotel building rising vertically from it. Clerestory glazing and vertical breaks ensure that there is a distinct but sympathetic separation between the retained fabric and the contemporary architecture above. Minor amendments to the core arrangement and internal layouts will ensure that proposed door and window locations at ground floor work within the existing openings and will not disrupt or detract from its character but will help re-establish the importance of the corner site by giving it a new purpose and ensuring its enhanced contribution to the legibility of the 1916 evacuation route. It is accepted that further communication with Dublin

City Council will be required to agree particular strategies for the treatment of external and internal wall finishes, window, and door treatments together with its internal presentation within the hotel lobby. A condition that seeks to amend the proposed design in order to retain the protected ground floor facades is recommended with the details to be agreed with Dublin City Council prior to commencement of works.

- The general appearance and the historic uses and associations are largely maintained, particularly along Henry Street and Moore Street.

### *Chapter 12 – Culture*

- The overall Dublin Central Masterplan will bring together cultural activities interlinked with supporting uses such as a hotel, residential, café/restaurant and office space to create a vibrant, defined cultural quarter and community within this urban block. It is considered reasonable that the provision of community, arts, and culture spaces should be assessed in the context of the wider Dublin Central Masterplan. There are a number of indoor and outdoor cultural and community spaces proposed across the Dublin Central masterplan that meet the Objective CU025 requirement. In the context of the Dublin Central Masterplan 5.2% of the area is dedicated to such uses which is in excess of the minimum requirement set out in Objective CU025.
- The Metrolink public areas comprise 11% of the total Dublin Central gross floor area (including site enabling works) before the other community, arts and cultural spaces are considered. These public areas should be considered as part of the community space provided as part of this development. The community, arts and cultural spaces, when considered together with the Metrolink public areas, accounts for 16% of the Dublin Central masterplan which is well in excess of the 5% required by Objective CU025.
- Site 3 specifically provides a cultural/gallery/café space in the ‘White Building’ which fronts onto the new North-South lane to encourage activity through the site.

- Given the provision of community, arts and cultural spaces across the Dublin Central Masterplan and the significant extent of existing cultural facilities within the wider context of these lands it is considered that the proposed development is consistent with Objective CU025 and other Chapter 12 policies.

#### *Chapter 13 - Strategic Development Regeneration Area 10 Northeast Inner City*

- Whilst DCC are committed to preparing an LAP it is understood that work on same has not commenced. In the absence of an LAP a masterplan for the Dublin Central site was prepared.
- The Dublin Central lands are identified as a 'Key Opportunity Site' within the SDRA. The proposal closely aligns with the aspirations set out in the SDRA.
- It is evident that the masterplan is in line with the guiding principles for Key Opportunity Sites, in this case O'Connell Street/Moore Street/Cultural Hub.
- The Board is referred to the Outline Construction and Demolition Management Plan and Preliminary Construction Traffic Management Plan for further details on different stages of construction, co-ordinated as necessary with other planned works that may take place during the planned construction period.

#### *Chapter 15 – Development Standards*

- The proposed uses are permissible and open for consideration within the Z5 zone.
- The proposal will contribute to achieving a transition to low carbon, energy efficient and climate resilient city centre development.
- The applicant would be amenable to a condition requiring a more detailed Climate Action Energy Statement to be agreed with the planning authority.
- The site, as a component of the wider Dublin Central masterplan, has been designed to meet the mobility needs and convenience of all. It delivers good permeability throughout allowing all-inclusive access without compromising the existing historical character.

- The net density of 239 no. units per hectare complies with the development plan range for the SDRA of between 100 – 250 units per hectare.
- It is consistent with the indicative plot ratio and site coverage standards, 4.31 and 83% respectively.
- SPPR 7 and SPPR 8 remain applicable under the transitional arrangements for the Apartment Design Guidelines. The proposed residential unit mix does not fall within the prescribed mix for the North Inner City. However, in accordance with SPPR 8, the unit mix requirement for the North Inner City and Liberties Sub-City Areas do not apply to units that are designed to a Build to Rent standard.
- The guidelines requirements in terms of storage are met. The sensitive location onto Henry Street and Moore Street within an ACA requires a flexibility in terms of private open space provision (balconies). The associated private amenity space area is added to the internal apartment areas affected resulting in generous living spaces. The communal open space requirements are met.
- For BTR schemes the guidelines state that it is not a requirement that the majority of all apartments exceed the minimum floor area standards by a minimum of 10%. Notwithstanding, 38% of the units are oversized.
- In relying on the flexibility identified in the guidelines in respect of aggregate floor area of living/dining/kitchen area where a variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas, it is confirmed that 2 no. apartments (1.6%) fall marginally below the minimum standards. All units exceed the requirements for apartment sizes as set out in Appendix 1 of the guidelines.
- Individual signage cannot be determined until tenants are secured. Therefore, a general shopfront strategy has been devised.
- No car parking is proposed given the site's central location well served by public transport. Secure cycle storage is provided at basement level. 160 spaces are provided within the site.



## 2.2. Planning Authority

- There are a number of relevant new/revised policies and objectives to which the Board is recommended to have regard to including:
  - Chapter 4: SC1 – 4, SC8, SC11, SC17
  - Chapter 5: QHSN4, QHSN 6 -8, QHSN 10-11, QHSN 38, QHSN47 & QHSN58
  - Chapter 6: CEE1–3, CEE7-8, CEE14, CEE19-21, CEE26, CEE28 & CEE34
  - Chapter 7: CCUV3-4, CCUV6-8, CCUV15-18. CCUV33-39, CCUV41-42 CCUV44, CCUVO18-19.
  - Chapter 8: SMT3-4, SMT8-9, SMT11-12, SMT14, SMT22 & SMT 27.
  - Chapter 11: BHA5-8, BHA10-11, BHA14, BHA18, BHA21-22, BHA24
  - Chapter 12: CU2, CU4, CU7, CU9, CU12-13, CU15, CU20, CUO25-26, CUO39.
  - Chapter 13: SDRA01. SDRA 10 North East Inner City
  - Chapter 15: Section 15.3-15.9, 15.13-18.
  - The Board should also have regard to the Appendices.
- Buildings within the site have been included on the RPS which are subject of judicial review.
- The PA welcomes the development. It would support and be in accordance with a number of policies and related objectives of the development plan, in particular SDRA01 and the guiding principles under SDRA10 North Inner City, and Policy CEE2 which aims to take a positive and proactive approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high quality outcomes. These proposals, which form part of a proposed wider masterplan area for the O'Connell Street Area, will significantly regenerate a major underutilised brownfield city centre site. Its

potential to contribute to the positive transformation of O'Connell Street and its immediate area is of strategic importance to Dublin City.

## **2.3. 3<sup>rd</sup> Party Submissions**

### **2.3.1. Diarmuid Breatnach**

#### *Chapter 4 – Shape and Structure of the City*

- The large site will give preference to chain stores and would not provide integration with the current Moore Street market. It would militate against it. The small independent businesses on Moore Street will either be evicted or be badly affected by the proposal, both in terms of scope and duration of demolition/construction period.
- Such developments are not inclusive or culturally vibrant.

#### *Chapter 5 – Quality Housing and Sustainable Neighbourhoods*

- The proposal does not provide for any social housing. The scale of units makes it unlikely that the residents will achieve any kind of communal solidarity.

#### *Chapter 6 – City Economy and Enterprise*

- The north city centre is in urgent need of regeneration, but chain stores are not the way to achieve it. Such areas become social wastelands at night. Moore Street needs development with a combination of small, independent businesses with secure leases and a lively street market.
- Chain store units can remain empty for some time whereas small independent units can be quickly reoccupied.
- Small independent businesses foster local economic development and social enterprise.
- To an extent Moore Street is a public space and it should be developed as such.

#### *Chapter 7 – The City Centre Urban Villages and Retail*

- Save for housing the Moore Street area is already an urban village.
- The plans for a culture/gallery space combined with restaurant/café does little to facilitate culture. Gallery spaces are often quiet and even dormant most of the time and do not adapt easily to performance. There is no theatre plan or family leisure facilities in the proposal.

#### *Chapter 8 – Sustainable Movement and Transport*

- The proposal does not provide for a development which is lively, and which would encompass activities and experiences integral to people's everyday lives. There is nothing in the proposal that provides for children and young people.

#### *Chapter 11 – Built Heritage and Archaeology*

- The proposals show no acknowledgement of historical or architectural importance of built heritage, much less conservation and commemoration plans anywhere in the Moore Street/Moore Lane/Henry Place area.

#### *Chapter 12 - Culture*

- Apart from the reference to cultural/gallery use in a building also containing a café-restaurant, there is nothing in the application to provide or enhance a cultural environment.

#### *Chapter 13 - SDRAs*

- The only linkage of note in the application is to a surrounding area of chain retail stores and chain eateries/cafes. It does not provide for a mix of uses. There are no recreational facilities proposed.

#### *Chapter 15 – Development Standards*

- There is little mixed-use approach in the application except for takeaway/café/restaurant and retail in an area heavily supplied with same. The BTR will presumably have high rents. The cultural space is not easily accessible. The plan does not provide for a successful neighbourhood in an area already bereft of neighbourhood planning.

### 2.3.2. **Moore Street Preservation Trust**

- While the additional protected structures are currently subject of a legal challenge it is considered that the Board must err on the side of caution and consider the buildings to be already listed on the RPS. Alternatively, it could await the outcome of the legal proceedings.
- Reference to the historic Moore Street and its environs in the current plan are noted. These references should be prioritised in determining the application.
- A way to adhere to the changes in the 2022-2028 development plan has been clearly demonstrated in the Trust's own plan for the area which was submitted as part of this ongoing appeal.
- The following sections of the 2022 Development Plan are relevant to the proposed development:
  - Section 12.5.2 Cultural Hubs and Quarters
  - CU7 Cultural Clusters and Hubs
  - CU9 Parnell Square and North Inner City Cultural Cluster
  - CU09 14-17 Moore Street
  - Section 7.5.6 Food and Beverage Sector/Markets
  - CCUV34 Moore Street Market

### 2.3.3. **Mary Lou MacDonald TD**

- The buildings included in the RPS should be given due consideration.
- Additional reference to the buildings and adjoining laneways on Moore Street should be taken on board. These references include references to a cultural hub and quarter in the north Georgian city incorporating O'Connell Street, Parnell Square and Moore Street.

#### 2.3.4. **Shane Stokes**

- Reading of the 2022 development plan strengthens the case that the buildings on Moore Street must be preserved.

#### *Chapter 11 - Built Heritage and Archaeology*

- All the policies and objectives underline the need to safeguard historic structures, particularly those “which are of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest”, including by adding such buildings to the RPS and to ensure that new developments do not clash with this, including scale and appearance. The proposal does not fit in with any of the stated objectives. The following sections underline this point:
  - Section BHA6; presumption against demolition of buildings on historic maps. The Moore Street buildings appear on the Ordnance Survey of Dublin City 1847.
  - Section 11.5.2; Moore Street is a priority ACA project which is an important consideration for the Board.
  - Buildings have been added to the RPS.
  - Sections BHA7 ACA & BHA8 Demolition in an ACA; Part of the site is within the O’Connell Street ACA and the proposal does not comply with the stated provisions and would have a negative impact on the ACA.
  - The Development Plan also makes provisions for other buildings to be protected even if they are not already given such designation.
  - The sections addressing Buildings of Heritage Interest including Mews and Vernacular Buildings and BHA11 Rehabilitation and Reuse of Existing Older Buildings are applicable.
  - Section BHA30; the requirements for the Moore Street National Monument are noted.

#### *Chapter 12 – Culture*

- Objective CU09 – 14-17 Moore Street supports the preservation and restoration of the historic terrace of 10-25 Moore Street and adjacent yards and lanes, and the remaining built heritage of the street including 1-8 Moore Street.
- Section 12.5.2 identifies Moore Street as part of the North Georgian City cultural quarter and the council undertakes to continue to support, develop, and nurture all identified and emerging cultural quarters within the city and seek the creation of additional spaces where the opportunity arises.

#### *Chapter 13 – Strategic Development Regeneration Areas*

- The guiding principles include the recognition of the importance of the architectural and cultural heritage of the area including Moore Street.
- The City Council aims are listed in the land use and activity section – O’Connell Street/Moore Street Civic/Cultural Hub.
- Moore Street, Moore Lane, O’Rahilly Parade and others are identified as being of key importance in the section ‘guiding principles for key opportunity sites’.
- It is stated that masterplan proposals should incorporate heritage led retention and restoration of all pre-1916 buildings and fabric along Moore Street and acknowledge the urban architectural and historical context. It should have regard to the policies and provisions of the O’Connell Street ACA and Scheme of Special Planning Control for O’Connell Street and Environs 2016, including any amendments thereto, along with those of the proposed Draft Moore Street ACA or similar, where adopted, and in the context of the Moore Street Advisory Group’s 2021 report to the Minister.

#### **2.3.5. Relatives of the Signatories to The 1916 Proclamation**

##### *Section 12.5.2 Cultural Hub and Quarters*

- The Moore Street area is still intact. It mirrors in shape and form how it looked when it was first laid out. A restoration plan to provide for a 1916 Cultural

Historic Quarter rather than another shopping precinct is required in this area of huge historical significance.

- The area is ready made (with restoration) for the creation of a Temple Bar style development plan with centres of excellence in music, dance, language with space for artist studios throughout and including retail café/restaurant support.

*Policy CU9 – North Inner City*

- The historic quarter would connect Parnell Square - Moore Street forming a circle of history.

*Objective CU 09 – 14-17 Moore Street*

- The existing 1916 Monument cannot stand in isolation. It has to be seen in context in accordance with European best practice and guidelines (The Venice Charter).

*Policy CCUV 34 – Moore Street Market*

- The market is important in the social history of the city to which scant regard has been given.
- The proposal will lead to the death of the market.

### **2.3.6. Dublin Town**

The content of its submission is not altered by the adoption of the 2022 development plan.

*Chapter 4 – Shape and Structure of the City*

- The proposal will assist in achieving the relevant objectives.

*Chapter 5 – Quality Housing and Sustainable Neighbourhoods*

- Well maintained and cared for BTR is appropriate for the area and will provide quality accommodation for employees in the general area. Such BTR accommodation is commonplace in other comparative cities.

### *Chapter 6 – City Economy and Enterprise*

- Support the provision of cultural/gallery use together with additional restaurant provision which will assist in maintaining tourist engagement. Other elements of the wider plans such as open and meeting spaces is entirely consistent with emerging city use which has seen a substantial increase in the number of people using the city as a meeting place. This must be accommodated.

### *Chapter 7 – The City Centre, Urban Villages and Retail*

- There is a trend towards shopping and socialising as part of a trip to the city centre. While the north side has a strong retail offering its restaurant and leisure offering could be strengthened. The proposal will add to the overall offering and will assist in cementing the primacy of the city in the retail hierarchy.

### *Chapter 8 – Sustainable Movement and Transport*

- The strengthening of the city, given its public transport access, is essential if the target reduction of 51% in transport related carbon emissions is to be achieved.

### *Chapter 11 – Built Heritage and Archaeology*

- The proposed building design is consistent and sympathetic with the general area's architectural heritage.

### *Chapter 12 – Culture*

- There is considerable scope for using arts and culture in the regeneration of the city's north side. The cultural/gallery space is welcomed which will augment that existing and will better connect the O'Connell/Henry Street district with Abbey Street and also with the proposed cultural development proposed for Parnell Street.

### *Chapter 13 – Strategic Development Regeneration Areas*



- Care has been given to protecting the historic buildings which played a role in 1916. However, it is conscious that Moore Lane and other locations in the area have been redeveloped, often poorly, since 1916.
- The protection of the national monument and revitalisation of the adjacent areas is welcomed. It will assist in the provision of sustainable employment which is a core requirement in the strengthening of the North East Inner City area.
- It will assist in providing greater pedestrian connectivity within the general district.

### 3.0 Further Submissions

The above submissions were circulated for comment. The responses received can be summarised as follows:

#### 3.1. Applicant (c/o Stephen Little & Associates)

In addition to points made in earlier submissions the following are noted:

##### *Chapter 5 – Quality Housing and Sustainable Neighbourhoods*

- The applicant proposes to meet its Part V obligations.
- A number of communal spaces are also proposed as part of the residential component of the scheme allowing sufficient space for residents to use and to create a sense of community.

##### *Chapter 7 – The City Centre, Urban Village and Retail*

- The development will become part of the urban fabric within easy walking distance of a plethora of complementary leisure uses including public houses, cinemas, theatres etc.
- It is considered that policy CCUV41 – New Infrastructure Development does not apply to this development.

- A Scenario Testing and Development Design Report was submitted with the application. It considers the existing pedestrian movement patterns and pedestrian numbers in the area. It underlines the inhibiting and impermeable nature of the Masterplan area in its current format for pedestrian movement. The proposal is considered with objective CCUV019 through its provision of enhanced pedestrian amenities and connectivity to Dublin City Centre.

#### *Chapter 11 – Built Heritage and Archaeology*

- Where practicable existing facades and selected buildings have been integrated into the proposal to preserve the subdivision of the individual shopfronts and maintain the rhythm of the streetscape.
- The proposed height and scale are comparable with the recent pattern of development within the ACA. The proposed new buildings complement the existing materials palette and propose similar, high quality and self-finished materials to preserve the character of the ACA.

#### *Chapter 12 – Culture*

- Visitor accommodation provides an important social and cultural function. Hotels, in general, help to create a more vibrant nighttime economy through the entire week and into the evenings.
- The cultural/gallery/café space in the White House building will encourage activity through the site.
- The applicant supported a forensic analysis of this section of Moore Street at an early stage of the design process, mapping the position and known extent of pre-1916 building fabric.
- The legibility and enhanced expression of Moore Lane and Henry Place is a central design objective of the masterplan. It is accepted that the mergence of historic laneways and yards within the building blocks of site 3 and sites 4 and 5 reflects their infilling and amalgamation over the course of time since 1916. The viability of the development, to an extent, relies on the continuance of this adopted tradition, whilst preserving, restoring, and presenting building fabric of significance.

- Whilst the establishment of the commemorative visitor centre falls outside the remit of the application it has made every effort to consider the national monument and its setting within the overall masterplan including the provision of upgraded and new public realm.

#### *Chapter 15 – Development Standards*

- The plan states that the guidance and principles set out are intended as a guide to prospective applicants as to how new development should stimulate responsive and innovative design. As such the provisions are guidance rather than policies or objectives which must be adhered to.
- Whilst a social and community audit was not submitted it is the Council's view that a childcare facility is not required, having regard to the nature and mix of units.

### **3.2. Planning Authority**

It reiterates points made in the submission summarised above.

### **3.3. Moore Street Traders (c/o William Doran)**

- Their submissions as made stand. They support the submissions made in opposition to the proposal as summarised above.
- They have not agreed to withdraw their appeal or to support the application.
- The Board is requested to refuse permission or to include enforceable conditions which protect the livelihood of the traders allowing them to continue trading, including conditions to control noise and dust.

### **3.4. Moore Street Preservation Trust (2 no. submissions)**

- It supports the submissions made in opposition to the proposal.
- It challenges the applicant's assertion that the proposal constitutes a significant urban regeneration project that encourages high quality urban design and architectural details that contribute to the historic streetscape. The

dominant factor is an emphasis on the commercial viability of the projects. The large scale and high density of development and the proposed uses highlight the commercial basis for the proposals. There is a lack of real or proper reference to the historic nature of this quarter in the application.

- The applicant's proposal to simply integrate the ground floor façade of the former O'Brien's Mineral Water Building on Henry Place into its design is a simplistic, thoughtless approach. The historic façade would be dominated by an eight-storey building above and adjoining it. The demolition drawings submitted with its submission serve to highlight the destruction of a historic terrace of buildings in this historic quarter.
- Whilst the City Council's planners and management have supported the project, it is at variance with the elected members which have constantly advocated adding to the RPS and that any planning application should give proper consideration to the historic nature of the quarter.
- Work on the LAP for the Strategic Development Regeneration Area 10 (North East Inner City) has not commenced. A decision on the application is premature pending the said LAP. It is not fair or reasonable that the applicant's masterplan and design statement replaces the LAP.
- A properly designed historic quarter can be part of a commercial development and could attract visitors similar to other prominent tourist attractions across Dublin.

### **3.5. Stephen Troy**

- He concurs with the submissions made in opposition to the proposal.
- DCC and Dublin Town are aware of the financial impact that such large construction projects can have on businesses in close proximity. The latter does not represent its members.
- There is an oversupply of retail in the city centre.

- A plan of restoration as proposed in the 1916 Cultural Quarter Bill is much more fitting for a city centre that is in urgent need of enhanced footfall and regeneration.
- Issues pertaining to compensation and the MSAG report raised in the submission.

### **3.6. Dublin One Business Alliance (c/o DMOD Architects)**

- The Board is requested to recommend appropriate mitigation to redress the applicant's neglect of the adverse impact on the businesses and livelihoods of the independent store traders with premises on Moore Street.

### **3.7. Relatives of the Signatories to The 1916 Proclamation**

- The Board cannot make a decision before the making of the LAP for the Strategic Development Regeneration Area. The applicant offers no evidence in support of the contention that the Planning Authority can grant permission in the absence of the plan.
- There is no allowance for the development of a cultural quarter. The historic importance of buildings linked directing to The Rising is ignored.
- They share the Department's view that the extent of proposed demolition is unnecessary and not acceptable. The Mola drawings show that the evacuation route along Henry Place is to be demolished almost in its entirety.
- The O'Brien's Mineral Water Works Building is to be reduced to one wall on which an 8-storey hotel is to be built contrary to policy BBHA 11.
- The findings of the Dooley Hall Report on which the applicant relies were not meant to be final as no access was gained to any building. Subsequent internal surveys by city council planners show 1916 elements in each building along the terrace.
- The dismissal of No.18 Moore Street as not being worthy of protection is based on its description as being in ruins in 1916. It does not mean the site

was an open site. This house shares a party wall with No.17 Moore Street. It follows that it forms part of the declared National Monument. It cannot be demolished solely in the commercial interest of the applicant.

- No decision can be made until a decision is made on the proposed Metro Link.
- The plan drawn up by Sean O'Muiri Architect meets all the recommendations and objectives of the city development plan, the recommendations of the Moore Street Advisory Committee and the recommendations and objectives of international guidelines on protection of history and heritage.

### **3.8. Save 16 Moore Street Committee**

- The Board should not make a decision until a decision has been made on the judicial review, and the LAP in accordance with development plan requirements is prepared.
- The assessments carried out on Nos. 11, 12,13 & 18 Moore Street, Nos. 4-8 Henry Place and No. 10 Henry Place are incomplete and cannot be relied upon.
- There has been no independent archaeological/architectural survey of the Moore Street battlefield site.
- The Dooley Hall report on which the applicant relies was merely a desktop report.
- The extent of demolition is totally unacceptable.
- The so called integration of the ground floor façades of the O'Brien Mineral Water Works building consisting of a segment of wall beneath an 8-storey hotel shows a blatant disregard for its historic importance and crucial location in the story of the Rising.
- The argument that the Minister has already granted consent to the part demolition of 14 to 17 – the removal of the party wall with no.18 Moore Street

does not stand up. The consent was granted to an entirely different planning application.

### **3.9. Shane Stokes**

He notes and concurs with the submissions in opposition to the proposal. He does not agree with the submission made by Dublin Town or that on behalf of the applicant.

- Section 12.5.2 – Cultural Hubs and Quarters. The inclusion of the North Georgian City is clear. Moore Street and its surrounding area are an unmistakable part of Dublin culture and should be restored and enhanced by the State rather than erased as part of a large-scale commercial development.
- CU7 – Cultural Clusters and Hubs. The inclusion of the additional buildings onto the RPS is an important step towards this policy.
- CU9 – Parnell Square and the North Inner City Cultural Quarter. The policy is better serviced by the proposed alternative plan unveiled in 2021 by the Moore Street Preservation Trust and The 1916 Relative Alliance which are more sensitive to the existing structures, history, and culture.
- CU09 14-17 Moore Street. The objective is clear in having Moore Street and the adjoining areas preserved.
- Section 7.5.6 Food and Beverage Sector/Market and CCUV34 Moore Street markets are clear in terms of the preservation and protection of the area.
- Dereliction can and would be addressed by the recognition that many buildings have been placed on the RPS. Safeguarding these buildings rather than tearing them down is the solution.
- The argument in chapter 7 advocating for retail is not sufficient to remove such important structures along Moore Street.
- The development would result in the removal of a site of significant and cultural interest which would only further increase the imbalance in tourism between both sides of the Liffey.

- The whole rationale for preserving Moore Street and the surrounding areas is precisely that they were a battleground site of huge historical importance. Damage is inevitable in such a context. The fact that damage was incurred should not be a reason for the area to be deemed unworthy of preservation. Even if damaged buildings were repaired or restored in the years afterwards this is a direct repercussion of a vital event in the State's history and is intrinsically connected to that event.

### **3.10. Dublin Town**

- The district lies within the city's northern commercial core. This was the case in 1916. A commercial district must attract sustained footfall to survive. The introduction of the diverse uses is essential if the regeneration of the district is to be achieved and its future to be safeguarded.
- The addition of pedestrian routes and green spaces will increase pedestrian permeability and increase dwell time.
- It concurs with the Dublin City Council planners.
- It agrees that the creation of the national monument at 13-17 Moore Street is appropriate but does not believe that the preservation of the entire area, including buildings rebuilt or substantially modified after 1916 is necessary.
- The key element of the development plan is sustainability. The development provides for a high level of sustainable building design, biodiversity, and energy efficiency/carbon neutrality.

## **4.0 Assessment**

- 4.1. I refer the Board to my report dated 19<sup>th</sup> October, 2022 and the addendum report dated 16<sup>th</sup> November, 2023. In the latter I noted the substantive changes/additions between the 2016 Dublin City Development Plan which was applicable at the time of the lodgement of the application and the current plan which came into effect in December 2022.



- 4.2. I advise the Board that in addition to the 2 no. concurrent appeals for which comparable addendum reports have been sought (ABP 312642 – 22 and ABP 313947-22) there are a further two appeals currently before it for other lands covered by the Dublin Central masterplan. ABP 318316-23 for Site 2 and ABP 318268-23 for 61 O’Connell Street refer.
- 4.3. I note the planning authority in its submission details specific policies and objectives to which it recommends the Board have regard to. I have detailed the majority of the references in my addendum report dated 16<sup>th</sup> November, 2023. In the interests of completeness, the Board is advised that those not referenced in the said addendum report are as follows:

***Chapter 4 – Shape and Structure of the City***

Policy SC4 - Recreational and Cultural Events including the development of new and the retention and enhancement of existing civic and cultural spaces.

Policy SC8 - Development of the Inner Suburbs.

***Chapter 5 – Quality Housing and Sustainable Neighbourhoods***

Policy QHSN4 - Key Regeneration areas. To promote the transformation of the key regeneration areas into successful socially integrated neighbourhoods and promote area regeneration in parts of the city which require physical improvement and enhancement.

QHSN11 - 15-Minute City.

Policy QHSN38 - Housing and Apartment Mix, encouraging the creation of mixed use, sustainable residential communities.

Policy QHSN47 - High Quality Neighbourhood and Community Facilities.

Policy QHSN58 - Culture in Regeneration recognising the potential to act as a catalyst for integration, community development and civic engagement.

***Chapter 6: City Economy and Enterprise***

Policy CEE1 – Dublin’s Role as The National Economic Engine.

Policy CEE2 – Positive approach to the economic impact of applications including taking a positive and proactive approach when considering the impact of major planning applications in order to support economic growth and also to deliver high quality outcomes.

Policy CEE3 - Promoting and Facilitating Foreign Direct Investment.

Policy CEE7 - Strategic and Targeted Employment Growth.

Policy CEE14 - Quality of Place.

Policy CEE19 - Regeneration Areas. To promote and facilitate the transformation of Strategic Development and Regeneration Areas (SDRAs) in the city, as a key policy priority ..... including by promoting high-quality private and public investment.

Policy CEE21 - Supply of Commercial Space and Redevelopment of Office Stock

Policy CEE26 - Tourism in Dublin including its promotion and facilitation as one of the key economic pillars of the city's economy and a major generator of employment and to support the appropriate, balanced provision of tourism facilities and visitor attractions.

Policy CEE34 - Craft Enterprises recognising that same including designers' studios/workshops etc., along with visitor centres, provide economic development and regeneration potential for the city, including the promotion of tourism.

### ***Chapter 7: The City Centre, Urban Villages and Retail***

Policy CCUV33 - Support for Markets. To facilitate indoor and outdoor markets both in the city centre and throughout the city particularly where they support the existing retail offer and local produce/start up enterprise and the circular economy; and to realise their potential as a tourist attraction.

Policy CCUV34 - Moore Street Market. To recognise the unique importance of Moore Street Market to the history and culture of the city and to ensure its protection, renewal and enhancement in cooperation with the traders, and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report, the OPW and other stakeholders including the response of the Minister for Heritage and Electoral Reform.

Policy CCUV35 - Night Time Economy.

Policy CCUV36 – New Development seeking to support uses that would result in the diversification of the evening and night time economy where there is little impact on the amenity of adjoining or adjacent residential uses.

Policies CCUV37 – CCUV39, CCUVC41-42 and CCUV44 - Streets and Spaces and Public Realm.

Objective CCUVO18 - Streets and Lanes Dublin 1. To work with city stakeholders to implement a number of public realm projects arising from the Re-Imagining Dublin One study and to extend best practice from these projects to other parts of Dublin 1 and the city.

Objective CCUVO19 - Linking Office and Culture Clusters to the Retail Core.

## ***Chapter 8 Sustainable Movement and Transport***

Policy SMT3 - Integrated Transport Network.

Policy SMT4 – Integration of Public Transport Services and Development.

Policies SMT8-9 – Public Realm Enhancements and in New Developments.

Policy SMT11 – Pedestrian Network seeking to protect, improve and expand on the pedestrian network, linking key public buildings, shopping streets, public transport points and tourist and recreational attractions whilst ensuring accessibility for all.

Policy SMT12 – Pedestrians and Public Realm seeking to enhance the attractiveness and liveability of the city through the continued reallocation of space to pedestrians and public realm.

Policy SMT14 – City Centre Road Space.

Policy SMT22 – Key Sustainable Transport Projects including Metrolink and Bus Connects.

Policy SMT27 – Car parking in Residential and Mixed Use Developments.

## ***Chapter 11 Built Heritage and Archaeology***

Policy BHA10 – Demolition in a Conservation Area.

Policy BHA14 – Mews.

Policy BHA21 – Retrofitting Sustainability Measures.

Policy BHA22 – Upgrading Environmental Performance.

## **Chapter 12 Culture**

Policy CU2 - Cultural Infrastructure ensuring the continued development of Dublin as a culturally vibrant, creative, and diverse city with a broad range of cultural activities provided throughout the city, underpinned by quality cultural infrastructure.

Policy CU4 - Cultural Resources and supporting the development of new and expanded cultural resources and facilities within the city.

Policy CU13 – Protection of Cultural Uses impacted by Covid.

**Note CU09 14-17 Moore Street** is incorrectly referenced in the previous addendum report as a policy. I confirm that it is an **objective**.

Policy CU12 – Cultural Spaces and Facilities including growing the range of cultural spaces and facilities in tandem with all new development.

Policy CU15 – Cultural Uses in the Design and Uses of Side Streets.

Policy CU20 - Cultural Activities in the Evening.

Objective CUO25 - SDRAs and large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area\* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces, predominantly internal floorspace, as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

\*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.

Objective CUO26 - Demolition or Replacement of a Use of Cultural Value. Where applications are made seeking to demolish or replace a cultural space/use, the development must re-accommodate the same or increased volume of space/use or a similar use within the redevelopment. Cultural uses include theatres, cinemas, artist studios, performance spaces, music venues, nightclubs, studios and dance space.

Objective CUO39 - Purpose Built Spaces for Evening and Night Time Activities To encourage the opportunity presented by new larger developments, including a requirement for all new large hotels\* and aparthotels\*, within the city to provide high quality, designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performances/theatre/music/dance venues, and/or for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening and night-time uses.

\*Over 100 bedrooms.

#### ***Chapter 14: Strategic Development Regeneration Areas***

Objective SDRAO1 - To support the ongoing redevelopment and regeneration of the SDRA's in accordance with the guiding principles and associated map; the qualitative and quantitative development management standards set out in Chapter 15; and in line with the following overarching principles:

- Architectural Design and Urban Design
- Phasing
- Access and Permeability
- Height
- Urban Greening and Biodiversity
- Surface Water Management

- Flood Risk
- River Restoration
- Sustainable Energy
- Climate Change
- Cultural Infrastructure – schemes over 10,000 sq.m. to provide a minimum of 5% community, arts and culture predominantly internal floorspace.

## **Chapter 15 – Development Standards**

Section 15.7.3 Climate Action and Energy Statement. Statements for significant new residential and commercial developments in SDRA 10 must demonstrate how the proposed development is District Heating Enabled and will connect to the 'Docklands and Poolbeg' DDHS catchment.

### **Section 15.9.1 Unit Mix**

#### **North Inner City and Liberties Sub-City Areas**

- A minimum of 15% 3 or more bedroom units
- A maximum of 25-30% one bedroom/studio units

#### **Comment:**

In the interests of clarity I advise that I have regard to the totality of the 2022 City Development Plan and to all the submissions received in response to the Section 137 notice. I refer the Board to my report dated 19/10/22 and addendum to same dated 16/11/23. In addition:-

- In terms of the residential component, I refer the Board to my addendum report and my assessment therein of policies QHSN40 and QHSN41. As noted by the applicant applications/appeals within the planning system on or before 21/12/22 can be assessed under the provisions of the previous Apartment Guidelines. In accordance with SPPR 8 of the applicable guidelines no restrictions on dwelling mix shall apply. Therefore the unit mix requirement for the North Inner City and Liberties Sub-City Areas set out in Chapter 15 are not applicable.

- With respect to the hotel component. I note the requirements of Objective CUO39 which requires hotels with over 100 bedrooms to provide high quality, designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performances/theatre/music/dance venues, and/or for flexibility in the design of larger spaces, such as conference spaces, to be adaptable for evening and night-time uses. Whilst the recommendation to omit the two upper floors of the hotel would result in the reduction in bedroom numbers from 150 to 140 the provisions of this objective would be applicable. I consider that this requirement can be met within the proposed development by way of internal space alterations and can be appropriately addressed by way of condition.
- Objective CUO25 requires that all new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. must provide, at a minimum, for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces (predominantly internal floorspace) as part of their development. Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector. This requirement is reiterated in objective SDRAO1. The site subject of this appeal (site 3) specifically provides for a cultural/gallery/café space in the ‘White Building’ which fronts onto the new North-South lane. This has a floorspace of 123.4 sq.m. which equates to less than 1% of the 15,842.4 sq.m. floorspace originally proposed for this site (i.e. does not include the reduction arising from the recommended omission of top two floors of the proposed hotel). The said recommended omission reduces the floorspace by approx. 971 sq.m. to 14,871 sq.m. which would have no appreciable impact on the percentage share of the provision. However, I would concur with the applicant’s view that it is reasonable that the provision of community, arts, and cultural spaces should be assessed in the context of the wider development which is subject of five separate applications. There are a number indoor and outdoor cultural and community spaces proposed across the site including an extension to the national

monument in site 4, the public plaza straddling sites 4 and 5 and community spaces including a reading room in site 2. The provisions equate to in the region of 5% of the total area. This would accord with the minimum requirement set out in Objective CU025. Given the provision of community, arts and cultural spaces across the overall site and the extent of existing and proposed cultural facilities within the wider context of these lands, it is considered that the proposed development can be seen to be consistent with Objective CU025 and other Chapter 12 policies, and would not contravene materially the development plan provisions in this regard.

- I refer the Board to section 8.7 of my initial report with respect to Moore Street Market. The development, of itself, would not contravene policy CCUV34 of the current plan which seeks the market's protection, renewal and enhancement. I reiterate the view that redevelopment of the site and wider area will necessitate construction works and traffic which, of themselves, will always bring an element of disruption. Whilst the impact on traders is fully acknowledged and is regrettable this, for a certain period, is a required compromise so to secure the proper planning and sustainable development of the area. It will be a matter for the Moore Street Advisory Group (MSAG) in conjunction with the local authority to advocate and encourage the re-establishment of the market on the completion of construction.
- A number of submissions note that the Moore Street ACA has been identified for prioritisation during the lifetime of the plan. The Board is advised that the relevant section of the plan is Section 11.5.2 in which it is stated *such prioritised ACAs are to 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*. No specific policy or objective is included with respect to the said programme. As I have noted previously no maps or detail is available or information on how it will interface with the O'Connell Street and Environs ACA of which this site forms part. I note that the submission from the planning authority does not give any further details on this matter.



- I have nothing further to add to my assessment as pertaining to the development which comprises demolition in the ACA.
- As noted previously Nos. 4-8 Henry Place is included in the RPS as set out in Appendix 4 of the 2022 development plan. Both my original assessment and repeated in the addendum report recommended a condition requiring the retention of the protected facades and incorporation into the hotel elevations. The applicant in its response to the section 137 notice has submitted elevation drawings showing the incorporation of the facades to be retained into the hotel. Internal alterations will also be required to facilitate same. I consider the proposed amendments to be reasonable and I recommend that the condition be amended accordingly. I note that the agent for the applicant in its section 137 response notes that the extent of the protected structure and curtilage is defined by reference to Figure 2 of the Chief Executive's report to Dublin City Council made on 27<sup>th</sup> October 2022 and is, therefore, limited to ground floor only, façade only, and what is known as 6-8 Henry Place, only. I acknowledge this to be the case but note that the address as given on the RPS is 4-8 Henry Place (RPS No. 8906). I recommend that this is used in the amended condition.
- As noted above I advise the Board that my reference to policy *CU09 14-17 Moore Street* is incorrect in the 1<sup>st</sup> addendum report. I confirm that it is a plan objective. Notwithstanding, my comments on the said plan provision remain unaltered.
- A number of submissions consider that the proposal is premature pending the preparation of the LAP for the Strategic Development Regeneration Area 10 – North East Inner City to which the City Council is committed to preparing during the lifetime of the plan. Whilst referenced in the text of chapter 13 it is not referenced in objective SDRAO1. As clearly enunciated in chapter 13 the SDRA forms an interim strategy and sets out the guiding principles for the LAP which are set out in the objective. I submit that it is against such principles potential development is to be assessed pending the preparation of the LAP. I do not consider that the relevant section can be interpreted as

requiring a stay on development until its preparation. As noted in my 1<sup>st</sup> addendum report I consider that the proposal accords with the guiding principles for the identified key opportunity site.

- A condition requiring the preparation of a Climate Action and Energy Statement is recommended in accordance with the plan provisions as set out in section 15.7.3.

## 5.0 Recommendation

- 5.1. In conclusion, I endorse my recommendation as set out in section 12 of my original report and reiterated in section 5 of my addendum report dated 16<sup>th</sup> November 2023. Having regard to the totality of the City Development Plan I consider that the proposed development would be consistent with the relevant policies and objectives therein as they pertain to the subject site and the proposed development, and would therefore, be in accordance with the proper planning and sustainable development of the area.
- 5.2. The recommended amendments under the heading Proper Planning and Sustainable Development as detailed in the addendum report remain. In addition, I recommend that conditions 1 and 7 be amended with a condition to be added (No.34) to require a climate action energy statement as follows:

## 6.0 Conditions

1.	The development shall be carried out and completed in accordance with the planning and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19 <sup>th</sup> day of October 2021 and the 11 <sup>th</sup> day of January 2024, 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 development 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.
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	<b>Reason:</b> In the interest of clarity.
7	<p>(a) The top two floors of the upper section of Block 3A shall be omitted and the plant area relocated from the roof space or screened from view.</p> <p>(b) The ground floor facades of Nos. 4 to 8 Henry Place included in the Record of Protected Structures in the Dublin City Development Plan, 2022 (RPS No. 8906), shall be retained and incorporated into the proposed hotel structure in accordance with the revised elevation drawings received by An Bord Pleanála on the 11<sup>th</sup> day of January 2024.</p> <p>(c) Provision for evening and night time activities in accordance with the requirements of objective CUO39 of the Dublin City Development Plan, 2022.</p> <p>Revised plans with the necessary alterations shown thereon shall be submitted to the planning authority for written agreement prior to commencement of development.</p> <p>Reason: In the interests of the visual amenities of the area, to ensure that the integrity of historic structures is maintained and that adequate provision evening and night time activities is made.</p>
34.	<p>A Climate Action Energy Statement shall be submitted to the planning authority for written agreement prior to commencement of development.</p> <p><b>Reason:</b> In the interests of climate action and sustainable development.</p>

I confirm that this 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.

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**Pauline Fitzpatrick  
Planning Inspector**

**July, 2024**