



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP 312642-22**

<b>Development</b>	15 apartments, café/restaurant with takeaway facility, cultural use and office use. Protected Structure.
<b>Location</b>	10-13 & 18-21 Moore Street, 5A Moore Lane, 6-7 & 10-12 Moore Lane and 17-18 Henry Place, Dublin 1.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2862/21
<b>Applicant(s)</b>	Dublin Central GP Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. condition 3 <sup>rd</sup> Party v. Grant
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Introduction

- 1.1. This is the 2<sup>nd</sup> addendum report to the inspector's report in respect of ABP-312642-2 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 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
  - Chapter 6 – City Economy and Enterprise
  - 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 Area
  - 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 details, can be summarised as follows:

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

##### *Regeneration*

- The conservation approach in site 4 seeks to ensure that buildings of historic significance are brought into viable re-use. It seeks to strike an appropriate balance between the conservation of a representative collection of 19<sup>th</sup> and 20<sup>th</sup> century buildings and the provision of high quality retail, residential, café/restaurant and cultural floor space that will drive the regeneration and active use of this significant city centre location. The general appearance, the historic uses and associations are largely maintained, particularly along Henry Street and Moore Street.

##### *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.

##### *Increased Height*

- Site 4 consists of building heights ranging from 1 to 3 storeys in height which is consistent with the prevailing heights in the immediate surrounding area and does not require an evaluation of criteria set out in Appendix 3 of the City Development Plan for enhanced building height.

##### *High Quality Architecture*

- The overall design of Dublin Central takes into consideration the existing context and the scale and pattern of the existing streets. It respects and enhances the area's architectural assets whilst creating a number of new landmark features.

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

- Site 4 provides for 15 no. apartments and will meet the needs of a range of prospective tenants seeking accommodation in the city centre. It will be a vibrant new residential community in the revitalised urban quarter.
- The application was accompanied by a Housing Quality Assessment. The 2023 update to the Sustainable Urban Housing: Design Standards for New Apartments does not alter the design standards as it relates to the units proposed.
- The masterplan promotes the concept of a 15 minute city through providing a liveable, sustainable neighbourhood which delivers healthy place making, quality housing and well designed, integrated, safe, accessible inclusive public spaces served by a range of local services, amenities and sustainable transport options.

## *Chapter 6 – City Economy and Enterprise*

- Considerable care has been taken in the identification of suitable uses and in the architectural design, expression and materiality of Site 4, to ensure the scheme is the correct fit for the site.
- The development proposed at Site 4 and envisaged for the wider Dublin Central Masterplan area is expected to generate the critical mass that will make a significant contribution to developing a strong city core. This, in turn, will support the development of Dublin as an internationally competitive city region.
- It seeks to integrate historic fabric, where possible, and to maintain the retail streetscape character along Moore Street.
- The retention of the existing street and laneway structure and creation of a new public plaza, enhances the potential to drive the regeneration of the adjacent streets. The activity of these streets has the potential to create dwell zones and links to other cultural elements and points of interest within or adjoining the Dublin Central Masterplan area and in the wider area generally, including the Parnell Street Cultural Quarter.

- The project team has worked hard to ensure resource efficiency, climate risk and health and wellbeing considerations were embedded at the outset of the design process.
- The Landscape Masterplan is guided by an overall design vision which follows the objective to create a sustainable public realm with increased biodiversity. This will be done using green roofs to increase biodiversity, to slow rainfall runoff and improve the microclimate. New tree planting is to be climate adaptable and suitable for site conditions.
- The project is aspiring to be one of Ireland's first Net Zero Carbon schemes.

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

- The mix of uses proposed are all permissible in principle in Z5 zoning.
- Retail uses are spread across a mix of retail typologies in the form of medium and smaller shop units. They are strategically placed throughout in order to create a vibrant, mixed use environment with active frontages.
- It is requested that for the smaller retail units on Moore Street and the new north-south street that some flexibility would be applied in respect of their permitted use as per the planning notice in which several possible uses are identified including retail/café/restaurant/licenced premises and including take away/collection facility for café/restaurant use in each case. This flexibility is imperative to achieve a good mix of uses, to enable marketing and to attract end users.
- A general shopfront strategy has been drawn up. It would be unduly onerous to require separate planning applications for all signage within the site. The Board is requested to attach a condition comparable to condition 18 attached by the PA.
- A condition comparable to condition 30 attached to the PA's decision with respect to the street market going forward is recommended.

## *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*

- Since the making of the application additional structures have been added to the RPS. The decision to add these structures to the RPS remains the subject of pending legal proceedings, High Court 2023 3 JR. The response is made without prejudice to those proceedings.
- The assessment of Architectural Heritage was undertaken largely on the basis that the properties were already on the RPS.
- No.10 Moore Street is to be adapted for apartments over retail. The later extension at ground floor level to the rear is to be removed.
- Nos 12 and 13. Moore Street are to be demolished but the party wall is to be retained.
- Nos. 20-21 Moore Street are to be adapted for apartments over retail. Rear structures at 12 Moore Lane are to be demolished to make way for the public square. In detaching the building from its mid-terraced position and in efforts to enhance the amenity of upper rooms, it is considered necessary to create openings in the southern gable. The works are considered to accord with architectural heritage policies.
- Nos. 17-18 Henry Place. It is proposed to retain the façade and build a one storey extension to restore the building to its original height. Residential above retail is proposed. To better integrate the building with the street it is proposed to amalgamate two windows to create an entrance. This type of intervention is commonplace with protected structures.
- Nos. 6-7 Moore Lane is to be retained and restored to provide for a bar at ground and basement levels and an office on the upper level. While not included in the recent additions to the RPS this building is considered highly significant.
- Site 4 is not within the O'Connell Street ACA.

- Site 4 proposes an extension to the National Monument at No.18A Moore Street, the purpose of which is to provide an ancillary space for the National Monument with an independent entrance from the proposed public plaza. It will support the future role of the National Monument (Nos. 14-17 Moore Street) as a cultural hub/1916 Commemorative Centre.
- In terms of materiality the Heritage Impact Assessment finds that 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. New buildings and extensions are predominantly in brick, in complementary and intentionally contrasting tone to the existing brick on Henry Street. Rooftop elements clad in corten steel present a contemporary take on the traditional metal seamed roofs, to preserve the character of the highly modulated roofscape.

## *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. 34% of Site 4 gross floor area is dedicated to community, arts and cultural spaces. 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 space, 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.
- 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 provisions of Objective CU025 are more than adequately met.

#### *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 within the Z5 zone.
- The proposal has been designed to be Ireland's 1<sup>st</sup> net zero carbon scheme. It maximises sustainable energy uses, materials, uses appropriate SuDS measures throughout and enhances biodiversity of the urban block.
- 15 no. apartments are proposed. This equates to a density of approx. 56 units per hectare (site area 0.26ha). Having regard to the constrained nature of the site, with protected structures and proximity to a national monument, the density is considered sustainable.
- The plot ratio of 1.24 is below the indicative standard for the area and is due to the constrained nature of the site with protected structures and proximity to a national monument. The plot ratio for the Dublin Central Masterplan as a whole exceeds the indicative standard.



- The site coverage is 59.6% which is above the indicative standard for a regeneration area and marginally below the indicative standard for the city centre (60%). The lower site coverage is due to the higher quantum of public open space proposed. At 1,155 sq.m. this represents over a third of the entire red line boundary area.
- The proposal does not meet the unit mix requirements. The Board is requested to take account of the fact that the residential units located in Nos. 20-21 Moore Street and No. 10 Moore Street are constrained by the historic fabric of the buildings, which are protected structures, and their proposed refurbishment.
- Section 15.9.1 of the plan acknowledges that SPPR2 of the guidelines provides some flexibility in terms of unit mix for building refurbishment schemes in sites of any size.
- The Board is advised that 67% of the 15 no. units are oversized (10 no.) which is significantly above the minimum of greater than 50% required and demonstrates the overall high quality of residential accommodation provided in the case.
- The proposal is therefore considered consistent with the provisions of section 15.9.1 of the development plan, to SPPR 2 of the Apartment Guidelines and provides a high quality level of residential development. The Board also has scope to exercise discretion on a case-by-case basis in the context of such refurbishment schemes. Section 15.9.1 makes reference to same.
- Alternatively the Board could attach a condition to amalgamate 2 no. 1 bedroom units in Nos. 20 – 21 Moore Street. In doing so the number of units will fall below 15 no. units and the requirements of section 15.9.1 would no longer apply. The development would otherwise remain consistent with the apartment guidelines.
- A general shopfront strategy has been prepared.
- 44 no. bicycle parking spaces are to be provided and exceeds the minimum plan requirements.

## 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, CCUV44, CCUVO18-19.
  - Chapter 8: SMT3-4, SMT9, 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. 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 1<sup>st</sup> laid out. A restoration plan to provide for a 1916 Cultural Historic Quarter rather than another shopping precinct is required in this area of 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.

#### *CU9 – North Inner City*

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

#### *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)

#### *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.

### 2.3.2. 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.

#### **2.3.3. Sinn Féin Group**

- 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. 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 building 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

### 2.3.5. **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 the context of the Moore Street Advisory Group’s 2021 report to the Minister.

## 3.0 Further Submissions

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

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

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

- 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*

- The site is outside the O'Connell Street ACA. Moore Street is not currently an ACA under the Development Plan nor has the formal process of varying the Development Plan to include any additional ACA's commenced.

#### *Chapter 12 – Culture*

- 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 as has occurred 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.

- The retention, restoration and presentation of 7-8 Moore Lane together with street surfaces and kerbing has been identified as requiring preservation and integration within the proposed development. As set out In MOLA's Design Statement submitted with the planning application on Site 3 the demolition of Nos. 1-8 Moore Street is proposed whilst retaining No.9 Moore Street (which is considered of comparable significance to No.10 Moore Street) and Nos. 9-11 Henry Place.
- 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*

- A social and community audit was not submitted. The proposal for 11 no. apartments is below the threshold.

### **3.2. Planning Authority**

- It reiterates points made in the 1<sup>st</sup> submission summarised above.

### **3.3. 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.



### **3.4. 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.

### **3.5. Moore Street Preservation Trust ( 2no. 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 project. 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 structures added to the RPS – 17-18 Henry Place, 10 Moore Street, 12 Moore Street, 13 Moore Street and 20-21 Moore Street should ensure an additional protection but this has not been adequately reflected in the design submitted by the applicant. The grant of permission for an extension to the National Monument at 14-17 Moore Street highlights a casual attitude to these historic structures.
- 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.

### 3.6. **Brendan McGrath**

- Concurs with the submissions in opposition to the proposal.
- The curtilage of a protected structure is often an essential part of the structure's special interest. The Moore Street and O'Connell Street Terraces can be regarded as curtilage, as each building, though separate, in an integral part of the other. Curtilage extends not merely to the adjoining or rear structures of O'Connell and Moore Street Terraces, but the adjoining buildings themselves in a terrace. That is the spirit of the legal protection process.
- Reference made to sections 4 (1)(h) and 57 of the Act as pertains to works to a protected structure/proposed protected structure.
- The area is ready made, with restoration, for the creation of a cultural quarter. It would connect Parnell Square and Moore Street with its associated history to the Rotunda Hospital in Parnell Street.
- 14-17 Moore Street National Monument cannot be seen in isolation and has to be seen in its proper cultural context in accordance with European best practice and guidelines (The Venice Charter). The quarter, whilst run down, retains its essential character.
- Scant regard has been given to the importance of the Moore Street market in the social history of the city.
- The provision of a small cultural centre is not compensation for the loss of what should be a protected terrace. The design is mediocre, repetitive and oppressive.
- The prospects of retail in the city centre are uncertain with large scale office vacancy.

- It is queried why a unique assembly of terraces requires demolition to facilitate office vacancy instead of sensitive refurbishment for retail and residential use.
- It is unclear how demolishing the historic terrace contributes to urban renewal given the massive emphasis on offices in the overall development.
- The proposed demolition affecting O'Connell Street and Moore Street terraces acts directly against protective legislation and against the spirit of Article 5 of the Convention for the Protection of the Architectural Heritage of Europe.

### **3.7. 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 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.

### **3.8. 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.

### **3.9. 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.

### 3.10. **Shane Stokes**

He notes and concurs with the submissions in opposition to the proposal. He does not agree with the submissions 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 served 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.
- Considers that an alternative plan such as that presented in 2021 by the Moore Street Preservation Trust and the 1916 Relative Alliance would better serve the area, would show greater sensitivity and would be in accordance with the Dublin City Development Plan.
- Markets are an identifiable and recognisable part of inner city Dublin culture and heritage and should be preserved.
- 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.

## 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 312603 – 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 view of the similarity of the planning authority's submissions on the 3 no. concurrent files a number of referenced policies and objectives and sections are not applicable to the subject development notably those pertaining to hotel development which does not form part of the application and are not set out below.

- 4.4. However in the interests of completeness, the Board is advised that those not referenced in the said addendum report and which are relevant to the proposed development are summarised 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.

#### ***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 and addendum to same. In addition:-

- In terms of the residential component I refer to section 8.10.3 of my report as pertaining to the unit mix. 15 no. apartments are proposed within the development comprising of 9 no. 1 bed units (60%), 3 no. 2 bed (3 person) units (20%) and 3 no. 2 bed (4 person) units 20%. I note that the scheme accords with the provisions of the 2020 Apartment Guidelines. Of further consideration are the provisions of section 15.7.3 of the 2022 development plan which sets out unit mix requirements for schemes over 15 units for two specific areas covered by the plan, namely the Liberties and North Inner City Sub areas. This provision follows from the Housing Need and Demand Assessment (HNDA) carried out by the Planning Authority as part of the development plan process. Such schemes require a minimum of 15% three or more bedroom units and a maximum of 25%-30% one bedroom units. The scheme does not comply with same. Notwithstanding, it is my interpretation of section 15.9.1 of the plan that the reference to SPPR 2 therein applies to all residential schemes irrespective of location. In view of the constraints arising from the built fabric to be retained and extended in No. 10 Moore Street, Nos. 6 & 7 Moore Lane and Nos. 20-21 Moore Street and the sensitivities and constraints presented by the fact they are protected structures in proximity to the National Monument of Nos. 14-17 Moore Street, I consider that such flexibility would be appropriately applied in this case. I therefore consider the proposed residential component would be consistent with the relevant development plan provisions. I note that the planning authority did not refer to the matter in its section 137 response to the Board. Should the Board not concur with this view it is advised of the agent for the applicant's recommendation that 2 no. 1 bedroom units in Nos. 20-21 Moore could be amalgamated bringing the total number of units below 15 whereby the unit

mix requirements of section 15.9.1 would not apply. This could be addressed by way of condition.

- As noted above the site constraints and sensitivities in terms of the built fabric including the National Monument with inclusion of a number of buildings inserted on the RPS are of primary consideration. On this basis the plot ratio of 1.24 and site coverage of 59.6%, which fall below the indicative standards as indicated in section 15.5.6.
- Objective CU025 requires that 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. 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 4) provides a 60 sq.m. two storey extension to the side of No17 Moore Street which forms part of the national monument, in addition to 1,085 sq.m. of the overall 1,253 sq.m. central public plaza which straddles this site and site 5. This provision materially exceeds the 5% plan requirement. I would concur with the applicant's view that it is reasonable that the provision of community, arts, and culture 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 a cultural/galley space in site 3, the public plaza which straddles the subject site and site 5 and community spaces including a reading room in site 2. The provisions equate to in the region of 5% of the overall area. Again, 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 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 details are available or information on how it will interface with the adjoining O'Connell Street and Environs ACA. I note that the submission from the planning authority does not give any further details on this matter.
- I refer the Board to my comments in the 1<sup>st</sup> addendum report on the protected structures within the site.
- 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**

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.

The recommended amendments under the heading Proper Planning and Sustainable Development as detailed in the addendum report remain. In addition, I recommend a condition to be added (No.34) to require a climate action energy statement as follows:

## Conditions

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>
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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**  
**Senior Planning Inspector**

**July, 2024**