



An
Bord
Pleanála

Inspector's Report ABP 313947-22 Addendum Report

1.0 Introduction

This report is an addendum to the inspector's report in respect of ABP 313947-22 dated 19th October 2022.

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

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

2.0 Development

The proposal subject of this appeal is for a mixed use scheme of office, café/restaurant uses, public plaza and ancillary works at Nos. 22-25 Moore Street, Nos. 13-14 Moore Lane and Nos. 14-15 Moore Lane.

It constitutes one of three concurrent applications before the Board for development along Moore Street and its environs. The other file reference numbers are ABP 312603-22 and ABP 312642 -22.

The application is accompanied by two suites of documents. The 1st relates to the masterplan for the overall Dublin Central Development site and the 2nd to the proposed development of the subject site (site no. 5 as labelled in the said masterplan).

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

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

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

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

3.0 Policy Context

3.1. National and Regional Policy Context

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

3.2. Local Planning Context

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

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

The **zoning objective** for the site remains the same as that designated in the previous plan namely **Z5 – City Centre**, the objective for which is to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.

Chapter 4 - Shape and Structure of the City

Section 4.5.1 - Approach to the Inner City and Docklands

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

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

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

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

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

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

Policy SC10 addresses **Urban Density** seeking appropriate densities and the

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

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

The appropriateness of building heights is also a key consideration within the historic core, particularly in key sensitive areas of the city such as the Georgian core, the Liffey Quays and medieval centre. Proposals for increased height in these areas must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. The City Council remains committed to the need to protect and enhance conservation areas, Architectural Conservation Areas and the historic core of the city.

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

Policies SC14 – SC17 address **Building Height Strategy**

Policy SC19 addresses **High Quality Architecture**

Policy SC20 addresses **Urban Design**

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

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

Section 4.5.6 The Public Realm

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

Chapter 6: City Economy and Enterprise

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

Section 6.5.5 Regeneration and Vacancy

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

Policy CEE20 addresses **Vacant Sites**

Policy CEE21 Supply of Commercial Space and Redevelopment of Office Stock

- (i) To promote and facilitate the supply of commercial space, where appropriate, including larger office floorplates suitable for indigenous and FDI HQ-type uses.
- (ii) To consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city

Chapter 7: The City Centre, Urban Villages and Retail

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

Henry Street is designated category 1 retail street

Moore Street is designated category 2 retail street

Policies CCUV1 to CCUV19 refer. Of note:

Policy CCUV16 Category 1 and Category 2 Streets - To protect the primary retail function of Category 1 Streets in the city and to provide for a mix of retail and other complementary uses on Category 2 streets. To promote active uses at street level

on the principal shopping streets in the city centre retail core having regard to the criteria for Category 1 and Category 2 streets (see Appendix 2 and Figure 7.2).

Objective CCUV05 Underutilised and Inactive City Centre Streets - To reactivate the underutilised and inactive city centre streets and lanes in the city centre through the inclusion of art, landscaping, street furniture, outdoor dining, activity spaces and residential uses.

Chapter 8: Sustainable Movement and Transport

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

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

Chapter 11: Built Heritage and Archaeology

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

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

Section 11.4 The Strategic Approach

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

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

Policies BHA1 to BHA6 pertain.

Of relevance:

Section 11.5.2 Architectural Conservation Areas

The site is adjacent to but not within the O'Connell Street and Environs ACA

Priority Architectural Conservation Areas

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

Priority ACA projects include **Moore Street**.

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

Policy BHA11 Rehabilitation and Reuse of Existing Older Buildings

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

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

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

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

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

(b) To maintain schedules of stone setts, historic kerbing and historic pavers/flags, and associated features in the public realm, to be protected, conserved or

reintroduced (Appendix 6), and to update and review these schedules during the period of this development plan.

BHA24 addresses **Reuse and Refurbishment of Historic Buildings**

Policy BHA26 addresses **Archaeological Heritage**

Objective BHA017 addresses **Tourism**.

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

Chapter 12: Culture

Section 12.5.2 Cultural Hubs and Quarters

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

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

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

Policy CU9 Parnell Square and North Inner City Cultural Cluster - To promote and support the growth of the Parnell Square and North Inner City cultural cluster to facilitate opportunities that provide benefits both to the wider City and to the economic growth and regeneration for the NEIC that supports artists, mitigates social exclusion and increases opportunities for expression and artistic engagement for the diverse local community and in particular, young people.

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

Chapter 13: Strategic Development Regeneration Areas

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

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

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

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

Guiding Principles for Key Opportunity Sites

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

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

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

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

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

Masterplan proposals should hence incorporate the following:

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

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

Proposals for this area must also have regard to:

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

Chapter 15 addresses Development Standards

Appendix 6: Conservation

Section 2.1 - In accordance with Policy BHA 18(a), the following paved areas and streets with historic (antique) granite kerbing and pavers/flags to be protected, conserved and reintroduced under the programme for areas with historic ground/street surfaces, together with any associated historic features:

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

Moore Street

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

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

Moore Lane

4.0 Assessment

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

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

Of note:

Strategic Development Regeneration Area

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

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

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

Culture and Cultural Heritage

As per my original report the site is adjacent, to but is outside the O'Connell Street and Environs Architectural Conservation Area. The buildings are as described and none have been included in the National Inventory of Architectural Heritage (NIAH) in the interim period.

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

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

In this regard I refer the Board to section 8.4 of my report which details the body of work that accompanies the application. As acknowledged in my report the significance and import of the area is not disputed and has been in the public consciousness for a significant period of time. Notwithstanding, none of the buildings to be demolished on the site are included in the record of protected structures in the current city development plan.

Whilst the extent of demolition is material I would not alter my views as set out in sections 8.5 of my assessment. Having regard to all the relevant policies in the round (as referenced in this assessment) and the primacy of the redevelopment of an important city centre site with its cultural and historical significance at the core of any proposals, I conclude that the public benefit of the proposal outweighs the case for their retention.

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

5.0 Recommendation

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

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

- would secure the redevelopment of under-utilised urban land in a prominent city centre location which forms part of a key opportunity site in the North East Inner City (Area 10), Strategic Development Regeneration Area in the current Dublin City Development Plan which is identified as a civic/cultural hub and focus for quality retail and mixed-use development. The proposed development would assist in the redevelopment and rejuvenation of this part of Dublin City in accordance with the development plan's policies and objectives,
- would be consistent with national, regional and local policy measures and guidance which seeks to secure more compact and higher density development in city centre areas,
- would make a positive contribution to the urban character of the area,
- would not seriously injure the amenities of development in the area, the O'Connell Street and Environs Architectural Conservation Area, the character and appearance of the National Monument at Nos 14-17 Moore Street and protected structures in the vicinity.

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

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

Pauline Fitzpatrick
Senior Planning Inspector

November, 2023