

# Validation Checklist

Lodgement Number : **LDG-067866-23**

Case Number: **ABP-318316-23**

Applicant: **Dublin Central GP Limited**

Lodgement Date: **31/10/2023 12:53:00**

Validation Officer: **James Sweeney**

PA Name: **Dublin City Council North**

PA Reg Ref: **5126 22**

Case Type: **Normal Planning Appeal PDA2000**

Lodgement Type: **Appeal**



An  
Bord  
Pleanála

Validation Checklist	Value
Confirm Classification	Confirmed - Correct
Confirm ABP Case Link	Confirmed-Correct
Fee/Payment	Valid – Correct
Name and Address available	Yes
Agent Name and Address available (if engaged)	Yes
Subject Matter available	Yes
Grounds	Yes
Sufficient Fee Received	Yes
Received On time	Yes
3rd Party Acknowledgement	Not Applicable
Eligible to make lodgement	Yes
Completeness Check of Documentation	Yes
Valid Lodgement Channel	Yes

BPO1 – Applicant ✓

BPO6 – other parties ✓

C.C

2/11/23

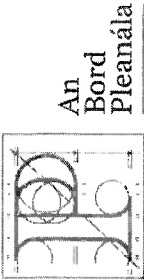
Run at: 31/10/2023 15:18

Run by: James Sweeney

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Lodgement Cover Sheet - LDG-067866-23



An Bord Pleanála

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Details

Lodgement Date	31/10/2023	✓
Customer	Dublin Central GP Limited	✓
Lodgement Channel	Courier	
Lodgement by Agent	Yes	
Agent Name	Stephen Little & Associates	✓
Correspondence Primarily Sent to	Agent	
Registered Post Reference		

Lodgement ID	LDG-067866-23
Map ID	
Created By	Aisling Litster
Physical Items included	No
Generate Acknowledgement Letter	
Customer Ref. No.	
PA Reg Ref	5126/22

Categorisation

Lodgement Type	Appeal
Section	Processing

PA Name	Dublin City Council North
Case Type (3rd Level Category)	

Fee and Payments

Specified Body	No
Oral Hearing	No
Fee Calculation Method	System
Currency	Euro 3000
Fee Value	0.00
Refund Amount	0.00

Observation/Objection Allowed?	
Payment	PMT-052662-23
Related Payment Details Record	PD-052540-23

Appeal Decision date 31/10/23 : 31/10/23 ✓

BPO1M

Run at: 31/10/2023 12:56

Run by: Aisling Litster

PA Case Details Manual	
PA Case Number	
PA Decision	
PA Decision Date	
Judgement Deadline	
Development Description	
Development Address	

Appeals Type	
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The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1

Our Ref. 21074

31 October 2023

**RE: FIRST PARTY APPEAL**

**PLANNING APPLICATION FOR THE PROVISION OF A MIXED-USE SCHEME IN TWO BLOCKS RANGING FROM 2 – 8 STOREYS OVER SINGLE STOREY BASEMENT COMPRISING OFFICE SPACE (C. 33,714 SQ. M), CAFÉ / RESTAURANT UNITS (C. 2,187 SQ. M), RETAIL UNITS (C. 2,622 SQ. M) AND METRO ENABLING WORK ON A SITE GENERALLY BOUND BY O'CONNELL STREET TO THE WEST, MOORE LANE TO THE WEST, HENRY PLACE TO THE SOUTH, AND NO. 42 O'CONNELL STREET UPPER TO THE NORTH. (DUBLIN CENTRAL – SITE 2)**

**DUBLIN CITY COUNCIL REG. REF: 5126/22**

**DATE OF DECISION: 3 OCTOBER 2023**

Dear Sir / Madam,

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, D02 X361 submit this First Party Appeal to An Bord Pleanála. It is made on behalf of the Applicant / Appellant, Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576.

Dublin City Council issued a decision, dated 3 October 2023, to grant permission for development as generally identified above, at Dublin Central – Site 2, Dublin 1. The last date to make an appeal in respect of that decision is therefore 30<sup>th</sup> October 2023. This appeal is therefore being made within the appropriate timeline.

This First Party appeal seeks invites the Board to attach a Condition to the ultimate permission confirming the duration of permission is 11 years.

The statutory appeal fee is enclosed in the form of a cheque for €3,000.00 made payable to An Bord Pleanála.

**2no. copies** of the following material are enclosed in support of this First Party Appeal: -

1. Copy of DCC Notification of Decision to Grant Permission, dated 03 October 2023.
2. Grounds of Appeal (below), prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.

We trust that everything is in order and would ask that all future correspondence in relation to this planning appeal be directed to this office.

Yours faithfully,



Stephen Little

**STEPHEN LITTLE & ASSOCIATES**

<b>AN BORD PLEANÁLA</b>	
LDG- <u>067866-23</u>	
ABP- _____	
<b>31 OCT 2023</b>	
Fee: € <u>3,000</u>	Type: <u>Cheque</u>
Time: <u>11:14</u>	By: <u>Courier</u>

## 1 INTRODUCTION

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, are instructed by our Client (the Applicant / Appellant), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands Dublin 2, D02 X576, to make this First Party Appeal Planning.

Dublin City Council (DCC) issued a decision, dated 03 October 2023, to grant permission for the development of a mixed-use development at Site 2, including office, retail, café / restaurant and associated amenities, accommodated in existing and new buildings ranging in height from 2 – 8 storeys, over a single storey basement serving the development including bicycle parking, car parking and waste storage.

Whilst the statutory notices sought permission for a duration of 11 years, the Planning Authority in their grant of permission did not include a condition regarding duration of the permission. It is evident from the Planning Officers Report that the Planning Authority were satisfied that an extended duration of permission was warranted in this case. As such, as there is no Condition identifying a duration of permission we are satisfied that the notification of decision to grant permission in this case is for a period of 11 years.

This First Party appeal invites the Bord, for avoidance of doubt and absolute clarity to include a condition regarding Duration of Permission which confirms an 11 (eleven) year permission in this case. This request is being made wholly without prejudice to our professional opinion that the decision of the Planning Authority is to grant permission for a period of eleven years in any event.

The Applicant, warmly welcomes the positive decision of the Planning Authority to grant permission in this case. The support of the Planning Authority for this project and its duration of permission is acknowledged, having been secured on foot of extensive consultation and an iterative design approach at pre-planning and further information stages.

Having regard to Section 37(1)(d) of the Planning & Development Act 2000 (as amended), an appeal against the decision of the Planning Authority can be made on or before 5.30pm on the **31 October 2023**, noting that the 30<sup>th</sup> October 2023 is a Bank Holiday.

We confirm that in preparing this appeal, we have visited the site and reviewed the Council's public planning file (DCC Reg. Ref. 5126/22), including the available technical reports that gave rise to the conditional decision in this particular case.

### 1.1 Appeal Fee

We attach herewith a cheque in the sum of €3,000.00 made payable to An Bord Pleanála, so as to ensure that this appeal is validly received.

## 2 THE PROPOSED DEVELOPMENT

### 2.1 Brief Description of Proposed Development at Application Stage (26 October 2022)

The proposed development comprises a mixed-use scheme (c. 38,479 sq. m gross floor area) ranging in height from 2 – 8 storeys over single level basements including a new street between O'Connell Street Upper and Moore Lane, a new controlled Laneway from Moore Lane (adjacent No. 42 O'Connell Street Upper – a Protected Structure). The proposed development accommodates: -

- 6no. units for use as a 'licensed restaurant / café units with takeaway / collection facility' at ground floor level (Unit 1 – c. 67 sq. m and Unit 2 – c. 244 sq. m on Moore Lane, Unit 3 – c. 178 sq. m and Unit 4 – c. 75sq. m on O'Connell Street Upper, Unit 5 – c. 58 sq. m on New Street and Unit 6 – c. 296 sq. m on Moore Lane and New Street;
- 1no. unit for use as a 'licensed restaurant / café units with takeaway / collection facility' across basement, ground, 1st and 2nd floor (c. 878 sq. m) on O'Connell Street Upper;
- 8no. retail units, each for use as a 'shop' or 'licensed restaurant / café units with takeaway /

collection facility' at ground floor level (Unit 1 – c. 1,041 sq. m on O'Connell Street Upper and Moore Lane, Unit 2 – c. 311 sq. m and Unit 3 – c. 260 sq. m on O'Connell Street Upper and New Street, Unit 4 – c. 452 sq. m on New Street, Units 5 – c. 251 sq. m on Moore Lane, Unit 6 – c. 162 sq. m and Units 7 – c. 58 sq. m on O'Connell Street Upper and Unit 8 – c. 40 sq. m on Moore Lane and new controlled Laneway); Temporary use of retail Unit 8 (c. 40 sq. m) as a delivery hub, pending the completion of same at Site 5 under DCC Reg. Ref. 2863/21;

- Office use (c. 33,714 sq. m) from 1st to 7th floor with access from O'Connell Street Upper, rear of No. 59 O'Connell Street upper and new plaza on Henry Place and new controlled Laneway. Terrace proposed at 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floor are proposed;
- Refurbishment of the 'Reading Room' (rear of No. 59 O'Connell Street Upper, Dublin 1) as 'licensed restaurant / café units with takeaway / collection facility' at ground floor level and ancillary café use at basement level (c. 244 sq. m in total).
- The single level basement comprises: -
  - Access ramp from Moore Lane.
  - 32no. car parking space.
  - 372no. bicycle parking spaces with access to secure bicycle storage areas from the new plaza on Henry Place and the new controlled laneway from Moore Lane.
  - Plant and waste storage areas.
- A structural box (120m length, 26m width, 34.5m depth) beneath the ground floor level that has been designed to accommodate the independent construction and operation of the planned O'Connell Street MetroLink Station by Transport Infrastructure Ireland, including provision of the structural envelope and co-ordinated voids to accommodate station entrances, ventilation and fire escape shafts through this part of the Dublin Central proposed development. These MetroLink Enabling Works (MEW) ensure that the Dublin Central proposed development is structurally independent of, and not prejudicial to, the MetroLink project. This application does not include any request for permission for railway works, the use of railway works or the operation of a railway. The MetroLink project will be the subject of a separate application for Railway Order to be made by TII. In the event that MetroLink project is delayed or does not proceed, the Dublin Central proposed development can be completed, occupied and used regardless. The Dublin Central proposed development is not dependent on the MetroLink project in any way, whether functionally or otherwise. The MetroLink project is not, therefore, part of the project the subject of this planning application or accompanying EIAR. The MetroLink project will be the subject of a separate application for approval to be made by Transport Infrastructure Ireland. This part of the Dublin Central proposed development is referred to as the MetroLink Enabling Works.

All associated and ancillary site development and landscape works, conservation, demolition, landscaping, temporary works, including: -

- Conservation, repair, refurbishment, and adaptive reuse of part of the existing building fabric, including: -
  - Retention of part of the rear of No. 59 O'Connell Street Upper (known as the 'Reading Room') internal and external modifications and new shopfronts;
  - Retention of the facades of Nos. 57 – 58 O'Connell Street Upper (Protected Structures);
  - Retention of the facades of Nos. 52 – 54 O'Connell Street Upper (Carlton Cinema – Protected Structures) including the reinstatement of the canopies;
  - Retention of the facades of Nos. 43 – 44 O'Connell Street Upper (Protected Structures);
  - Retention of the facade of No. 45 O'Connell Street Upper;
  - Works to include repair and upgrade works (where required) of retained masonry, external and internal joinery, plasterwork and features of significance;

- Conservation and repair of existing lightwells on O'Connell Street Upper;
- Demolition of all other existing buildings and structures on site (c. 22,521 sq. m) including No. 13 Moore Lane and No. 14 Moore Lane (otherwise known as Nos. 1 – 3 O'Rahilly Parade and Nos. 14 – 15 Moore Lane or Nos. 1 – 8 O'Rahilly Parade and Nos. 14 – 15 Moore Lane) to facilitate a temporary construction compound;
- Laying of services in Parnell Street westwards from Moore Lane for approximately 49 metres;
- Improvement works to the public realm on O'Rahilly Parade, Moore Lane, Henry Place, including the provision of a new entrance off O'Connell Street Upper for deliveries / emergency access. There are also adjustments and improvement works proposed at the junctions of Moore Street with Henry Place and with O'Rahilly Parade;
- Creation of a new street connecting O'Connell Street Upper with Moore Lane and provision of a new plaza at the junction of Moore Lane and Henry Place;
- 3no. telecommunication lattice towers which can accommodate 3no. 800mm antenna and 2no. 300mm microwave link dishes with associated equipment on the rooftop of Block 2C;
- 2no. ESB sub-stations;
- Building signage zones and retractable canopies.

## 2.2 Summary of Amendment to the Proposed Development at Further Information Stage (9 August 2023)

the following summarises the amendments made by the Applicant in response to the Further Information Request: -

### Site 2AB

- Localised reconfiguration of the basement to include additional bicycle parking and welfare facilities.
- Replacement of bicycle ramp from ground floor (to the rear of the Reading Room) with bicycle stairs and bicycle lift and subsequent increase to adjoining Retail Unit No. 4 (222 sq. m GFA).
- Re-design of elements of the façade on O'Connell Street Upper including the Carlton Canopy, entrance to Retail Unit No. 2 and re-design of the set-back levels (4<sup>th</sup> & 5<sup>th</sup> Floors) above the Carlton Canopy and onto part of the New Street between O'Connell Street Upper and Moore Lane.

### Site 2C

- Localised reconfiguration of the basement to include additional bicycle parking and welfare facilities resulting in the omission of 5no. car parking spaces (27no. now proposed).
- Reconfiguration of rooftop plant area and associated re-design of upper floors and associated façades alterations.
- Omission of retail unit from the controlled laneway and Moore Lane to be replaced with community / arts / cultural space entrance lobby.
- Introduction of a community / arts / cultural space (480 sq. m GFA) at 1<sup>st</sup> Floor Level onto Moore Lane.

For the avoidance of doubt, no changes were required to the wastewater / water supply or landscaping arising from the request for Further Information.



### 3 GROUNDS OF APPEAL

This planning appeal invites the Board to attach a Condition to the ultimate permission confirming the duration of permission is 11 years.

The Planning Authority considered a Planning Permission duration of 11 years is reasonable in this instance: -

*"While there will be a significant excavation area over a long number of years and given the constraints explained in the documentation submitted, in particular the MEW, it is considered reasonable that a duration of 11 years be sought, in this instance."*

Condition 1 of the notification of decision to grant of permission requires compliance with the plans and particulars, including anything adequately stated in the site notice. It should be noted that the 11 year permission was adequately and expressly stated on the statutory notices and was supported in multiple reports included with the application. As there was no Condition attached to the notification of decision to grant of permission dated 3 October 2023 that dealt with the duration of permission, and considering the positive assessment from the Planning Authority in relation to duration of permission and the application explicitly stating that Permission was sought for a duration of 11 years at this site, we are satisfied that the notification of decision to grant permission in this case is for a period of 11 years.

Notwithstanding this, for avoidance of doubt and in the interest of absolute clarity, the Applicant invites the Bord, to include a Condition regarding Duration of Permission which confirms an 11 (eleven) year permission in this case.

### 4 CONCLUSION

We welcome the Planning Authority's support for the development and its duration of permission of Site 2 as proposed under DCC Reg. Ref. 5126/22.

We are inviting the Bord to include a Condition attached to the ultimate permission confirming the duration of permission is 11 years.

**STEPHEN LITTLE & ASSOCIATES**

31 October 2023

ENCL/: -

- Statutory Appeal Fee (cheque to sum of €3,000.00).
- Copy of DCC Notification of Decision to Grant Permission, dated 03 October 2023.

**An Roinn Pleanála & Forbairt Maoine**

Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

**Planning & Property Development Department,**

Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8.

t. (01) 222 2288

e. [planning@dublincity.ie](mailto:planning@dublincity.ie)

06-Oct-2023

Stephen Little & Associates, Chartered Town  
Planners and Development Consultants  
26/27, Upper Pembroke Street  
Dublin 2  
D02 X361

Application No.	5126/22
Registration Date	09-Aug-2023
Decision Date	03-Oct-2023
Decision Order No	P4564
Location	No. 43 (a Protected Structure), No. 44 (a Protected Structure), Nos. 45 – 49, Nos. 50 – 51 O'Connell Street Upper (a vacant site, Nos. 52 – 54 (a Protected Structure), Nos. 55 – 56, No. 57 (a Protected Structure), No. 58, (a Protected Structure) and No. 6
Proposal	<p>PROTECTED STRUCTURE: Dublin Central GP Limited Intends to apply for Permission for a period of 11 years at a site, 'Dublin Central - Site 2' (c. 1.33 Ha), at No. 43 (a Protected Structure), No. 44 (a Protected Structure), Nos. 45 - 49, Nos. 50 - 51 O'Connell Street Upper (a vacant site), Nos. 52 - 54 (a Protected Structure), Nos. 55 - 56, No. 57 (a Protected Structure), No. 58 (a Protected Structure) and No. 60A O'Connell Street Upper and the rear of Nos. 59 - 60 O'Connell Street Upper, Dublin 1. Also, the site includes No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 - 3 O'Rahilly Parade and Nos. 14 - 15 Moore Lane or Nos. 1 - 8 O'Rahilly Parade and Nos. 14 - 15 Moore Lane) and the public realm associated with O'Rahilly Parade, Moore Lane, Henry Place and a portion of O'Connell Street Upper, Dublin 1. The site is otherwise bound by Henry Place and Nos. 59 - 60 O'Connell Street Upper to the south, the east side of Moore Lane to the west and west side of O'Connell Street Upper to the east and No. 42 O'Connell Street Upper to the north.</p> <p>The proposed development comprises a mixed-use scheme (c. 38, 479 sq. m gross floor area) ranging in height from 2 - 8 storeys over single level basements including a new street between O'Connell Street Upper and Moore Lane, a new controlled Laneway from Moore Lane (adjacent No. 42 O'Connell Street Upper - a Protected Structure). The proposed development accommodates: - 6no. units for use as a 'licensed restaurant / café units with takeaway / collection facility' at ground floor level (Unit 1 - c. 67 sq. m and Unit 2 - c. 244 sq. m on Moore Lane, Unit 3 - c. 178 sq. m and Unit 4 - c. 75sq. m on O'Connell Street Upper, Unit 5 - c. 58 sq. m on New Street and Unit 6 - c. 296 sq. m on Moore Lane and New Street; 1no. unit for use as a 'licensed restaurant / café unit with takeaway / collection facility' across basement, ground, 1st and 2nd floor (c. 878 sq. m) on O'Connell Street Upper; 8no. retail units, each for use as a 'shop' or 'licensed restaurant / café units with takeaway / collection facility' at ground</p>

NOT1perm

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floor level (Unit 1 - c. 1, 041 sq. m on O'Connell Street Upper and Moore Lane, Unit 2 - c. 311 sq. m and Unit 3 - c. 260 sq. m on O'Connell Street Upper and New Street, Unit 4 - c. 452 sq. m on New Street, Unit 5 - c. 251 sq. m on Moore Lane, Unit 6 - c. 162 sq. m and Unit 7 - c. 58 sq. m on O'Connell Street Upper and Unit 8 - c. 40 sq. m on Moore Lane and new controlled Laneway); Temporary use of retail Unit 8 (c. 40 sq. m) as a delivery hub, pending the completion of same at Site 5 under DCC Reg. Ref. 2863/21; Office use (c. 33, 714 sq. m) from 1st to 7th floor with access from O'Connell Street Upper, rear of No. 59 O'Connell Street upper and new plaza on Henry Place and new controlled Laneway. Terraces proposed at 1st, 3rd, 4th, 6th and 7th floor; Refurbishment of the 'Reading Room' (rear of No. 59 O'Connell Street Upper, Dublin 1) as 'licensed restaurant / café unit with takeaway / collection facility' at ground floor level and ancillary café use at basement level (c. 244 sq. m in total). The single level basement comprises: - Access ramp from Moore Lane; 32no. car parking space; 372no. bicycle parking spaces with access to secure bicycle storage areas from the new plaza on Henry Place and the new controlled laneway from Moore Lane; Plant and waste storage areas; A structural box (120m length, 26m width, 34.5m depth) beneath the ground floor level that has been designed to accommodate the independent construction and operation of the planned O'Connell Street MetroLink Station by Transport Infrastructure Ireland, including provision of the structural envelope and co-ordinated voids to accommodate station entrances, ventilation and fire escape shafts through this part of the Dublin Central proposed development. These ensure that the Dublin Central proposed development is structurally independent of, and not prejudicial to, the MetroLink project. The MetroLink project will be the subject of a separate application for approval to be made by Transport Infrastructure Ireland. This part of the Dublin Central proposed development is referred to as the MetroLink Enabling Works; All associated and ancillary site development, conservation, demolition, landscaping and temporary works, including: - Conservation, repair, refurbishment and adaptive reuse of part of the existing building fabric, including: - Retention of part of the rear of No. 59 O'Connell Street Upper (known as the 'Reading Room') internal and external modifications and new shopfronts; Retention of the facades of Nos. 57 - 58 O'Connell Street Upper (Protected Structures); Retention of the facades of Nos. 52 - 54 O'Connell Street Upper (Carlton Cinema - Protected Structures) including the reinstatement of the canopies; Retention of the facades of Nos. 43 - 44 O'Connell Street Upper (Protected Structures); Retention of the facade of No. 45 O'Connell Street Upper; Works to include repair and upgrade works (where required) of retained masonry, external and internal joinery, plasterwork and features of significance; Conservation and repair of existing lightwells on O'Connell Street Upper; Demolition of all other existing buildings and structures on site (c. 22, 521 sq. m) including No. 13 Moore Lane and No. 14 Moore Lane (otherwise known as Nos. 1 - 3 O'Rahilly Parade and Nos. 14 - 15

**An Roinn Pleanála & Forbairt Maoine**

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Moore Lane or Nos. 1 - 8 O'Rahilly Parade and Nos. 14 - 15 Moore Lane) to facilitate a temporary construction compound; Laying of services in Parnell Street westwards from Moore Lane for approximately 49 metres; Improvement works to the public realm on O'Rahilly Parade, Moore Lane and Henry Place, including the provision of a new entrance off O'Connell Street Upper for deliveries / emergency access. There are also adjustments and improvement works proposed at the junctions of Moore Street with Henry Place and with O'Rahilly Parade; Creation of a new street connecting O'Connell Street Upper with Moore Lane and provision of a new plaza at the junction of Moore Lane and Henry Place; 3no. telecommunication lattice towers which can accommodate 3no. 800mm antenna and 2no. 300mm microwave link dishes with associated equipment on the building rooftop in Site 2C; 2no. ESB sub-stations; Building signage zones and retractable canopies. The application site is within the O'Connell Street Architectural Conservation Area. An Environmental Impact Assessment Report (EIAR) accompanies this application.

Applicant	Dublin Central GP Limited
Application Type	Permission

- **If you have any queries regarding this Decision, please contact the number or email shown above**

**IMPORTANT NOTE:**

**Please be advised that a compliance submission(s) can only be submitted in pdf format and by e- mail to [compliances@dublincity.ie](mailto:compliances@dublincity.ie)**

**NOTIFICATION OF DECISION TO GRANT PERMISSION**

In pursuance of its functions under the Planning & Development Acts 2000 (as amended) Dublin City Council, being the Planning Authority for the City of Dublin has by order dated 03-Oct-2023 decided to GRANT PERMISSION for the development described above, subject to the following condition(s).

**CONDITION(S) AND REASON(S) FOR CONDITION(S)**

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 28/07/23, and Article 35 request

**An Roinn Pleanála & Forbairt Maoine**

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received on the 09/08/23, as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. A development contribution in the sum of €1, 894, 872.20 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.

Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

3. A development contribution in the sum of €607, 126.00 shall be paid to the Planning Authority in respect of the LUAS Cross City Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the Planning Authority.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution in respect of the public infrastructure and facilities benefitting development in the Luas Cross City area as provided for on the Supplementary Development Contribution Scheme made for the area of the proposed under Section 49 of the Planning & Development Act 2000 (as amended).

4. Prior to the commencement of development, the developer shall lodge with the

**An Roinn Pleanála & Forbairt Maoine**

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planning authority a cash deposit or a bond of an insurance company/bank .

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains.

or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces , street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

5. The development shall comply with the following requirements of the Conservation Section:

- The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority prior to the commencement of development:

(i) Site 2AB, 2C: The following detailed information shall be submitted for each façade and/or building to be retained for the written approval of the Planning Authority in advance of the works commencing:

- Consolidation, protection and propping/support of existing facades or parts of buildings that will be retained during the demolition process
- 1:50 Detailed elevation and section marked-up condition and repair drawings for each of the retained historic facades detailing proposals for conservation/repair works to include brick and stone repairs, the extent of repointing, cleaning and specification for window repairs/reinstatement (note that historic windows shall be retained and refurbished where present in line with the architectural heritage advice series).
- 1:20 Detailed elevation and section drawings for all shopfronts including signage, doors, illumination where required, to reflect the significance of the Protected Façades and respect the requirements of the O'Connell Street ACA and Area of Special Planning Control.



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- Window schedule indicating where existing windows shall be retained/repaired/refurbished, or replaced with new windows
  - 1:10 details to be provided of all proposed replacement windows, and/or new secondary windows where proposed, (referred to in 3.2 p.27),
  - Specification for the refurbishment of existing windows to be retained and upgraded
  - Detailed conservation specifications to be submitted for all proposed works including cleaning, repairs, repointing etc. to be subject to the preparation of samples; refurbishment of all existing windows to be retained.
- (ii) Site 2AB: 1:20 drawings of the proposed ground floor façade to the former Carlton Cinema shall be submitted, including plans, sections and elevations of the proposed pilasters, confirming their materiality and profile. The proposed doors and window frames and any proposed kick plate should be high quality metal such as bronze, detailed to compliment the upper floors of the Protected Structure. Illumination of the proposed canopy and upper facades shall be illustrated on the drawings and shall include signage where required.
- (iv) Site 2AB: Revised drawing of the shopfront for No. 58 at a scale of 1:20 retaining all surviving elements of the historic shopfront including the granite piers, if possible. A sample for the removal of the tiles shall be provided for inspection demonstrating the condition of the underlying granite.
- (v) Site 2AB: 1:50 drawings of the former Reading Room to the rear of 59 O'Connell Street Upper shall be provided to include internal elevations showing the existing configuration. It is recommended that the number of openings provided to the structure be rationalised, if appropriate, to retain a greater extent of historic walls and that a greater symmetry is achieved in the placement and sizing of the openings to the south wall. A rectified ceiling plan shall be provided, colour-coded to illustrate historic fabric and later interventions. Revised floor plans shall be submitted retaining the chimneybreast to the southern room, if possible, and providing a more satisfactory means of access to the basement which does not adversely impact the presentation of the southern section of the space. A revised roof plan shall be provided, removing the rooflights from the southern section. A detailed methodology for the repair of historic fabric to the interior of the structure shall be provided.
- (vii) Site 2AB: 1:20 drawing of the door to the west elevation of the former Reading Room, ensuring a door of sufficient quality is provided to the opening.
- (viii) Site 2AB: 1:20 drawings of the proposed ramp including railings shall be provided. The applicant shall ensure the materiality and design of the railings is of sufficient quality to compliment the setting of the historic structure. The railings as illustrated appear pedestrian in nature and require refinement.

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(ix) Site 2AB: The applicant is requested to revisit the public realm at the junction of Henry Place and Moore Lane and identify a means of retaining the sense of enclosure at this junction, which is intrinsic to the historic significance of the laneway and that would also facilitate goods and emergency access as required. Revised drawings shall be submitted.

(x) Site 2AB: The proposed demarcation of lost building lines (where the volumetric and spatial enclosure of Moore Lane and Henry Place will be eroded by proposed widening and creation of pocket parks in locations that are particularly sensitive to change) and plot boundaries by way of metallic in-ground studs is not considered to be sufficiently legible. A more clearly visible landscaping approach is required, to include the demarcation of former building lines and the reuse of salvaged fabric. The revised proposals shall ensure that the memory of the 1916 Battlefield, its key locations and routes taken by the Volunteers, are clearly encompassed, legible and conveyed in an appropriate manner in the proposed development including possible interpretation presentation of the area's intangible heritage in appropriate locations.

(xi) Site 2AB, 2C: A thorough coordinated photographic and drawn record survey shall be prepared of all surviving historic fabric, and the materials are retained and enhanced in their original locations as far as is possible within the parameters of the proposed development, to ensure the patina and authenticity of the setting is respected, notwithstanding its unprotected status.

(xii) Site 2AB, 2C: A comprehensive methodology for the careful salvage of roofing slate, joinery items including staircases, bricks, stone, cast-iron, windows, fireplaces and other miscellaneous items for salvage and reuse. Consideration should be given to the reuse of sound historic roof slates in the repair/refurbishment of the reading room (where proven to match existing).

(xiii) Site 2C: The Applicant is requested to submit 1:20 section drawings at junctions where the proposed development adjoins the Protected Structure and its boundary wall and O'Connell Building to the rear, (ref. Proposed Section GG, DC GRA 2C XX DR A 30 0209 / P02 Proposed Section II and DC GRA 2C XX DR A 30 0210 / P02 Proposed Section JJ) providing 1:10 junctions at roof level indicating how rainwater will be discharged and relevant flashings between the buildings. Provide underpinning details also.

- A Grade 1 Conservation Architect shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.

- The proposed development shall be carried out in accordance with the following:



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(i) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

(iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

(iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the original fabric, character and integrity of the Protected Structures at Nos. 42, 43, 44, 52-54, 57 and 58 O'Connell Street Upper, the adjacent Protected Structures and the O'Connell Street Architectural Conservation Area and to ensure that the proposed works are carried out in accordance with best conservation practice.

6. The development shall comply with the following requirements of the Transportation Planning Division:

(a) Prior to commencement of development, and on appointment of a contractor, detailed Demolition and Construction Traffic Management Plans shall be submitted to and agreed in writing with the Planning Authority, with written approval from Transport Infrastructure Ireland (TII). This shall include details of intended demolition and construction practice for the development, construction phasing and programme, hours of working, noise and dust management measures, and off-site disposal of construction/demolition waste. And details of arrangements for routes for all stages of demolition and construction traffic, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site for all stages. The appointed contractor shall liaise with DCC Road Works Control Division during the demolition and construction period.

(b) Prior to commencement of the development, the developer shall contact the Environment and Transportation Department to agree in writing all works to the public road network including footpaths, vehicular entry treatments, loading/parking bays, public lighting, and any works to Moore Lane/Moore Street/ O'Rahilly Parade/O'Connell Street. A financial contribution to compensate for any damage to or loss of the street trees on O'Connell Street shall be determined by and payable to the Parks, Biodiversity and Landscape Services Department if required. Materials

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proposed in public areas and areas to be taken in charge shall be in accordance with the document 'Construction Standards for Roads and Street Works in Dublin City Council'. All works shall be at the developer's expense.

(c) Prior to the opening of the development, an updated Mobility Management Plan shall be submitted to, and agreed in writing with, the planning authority for the subject site. This shall provide for incentives to encourage the use of public transport, cycling and walking. The plan shall also, provide details of all public transport options and identify car club spaces, bike share and any other transport schemes outside of the development and in the vicinity of the site. The mobility strategy shall be prepared and implemented by the Management Company and operators for all units within the development.

This Plan shall also incorporate a Car Parking Management Plan for the overall development. Car parking spaces shall not be privately assigned to the office development, save for use as accessible spaces and car share/fleet cars.

Details of the operation and assignment of the car parking spaces shall be provided in the updated Mobility Management Plan and agreed with the Planning Authority.

(d) Prior to the opening of the development and on appointment of the operators and Management Company for the development, an updated Service Strategy shall be submitted to, and agreed in writing with the Planning Authority. A services/facilities manager shall be appointed by the operators/management company to ensure implementation and co-ordination of all servicing and refuse deliveries and collections. Servicing access arrangements including during construction works should not have an adverse impact on Luas operation and safety.

A review of the Servicing Strategy shall be carried out within 12 months of the occupation of the proposed development and submitted to the Planning Authority for review. Any future changes and further reviews deemed necessary by the Planning Authority to the Servicing Strategy in the ongoing monitoring of the development, shall be agreed with and approved by the Planning Authority.

(e) The proposed development is located in close proximity to the Luas line; the developer shall ensure there is no adverse impact on Luas operation and safety. The development shall comply with the 'Code of engineering practice for works on, near or adjacent the Luas light rail system'.

(f) Cycle parking shall be secure, conveniently located and well lit. Cycle parking design shall allow both wheel and frame to be locked. Key/fob access shall be required to bicycle compounds/areas. Cycle parking shall be in situ prior to the occupation of the development.

(g) No doors, save for emergency access or access to substations, shall open outwards across the public footpath/laneway.

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(h) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

(i) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of sustainable transportation and safety

7. The development shall comply with the following requirements of Transport Infrastructure Ireland:

a) Works are proposed to be carried out in close proximity to Luas infrastructure. The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (S.I. number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'. The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure. The permit application will require prior consultation, facilitated by the Luas operator, Transdev.

b) Prior to commencement of development, a Construction Traffic Management Plan including access to services, shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The Construction Traffic Management Plan shall identify mitigation measures to protect operational Luas infrastructure.

c) Prior to commencement of development, a Demolition and/or Construction Method Statement shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The method statement shall resolve all Luas interface issues and shall (i) identify all Luas alignment interfaces, (ii) contain a risk assessment for works associated with the interfaces, and (iii) contain mitigation measures for unacceptably high risks, including vibration and settlement monitoring regime if necessary. The method statement shall be in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system.'

d) Overhead Conductor System (OCS) poles and / or fixings are located on / or adjacent to the proposed development. Prior to commencement of development, the following plans and details shall be submitted for the written agreement of the planning authority subject to the written agreement of TII: (a) OCS pole protection and safety distances, and / or (b) Existing, temporary and subsequent permanent fixings. The developer shall be liable for all costs associated with the removal and reinstatement of the Luas related infrastructure.

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e) The developer shall be responsible for any loss of Luas revenue or any other costs associated with a suspension of passenger services, or alterations to the Luas infrastructure which may arise out of, or as a consequence of, the design, construction or the operation of the development by the development contractors, sub-contractors, their employees or agents or any other related party. Appropriate agreements between TII, Luas Operator and the developer shall be undertaken and completed prior to the commencement of development.

f) Future Luas, Metro and BRT alignments are a matter for the NTA.

Reason: To ensure the safe operation of the railway.

8. The development shall comply with the following requirements of the Archaeology Section:

a) Moore Street National Monument

(i) Prior to commencement of development the developer shall agree in writing with the Office of Public Works and this Department arrangements to ensure that no damage occurs to the national monument constituted by Nos. 14 to 17 Moore Street, including potential impacts from vibrations associated with the proposed works. A copy of that agreement shall be provided to the Planning Authority in advance of commencement of development.

(ii) The applicants shall employ the services of a suitably qualified archaeologist - the Project Archaeologist - to co-ordinate with the applicant's conservation team and consultants and to liaise with the Planning Authority and this Department throughout the course of the development.

(iii) The Project Archaeologist will assess the final proposals (when known) of the MetroLink Enabling Works and advise on necessary mitigation (in conjunction with Transport Infrastructure Ireland and in recognition of the existing Code of Practice between TII and the Minister for Housing, Local Government and Heritage). The protection zones for the National Monument and the route of the proposed haul Road and the design of the protective secant piled wall will be agreed with the Planning Authority and with this Department in advance of the commencement of any development works.

b) Archaeological mitigation project

(i) The applicants and the Project Archaeologist shall ensure the implementation of archaeological mitigation actions as set out in the EIAR and associated documents accompanying the application at the appropriate locations and at the appropriate time.

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(ii) The Project Archaeologist shall provide a schedule of works and the proposed archaeological mitigation methods to be agreed with the Planning Authority and this Department. A record of such schedules shall be maintained so as to take account of any adjustments resulting from design revisions and demolition and construction schedules.

(iii) The Project Archaeologist shall oversee the proposed archaeological mitigation for Site 2 and shall ensure integration of each element or phase of that mitigation with regard to proposed or future phases of archaeological mitigation for archaeological impacts (to include shared impacts or cumulative impacts and likely impacts for Sites 3, 4 and 5).

(iv) The Project Archaeologist shall inform the Planning Authority, this Department and the Office of Public Works in advance of any site investigation works, demolition or construction works with regard to the nature of such works and seek approval for archaeological mitigation.

(v) The applicants shall ensure that all necessary permissions, consents and licences (statutory and non-statutory) as required under the National Monuments Acts 1930 to 2014 or arising from the ownership by the Minister for Housing, Heritage and Local Government of any lands are in place before carrying out any development, entering on any lands or carrying out causing any interference with such lands (including any structures on such lands).

**c) Archaeological monitoring, testing and excavation**

(i) The applicants shall engage the services of a suitably qualified archaeologist (holding a licence under section 26 of the National Monuments Act 1930, as amended) to carry out archaeological monitoring of site investigations works, demolition phases, site preparation and pre-construction testing, and any further archaeological excavation at the site as appropriate or otherwise required. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(ii) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the developer shall comply with the advice of this Department in that regard.

(iii) The archaeologist shall provide regular progress reports and shall submit written reports on completed phases of work to the Planning Authority and to this Department.

(iv) No site preparation or construction work shall be carried out until after the archaeologist's reports relating to archaeological testing and monitoring have been submitted and permission to proceed has been received in writing from the Planning



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Authority in consultation with this Department.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological significance.

9. The development shall comply with the following requirements of the Environmental Health Division:

a) Demolition and Construction Phase

During the demolition and construction phase of this development a concise and organised plan will be required to ensure the mitigation and control of Noise, Air and Vibration nuisances.

Please follow the 'Air Quality Monitoring and Noise Control Unit's Good Practice Guide for Construction and Demolition'. A commitment to this guide shall be provided in writing and this guide shall be made reference to within your construction management plan

b) Operational Phase

There is potential for nuisances to arise during the operational phase. The development will result in a number of restaurants, cafes and take away's in the area. These premises can cause rise to nuisances for any nearby sensitive locations. The extraction systems must let out 2m above the eaves or the premises.

Reason: To ensure a satisfactory standard of development

10. The development shall comply with the following requirements of the Drainage Planning Policy and Development Control Division (DPPDC)

a) Prior to commencement of development a revised Basement Impact Assessment shall be submitted for written agreement with the Drainage Division. The following items shall be addressed:

i) An assessment of the cumulative impacts and/or consideration of nearby/surrounding basements to be carried out.

ii) A Damage Impact Assessment to be carried out for the most-affected retained protected facades and selected buildings just outside site boundaries (e.g. the AIB Bank building). Further detail is required, particularly as temporary façade restraint works details included in ancillary documents do not appear to take account of ground movement effects (demolition only mentioned).

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iii) A mixed assessment methodology has been adopted which uses Plaxis 2D to define the magnitude of potential movement followed by scaling of empirical relationships. The Applicant to submit a justification for this approach and provide details of the ground parameters, wall & prop parameters and groundwater parameters adopted in Plaxis. The Applicant to clarify whether the settlement effects of significant groundwater drawdown are included in the ground movement analysis.

iv) Monitoring proposals to be provided for groundwater before, during, and after construction.

b) The development is to be drained on a completely separate foul and surface water system with surface water discharging to the public surface water sewer network where feasible. Only where it is demonstrated not to be feasible to connect to the public surface water network shall alternatives be permitted.

c) There are public sewers in the vicinity of the site which may be impacted upon by the basement works. The developer shall carry out both pre- and post-construction CCTV surveys on this infrastructure. The pre-construction survey is to be submitted to the DPPDC section prior to commencement of the development. The post-construction survey is to be submitted upon completion of the development. Any damage to the sewer shall be rectified at the developer's expense.

d) Records of public surface water sewers are indicative and must be verified on site. The developer must carry out a comprehensive site survey to establish all public surface water sewers that may be on the site. If surface water infrastructure is found that is not on public records the Developer must immediately contact the DPPDC section to ascertain their requirements. Detailed 'as-constructed' drainage layouts for all diversions, extensions and abandonment of public surface water sewers; in an approved format are to be submitted by the Developer to the DPPDC Section for written approval. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

e) Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by the DPPDC section, must be submitted for written sign-off. This must be submitted no later than the completion of each phase of the development works on site. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

f) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.

g) Permanent discharge of groundwater to the drainage network is not permitted.

h) Discharge of groundwater to the public drainage network may be permitted during

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construction subject to a trade effluent discharge license being obtained from the responsible sanitary and/or local authority as required by the Local Government (Water Pollution) Acts, 1977 and 1990. Please note, Uisce Éireann is the sanitary authority responsible for the foul and combined drainage network. Dublin City Council is the local authority responsible for the surface water drainage network.

i) There shall be no discharge of trade effluent to waters (including groundwater) or sewers except where a licence is granted by the responsible sanitary and/or local authority as required by the Local Government (Water Pollution) Acts, 1977 and 1990.

j) All surface water discharge from this development must be attenuated in accordance with the requirements of the DCC's Sustainable Drainage Design and Evaluation Guide 2021.

k) The development shall incorporate Sustainable Drainage Systems (SuDS) in the management of surface water. Full details of these shall be submitted for approval prior to commencement of the development.

l) The outfall surface water manholes from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. The outfall manhole shall be located within the final site boundary.

m) All private drainage infrastructure such as, downpipes, gullies, manholes, armstrong junctions, etc. shall be located within the final site boundary. Private drainage infrastructure is not permitted in public areas, or areas intended to be taken in charge.

n) Full details of any drainage works required to facilitate the upgrade of existing public footpaths and carriageways (relocation of existing gullies, installation of new gullies, etc.) shall be agreed with the DPPDC section prior to commencement of the development.

o) The Basement Impact Assessment report references the potential need for a large scale complex works such as concrete plug below the basement. However, this is not covered in any detail nor are the potential impacts assessed. Prior to the commencement of construction, the Developer shall submit details of this to the DPPDC section.

p) A significant volume of extracted water has been predicted during construction that will require recharge. No assessment of the practicality of recharge has been made. Prior to the commencement of construction, the Developer shall submit full details of dewatering proposals to the DPPDC section.

Reason: To ensure a satisfactory standard of development.



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11. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes including signage to the proposed development shall be submitted to and agreed in writing by the Planning Authority.

A panel of the proposed finishes to be placed on site to enable the planning authority adjudicate on the proposals. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area

12. Prior to commencement of the development and in consultation with the Dublin City Arts Office, the Developer shall provide, for the written approval of the Planning Authority, details of the management company established to manage the operation and maintenance of the Community, Arts and Culture Centre. The public shall have access to the facilities at times to be stated in writing. Any changes to the overall community facility provision shall be agreed with the Planning Authority prior to the first occupation of the development. All works shall be undertaken at the Applicant/Developer's expense

Reason: In the interests of the future maintenance of this development, and the adequate provision of community facilities.

13. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

14. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the

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adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

15. Notwithstanding the provisions of the Planning & Development Regulations 2001(As Amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

16. Shop windows – glazing

A window display shall be maintained at all times, and the glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

Reason: In the interests of visual amenity.

17. Security Shutters (recessed behind glazing)

Roller shutters (if required) and its casing shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type, and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interests of visual amenity.

18. Refuse Storage Facilities

Refuse storage facilities shall be provide prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, such facilities to be permanently retained at the site.

Reason: To ensure the provision of refuse facilities to the satisfaction of the City Council.

19. No additional development shall take place above roof level, including lift motors,

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air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

The applicant should note that development on foot of this **Decision to Grant** may not commence before a notification of final grant has been issued by the Planning Authority or An Bord Pleanala following consideration of an appeal.

N.B. It should be clearly understood that the granting of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal and that a person shall not be entitled solely by reason of a planning permission to carry out any development.

1. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
2. A grant of Planning Permission does not entitle the applicant to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
3. Any observations or submissions received by the Planning Authority in relation to this application have been noted.

**Note to Applicant:**

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- Appeals must be received by An Bord Pleanala within FOUR WEEKS beginning on 03-Oct-2023. (N.B. this is not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals whether they are sent by post or otherwise. The appeal **MUST BE FULLY COMPLETE** in all respects - including the appropriate fee - when lodged. It is not permissible to submit any



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Bhaile Átha Cliath  
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part of it at a later date, even within the time limit.

- Refund of Fees submitted with a Planning Application. Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months, where the full standard fee was paid in respect of the first application, and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of the Planning Authority's decision on the second application.

Signed on behalf of the Dublin City Council:

  
For Administrative Officer

**Advisory Note:**

Please be advised that the development types shown below can now be submitted via our online service

Domestic Extensions including vehicular access, dormers /Velux windows, solar panels

Residential developments up to & including four residential units (houses only)

Developments for a change of use with a floor area of no more than 200 sq. m

Temporary permission (e.g. accommodation for schools)

Outdoor seating / smoking areas.

Shopfronts / signage

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1

Our Ref: 21074

31 October 2023

**RE: FIRST PARTY APPEAL**

**PLANNING APPLICATION FOR THE PROVISION OF A MIXED-USE SCHEME IN TWO BLOCKS RANGING FROM 2 – 8 STOREYS OVER SINGLE STOREY BASEMENT COMPRISING OFFICE SPACE (C. 33,714 SQ. M), CAFÉ / RESTAURANT UNITS (C. 2,187 SQ. M), RETAIL UNITS ( C. 2,622 SQ. M) AND METRO ENABLING WORK ON A SITE GENERALLY BOUND BY O'CONNELL STREET TO THE WEST, MOORE LANE TO THE WEST, HENRY PLACE TO THE SOUTH, AND NO. 42 O'CONNELL STREET UPPER TO THE NORTH. (DUBLIN CENTRAL – SITE 2)**

**DUBLIN CITY COUNCIL REG. REF: 5126/22**

**DATE OF DECISION: 3 OCTOBER 2023**

Dear Sir / Madam,

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, D02 X361 submit this First Party Appeal to An Bord Pleanála. It is made on behalf of the Applicant / Appellant, Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576.

Dublin City Council issued a decision, dated 3 October 2023, to grant permission for development as generally identified above, at Dublin Central – Site 2, Dublin 1. The last date to make an appeal in respect of that decision is therefore 30<sup>th</sup> October 2023. This appeal is therefore being made within the appropriate timeline.

This First Party appeal seeks invites the Board to attach a Condition to the ultimate permission confirming the duration of permission is 11 years.

The statutory appeal fee is enclosed in the form of a cheque for €3,000.00 made payable to An Bord Pleanála.

**2no. copies** of the following material are enclosed in support of this First Party Appeal: -

1. Copy of DCC Notification of Decision to Grant Permission, dated 03 October 2023.
2. Grounds of Appeal (below), prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.

We trust that everything is in order and would ask that all future correspondence in relation to this planning appeal be directed to this office.

Yours faithfully,



Stephen Little

**STEPHEN LITTLE & ASSOCIATES**

## 1 INTRODUCTION

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, are instructed by our Client (the Applicant / Appellant), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands Dublin 2, D02 X576, to make this First Party Appeal Planning.

Dublin City Council (DCC) issued a decision, dated 03 October 2023, to grant permission for the development of a mixed-use development at Site 2, including office, retail, café / restaurant and associated amenities, accommodated in existing and new buildings ranging in height from 2 – 8 storeys, over a single storey basement serving the development including bicycle parking, car parking and waste storage.

Whilst the statutory notices sought permission for a duration of 11 years, the Planning Authority in their grant of permission did not include a condition regarding duration of the permission. It is evident from the Planning Officers Report that the Planning Authority were satisfied that an extended duration of permission was warranted in this case. As such, as there is no Condition identifying a duration of permission we are satisfied that the notification of decision to grant permission in this case is for a period of 11 years.

This First Party appeal invites the Bord, for avoidance of doubt and absolute clarity to include a condition regarding Duration of Permission which confirms an 11 (eleven) year permission in this case. This request is being made wholly without prejudice to our professional opinion that the decision of the Planning Authority is to grant permission for a period of eleven years in any event.

The Applicant, warmly welcomes the positive decision of the Planning Authority to grant permission in this case. The support of the Planning Authority for this project and its duration of permission is acknowledged, having been secured on foot of extensive consultation and an iterative design approach at pre-planning and further information stages.

Having regard to Section 37(1)(d) of the Planning & Development Act 2000 (as amended), an appeal against the decision of the Planning Authority can be made on or before 5.30pm on the **31 October 2023**, noting that the 30<sup>th</sup> October 2023 is a Bank Holiday.

We confirm that in preparing this appeal, we have visited the site and reviewed the Council's public planning file (DCC Reg. Ref. 5126/22), including the available technical reports that gave rise to the conditional decision in this particular case.

### 1.1 Appeal Fee

We attach herewith a cheque in the sum of €3,000.00 made payable to An Bord Pleanála, so as to ensure that this appeal is validly received.

## 2 THE PROPOSED DEVELOPMENT

### 2.1 Brief Description of Proposed Development at Application Stage (26 October 2022)

The proposed development comprises a mixed-use scheme (c. 38,479 sq. m gross floor area) ranging in height from 2 – 8 storeys over single level basements including a new street between O'Connell Street Upper and Moore Lane, a new controlled Laneway from Moore Lane (adjacent No. 42 O'Connell Street Upper – a Protected Structure). The proposed development accommodates: -

- 6no. units for use as a 'licensed restaurant / café units with takeaway / collection facility' at ground floor level (Unit 1 – c. 67 sq. m and Unit 2 – c. 244 sq. m on Moore Lane, Unit 3 – c. 178 sq. m and Unit 4 – c. 75sq. m on O'Connell Street Upper, Unit 5 – c. 58 sq. m on New Street and Unit 6 – c. 296 sq. m on Moore Lane and New Street;
- 1no. unit for use as a 'licensed restaurant / café units with takeaway / collection facility' across basement, ground, 1st and 2nd floor (c. 878 sq. m) on O'Connell Street Upper;
- 8no. retail units, each for use as a 'shop' or 'licensed restaurant / café units with takeaway /

collection facility' at ground floor level (Unit 1 – c. 1,041 sq. m on O'Connell Street Upper and Moore Lane, Unit 2 – c. 311 sq. m and Unit 3 – c. 260 sq. m on O'Connell Street Upper and New Street, Unit 4 – c. 452 sq. m on New Street, Units 5 – c. 251 sq. m on Moore Lane, Unit 6 – c. 162 sq. m and Units 7 – c. 58 sq. m on O'Connell Street Upper and Unit 8 – c. 40 sq. m on Moore Lane and new controlled Laneway); Temporary use of retail Unit 8 (c. 40 sq. m) as a delivery hub, pending the completion of same at Site 5 under DCC Reg. Ref. 2863/21;

- Office use (c. 33,714 sq. m) from 1st to 7th floor with access from O'Connell Street Upper, rear of No. 59 O'Connell Street upper and new plaza on Henry Place and new controlled Laneway. Terrace proposed at 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> floor are proposed;
- Refurbishment of the 'Reading Room' (rear of No. 59 O'Connell Street Upper, Dublin 1) as 'licensed restaurant / café units with takeaway / collection facility' at ground floor level and ancillary café use at basement level (c. 244 sq. m in total).
- The single level basement comprises: -
  - Access ramp from Moore Lane.
  - 32no. car parking space.
  - 372no. bicycle parking spaces with access to secure bicycle storage areas from the new plaza on Henry Place and the new controlled laneway from Moore Lane.
  - Plant and waste storage areas.
- A structural box (120m length, 26m width, 34.5m depth) beneath the ground floor level that has been designed to accommodate the independent construction and operation of the planned O'Connell Street MetroLink Station by Transport Infrastructure Ireland, including provision of the structural envelope and co-ordinated voids to accommodate station entrances, ventilation and fire escape shafts through this part of the Dublin Central proposed development. These MetroLink Enabling Works (MEW) ensure that the Dublin Central proposed development is structurally independent of, and not prejudicial to, the MetroLink project. This application does not include any request for permission for railway works, the use of railway works or the operation of a railway. The MetroLink project will be the subject of a separate application for Railway Order to be made by TII. In the event that MetroLink project is delayed or does not proceed, the Dublin Central proposed development can be completed, occupied and used regardless. The Dublin Central proposed development is not dependent on the MetroLink project in any way, whether functionally or otherwise. The MetroLink project is not, therefore, part of the project the subject of this planning application or accompanying EIAR. The MetroLink project will be the subject of a separate application for approval to be made by Transport Infrastructure Ireland. This part of the Dublin Central proposed development is referred to as the MetroLink Enabling Works.

All associated and ancillary site development and landscape works, conservation, demolition, landscaping, temporary works, including: -

- Conservation, repair, refurbishment, and adaptive reuse of part of the existing building fabric, including: -
  - Retention of part of the rear of No. 59 O'Connell Street Upper (known as the 'Reading Room') internal and external modifications and new shopfronts;
  - Retention of the facades of Nos. 57 – 58 O'Connell Street Upper (Protected Structures);
  - Retention of the facades of Nos. 52 – 54 O'Connell Street Upper (Carlton Cinema – Protected Structures) including the reinstatement of the canopies;
  - Retention of the facades of Nos. 43 – 44 O'Connell Street Upper (Protected Structures);
  - Retention of the facade of No. 45 O'Connell Street Upper;
  - Works to include repair and upgrade works (where required) of retained masonry, external and internal joinery, plasterwork and features of significance;

- Conservation and repair of existing lightwells on O'Connell Street Upper;
- Demolition of all other existing buildings and structures on site (c. 22,521 sq. m) including No. 13 Moore Lane and No. 14 Moore Lane (otherwise known as Nos. 1 – 3 O'Rahilly Parade and Nos. 14 – 15 Moore Lane or Nos. 1 – 8 O'Rahilly Parade and Nos. 14 – 15 Moore Lane) to facilitate a temporary construction compound;
- Laying of services in Parnell Street westwards from Moore Lane for approximately 49 metres;
- Improvement works to the public realm on O'Rahilly Parade, Moore Lane, Henry Place, including the provision of a new entrance off O'Connell Street Upper for deliveries / emergency access. There are also adjustments and improvement works proposed at the junctions of Moore Street with Henry Place and with O'Rahilly Parade;
- Creation of a new street connecting O'Connell Street Upper with Moore Lane and provision of a new plaza at the junction of Moore Lane and Henry Place;
- 3no. telecommunication lattice towers which can accommodate 3no. 800mm antenna and 2no. 300mm microwave link dishes with associated equipment on the rooftop of Block 2C;
- 2no. ESB sub-stations;
- Building signage zones and retractable canopies.

## 2.2 Summary of Amendment to the Proposed Development at Further Information Stage (9 August 2023)

the following summarises the amendments made by the Applicant in response to the Further Information Request: -

### Site 2AB

- Localised reconfiguration of the basement to include additional bicycle parking and welfare facilities.
- Replacement of bicycle ramp from ground floor (to the rear of the Reading Room) with bicycle stairs and bicycle lift and subsequent increase to adjoining Retail Unit No. 4 (222 sq. m GFA).
- Re-design of elements of the façade on O'Connell Street Upper including the Carlton Canopy, entrance to Retail Unit No. 2 and re-design of the set-back levels (4<sup>th</sup> & 5<sup>th</sup> Floors) above the Carlton Canopy and onto part of the New Street between O'Connell Street Upper and Moore Lane.

### Site 2C

- Localised reconfiguration of the basement to include additional bicycle parking and welfare facilities resulting in the omission of 5no. car parking spaces (27no. now proposed).
- Reconfiguration of rooftop plant area and associated re-design of upper floors and associated façades alterations.
- Omission of retail unit from the controlled laneway and Moore Lane to be replaced with community / arts / cultural space entrance lobby.
- Introduction of a community / arts / cultural space (480 sq. m GFA) at 1<sup>st</sup> Floor Level onto Moore Lane.

For the avoidance of doubt, no changes were required to the wastewater / water supply or landscaping arising from the request for Further Information.



### 3 GROUNDS OF APPEAL

This planning appeal invites the Board to attach a Condition to the ultimate permission confirming the duration of permission is 11 years.

The Planning Authority considered a Planning Permission duration of 11 years is reasonable in this instance: -

*“While there will be a significant excavation area over a long number of years and given the constraints explained in the documentation submitted, in particular the MEW, it is considered reasonable that a duration of 11 years be sought, in this instance.”*

Condition 1 of the notification of decision to grant of permission requires compliance with the plans and particulars, including anything adequately stated in the site notice. It should be noted that the 11 year permission was adequately and expressly stated on the statutory notices and was supported in multiple reports included with the application. As there was no Condition attached to the notification of decision to grant of permission dated 3 October 2023 that dealt with the duration of permission, and considering the positive assessment from the Planning Authority in relation to duration of permission and the application explicitly stating that Permission was sought for a duration of 11 years at this site, we are satisfied that the notification of decision to grant permission in this case is for a period of 11 years.

Notwithstanding this, for avoidance of doubt and in the interest of absolute clarity, the Applicant invites the Bord, to include a Condition regarding Duration of Permission which confirms an 11 (eleven) year permission in this case.

### 4 CONCLUSION

We welcome the Planning Authority's support for the development and its duration of permission of Site 2 as proposed under DCC Reg. Ref. 5126/22.

We are inviting the Bord to include a Condition attached to the ultimate permission confirming the duration of permission is 11 years.

**STEPHEN LITTLE & ASSOCIATES**

31 October 2023

ENCL/: -

- Statutory Appeal Fee (cheque to sum of €3,000.00).
- Copy of DCC Notification of Decision to Grant Permission, dated 03 October 2023.

**An Roinn Pleanála & Forbairt Maoine**

Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

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e. [planning@dublincity.ie](mailto:planning@dublincity.ie)

06-Oct-2023

Stephen Little & Associates, Chartered Town  
Planners and Development Consultants  
26/27, Upper Pembroke Street  
Dublin 2  
D02 X361

Application No.	5126/22
Registration Date	09-Aug-2023
Decision Date	03-Oct-2023
Decision Order No	P4564
Location	No. 43 (a Protected Structure), No. 44 (a Protected Structure), Nos. 45 – 49, Nos. 50 – 51 O'Connell Street Upper (a vacant site, Nos. 52 – 54 (a Protected Structure), Nos. 55 – 56, No. 57 (a Protected Structure), No. 58, (a Protected Structure) and No. 6
Proposal	<p>PROTECTED STRUCTURE: Dublin Central GP Limited Intends to apply for Permission for a period of 11 years at a site, 'Dublin Central - Site 2' (c. 1.33 Ha), at No. 43 (a Protected Structure), No. 44 (a Protected Structure), Nos. 45 - 49, Nos. 50 - 51 O'Connell Street Upper (a vacant site), Nos. 52 - 54 (a Protected Structure), Nos. 55 - 56, No. 57 (a Protected Structure), No. 58 (a Protected Structure) and No. 60A O'Connell Street Upper and the rear of Nos. 59 - 60 O'Connell Street Upper, Dublin 1. Also, the site includes No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 - 3 O'Rahilly Parade and Nos. 14 - 15 Moore Lane or Nos. 1 - 8 O'Rahilly Parade and Nos. 14 - 15 Moore Lane) and the public realm associated with O'Rahilly Parade, Moore Lane, Henry Place and a portion of O'Connell Street Upper, Dublin 1. The site is otherwise bound by Henry Place and Nos. 59 - 60 O'Connell Street Upper to the south, the east side of Moore Lane to the west and west side of O'Connell Street Upper to the east and No. 42 O'Connell Street Upper to the north.</p> <p>The proposed development comprises a mixed-use scheme (c. 38, 479 sq. m gross floor area) ranging in height from 2 - 8 storeys over single level basements including a new street between O'Connell Street Upper and Moore Lane, a new controlled Laneway from Moore Lane (adjacent No. 42 O'Connell Street Upper - a Protected Structure). The proposed development accommodates: - 6no. units for use as a 'licensed restaurant / café units with takeaway / collection facility' at ground floor level (Unit 1 - c. 67 sq. m and Unit 2 - c. 244 sq. m on Moore Lane, Unit 3 - c. 178 sq. m and Unit 4 - c. 75sq. m on O'Connell Street Upper, Unit 5 - c. 58 sq. m on New Street and Unit 6 - c. 296 sq. m on Moore Lane and New Street; 1no. unit for use as a 'licensed restaurant / café unit with takeaway / collection facility' across basement, ground, 1st and 2nd floor (c. 878 sq. m) on O'Connell Street Upper; 8no. retail units, each for use as a 'shop' or 'licensed restaurant / café units with takeaway / collection facility' at ground</p>

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floor level (Unit 1 - c. 1, 041 sq. m on O'Connell Street Upper and Moore Lane, Unit 2 - c. 311 sq. m and Unit 3 - c. 260 sq. m on O'Connell Street Upper and New Street, Unit 4 - c. 452 sq. m on New Street, Unit 5 - c. 251 sq. m on Moore Lane, Unit 6 - c. 162 sq. m and Unit 7 - c. 58 sq. m on O'Connell Street Upper and Unit 8 - c. 40 sq. m on Moore Lane and new controlled Laneway); Temporary use of retail Unit 8 (c. 40 sq. m) as a delivery hub, pending the completion of same at Site 5 under DCC Reg. Ref. 2863/21; Office use (c. 33, 714 sq. m) from 1st to 7th floor with access from O'Connell Street Upper, rear of No. 59 O'Connell Street upper and new plaza on Henry Place and new controlled Laneway. Terraces proposed at 1st, 3rd, 4th, 6th and 7th floor; Refurbishment of the 'Reading Room' (rear of No. 59 O'Connell Street Upper, Dublin 1) as 'licensed restaurant / café unit with takeaway / collection facility' at ground floor level and ancillary café use at basement level (c. 244 sq. m in total). The single level basement comprises: - Access ramp from Moore Lane; 32no. car parking space; 372no. bicycle parking spaces with access to secure bicycle storage areas from the new plaza on Henry Place and the new controlled laneway from Moore Lane; Plant and waste storage areas; A structural box (120m length, 26m width, 34.5m depth) beneath the ground floor level that has been designed to accommodate the independent construction and operation of the planned O'Connell Street MetroLink Station by Transport Infrastructure Ireland, including provision of the structural envelope and co-ordinated voids to accommodate station entrances, ventilation and fire escape shafts through this part of the Dublin Central proposed development. These ensure that the Dublin Central proposed development is structurally independent of, and not prejudicial to, the MetroLink project. The MetroLink project will be the subject of a separate application for approval to be made by Transport Infrastructure Ireland. This part of the Dublin Central proposed development is referred to as the MetroLink Enabling Works; All associated and ancillary site development, conservation, demolition, landscaping and temporary works, including: - Conservation, repair, refurbishment and adaptive reuse of part of the existing building fabric, including: - Retention of part of the rear of No. 59 O'Connell Street Upper (known as the 'Reading Room') internal and external modifications and new shopfronts; Retention of the facades of Nos. 57 - 58 O'Connell Street Upper (Protected Structures); Retention of the facades of Nos. 52 - 54 O'Connell Street Upper (Carlton Cinema - Protected Structures) including the reinstatement of the canopies; Retention of the facades of Nos. 43 - 44 O'Connell Street Upper (Protected Structures); Retention of the facade of No. 45 O'Connell Street Upper; Works to include repair and upgrade works (where required) of retained masonry, external and internal joinery, plasterwork and features of significance; Conservation and repair of existing lightwells on O'Connell Street Upper; Demolition of all other existing buildings and structures on site (c. 22, 521 sq. m) including No. 13 Moore Lane and No. 14 Moore Lane (otherwise known as Nos. 1 - 3 O'Rahilly Parade and Nos. 14 - 15

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Moore Lane or Nos. 1 - 8 O'Rahilly Parade and Nos. 14 - 15 Moore Lane) to facilitate a temporary construction compound; Laying of services in Parnell Street westwards from Moore Lane for approximately 49 metres; Improvement works to the public realm on O'Rahilly Parade, Moore Lane and Henry Place, including the provision of a new entrance off O'Connell Street Upper for deliveries / emergency access. There are also adjustments and improvement works proposed at the junctions of Moore Street with Henry Place and with O'Rahilly Parade; Creation of a new street connecting O'Connell Street Upper with Moore Lane and provision of a new plaza at the junction of Moore Lane and Henry Place; 3no. telecommunication lattice towers which can accommodate 3no. 800mm antenna and 2no. 300mm microwave link dishes with associated equipment on the building rooftop in Site 2C; 2no. ESB sub-stations; Building signage zones and retractable canopies. The application site is within the O'Connell Street Architectural Conservation Area. An Environmental Impact Assessment Report (EIAR) accompanies this application.

Applicant	Dublin Central GP Limited
Application Type	Permission

- **If you have any queries regarding this Decision, please contact the number or email shown above**

**IMPORTANT NOTE:**

Please be advised that a compliance submission(s) can only be submitted in pdf format and by e- mail to [compliances@dublincity.ie](mailto:compliances@dublincity.ie)

**NOTIFICATION OF DECISION TO GRANT PERMISSION**

In pursuance of its functions under the Planning & Development Acts 2000 (as amended) Dublin City Council, being the Planning Authority for the City of Dublin has by order dated 03-Oct-2023 decided to GRANT PERMISSION for the development described above, subject to the following condition(s).

**CONDITION(S) AND REASON(S) FOR CONDITION(S)**

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 28/07/23, and Article 35 request

**An Roinn Pleanála & Forbairt Maoine**

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received on the 09/08/23, as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. A development contribution in the sum of €1, 894, 872.20 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.

Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

3. A development contribution in the sum of €607, 126.00 shall be paid to the Planning Authority in respect of the LUAS Cross City Scheme. This contribution shall be paid prior to the commencement of development or in such a manner as may otherwise be agreed in writing with the Planning Authority.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution in respect of the public infrastructure and facilities benefitting development in the Luas Cross City area as provided for on the Supplementary Development Contribution Scheme made for the area of the proposed under Section 49 of the Planning & Development Act 2000 (as amended).

4. Prior to the commencement of development, the developer shall lodge with the

**An Roinn Pleanála & Forbairt Maoine**

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planning authority a cash deposit or a bond of an insurance company/bank .

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains.

or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces , street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

5. The development shall comply with the following requirements of the Conservation Section:

- The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority prior to the commencement of development:

(i) Site 2AB, 2C: The following detailed information shall be submitted for each façade and/or building to be retained for the written approval of the Planning Authority in advance of the works commencing:

- Consolidation, protection and propping/support of existing facades or parts of buildings that will be retained during the demolition process

- 1:50 Detailed elevation and section marked-up condition and repair drawings for each of the retained historic facades detailing proposals for conservation/repair works to include brick and stone repairs, the extent of repointing, cleaning and specification for window repairs/reinstatement (note that historic windows shall be retained and refurbished where present in line with the architectural heritage advice series).

- 1:20 Detailed elevation and section drawings for all shopfronts including signage, doors, illumination where required, to reflect the significance of the Protected Façades and respect the requirements of the O'Connell Street ACA and Area of Special Planning Control.



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- Window schedule indicating where existing windows shall be retained/repaired/refurbished, or replaced with new windows
- 1:10 details to be provided of all proposed replacement windows, and/or new secondary windows where proposed, (referred to in 3.2 p.27),
- Specification for the refurbishment of existing windows to be retained and upgraded
- Detailed conservation specifications to be submitted for all proposed works including cleaning, repairs, repointing etc. to be subject to the preparation of samples; refurbishment of all existing windows to be retained.

(ii) Site 2AB: 1:20 drawings of the proposed ground floor façade to the former Carlton Cinema shall be submitted, including plans, sections and elevations of the proposed pilasters, confirming their materiality and profile. The proposed doors and window frames and any proposed kick plate should be high quality metal such as bronze, detailed to compliment the upper floors of the Protected Structure. Illumination of the proposed canopy and upper facades shall be illustrated on the drawings and shall include signage where required.

(iv) Site 2AB: Revised drawing of the shopfront for No. 58 at a scale of 1:20 retaining all surviving elements of the historic shopfront including the granite piers, if possible. A sample for the removal of the tiles shall be provided for inspection demonstrating the condition of the underlying granite.

(v) Site 2AB: 1:50 drawings of the former Reading Room to the rear of 59 O'Connell Street Upper shall be provided to include internal elevations showing the existing configuration. It is recommended that the number of openings provided to the structure be rationalised, if appropriate, to retain a greater extent of historic walls and that a greater symmetry is achieved in the placement and sizing of the openings to the south wall. A rectified ceiling plan shall be provided, colour-coded to illustrate historic fabric and later interventions. Revised floor plans shall be submitted retaining the chimneybreast to the southern room, if possible, and providing a more satisfactory means of access to the basement which does not adversely impact the presentation of the southern section of the space. A revised roof plan shall be provided, removing the rooflights from the southern section. A detailed methodology for the repair of historic fabric to the interior of the structure shall be provided.

(vii) Site 2AB: 1:20 drawing of the door to the west elevation of the former Reading Room, ensuring a door of sufficient quality is provided to the opening.

(viii) Site 2AB: 1:20 drawings of the proposed ramp including railings shall be provided. The applicant shall ensure the materiality and design of the railings is of sufficient quality to compliment the setting of the historic structure. The railings as illustrated appear pedestrian in nature and require refinement.

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(ix) Site 2AB: The applicant is requested to revisit the public realm at the junction of Henry Place and Moore Lane and identify a means of retaining the sense of enclosure at this junction, which is intrinsic to the historic significance of the laneway and that would also facilitate goods and emergency access as required. Revised drawings shall be submitted.

(x) Site 2AB: The proposed demarcation of lost building lines (where the volumetric and spatial enclosure of Moore Lane and Henry Place will be eroded by proposed widening and creation of pocket parks in locations that are particularly sensitive to change) and plot boundaries by way of metallic in-ground studs is not considered to be sufficiently legible. A more clearly visible landscaping approach is required, to include the demarcation of former building lines and the reuse of salvaged fabric. The revised proposals shall ensure that the memory of the 1916 Battlefield, its key locations and routes taken by the Volunteers, are clearly encompassed, legible and conveyed in an appropriate manner in the proposed development including possible interpretation presentation of the area's intangible heritage in appropriate locations.

(xi) Site 2AB, 2C: A thorough coordinated photographic and drawn record survey shall be prepared of all surviving historic fabric, and the materials are retained and enhanced in their original locations as far as is possible within the parameters of the proposed development, to ensure the patina and authenticity of the setting is respected, notwithstanding its unprotected status.

(xii) Site 2AB, 2C: A comprehensive methodology for the careful salvage of roofing slate, joinery items including staircases, bricks, stone, cast-iron, windows, fireplaces and other miscellaneous items for salvage and reuse. Consideration should be given to the reuse of sound historic roof slates in the repair/refurbishment of the reading room (where proven to match existing).

(xiii) Site 2C: The Applicant is requested to submit 1:20 section drawings at junctions where the proposed development adjoins the Protected Structure and its boundary wall and O'Connell Building to the rear, (ref. Proposed Section GG, DC GRA 2C XX DR A 30 0209 / P02 Proposed Section II and DC GRA 2C XX DR A 30 0210 / P02 Proposed Section JJ) providing 1:10 junctions at roof level indicating how rainwater will be discharged and relevant flashings between the buildings. Provide underpinning details also.

- A Grade 1 Conservation Architect shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.

- The proposed development shall be carried out in accordance with the following:



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(i) All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

(ii) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

(iii) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

(iv) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

Reason: In order to protect the original fabric, character and integrity of the Protected Structures at Nos. 42, 43, 44, 52-54, 57 and 58 O'Connell Street Upper, the adjacent Protected Structures and the O'Connell Street Architectural Conservation Area and to ensure that the proposed works are carried out in accordance with best conservation practice.

6. The development shall comply with the following requirements of the Transportation Planning Division:

(a) Prior to commencement of development, and on appointment of a contractor, detailed Demolition and Construction Traffic Management Plans shall be submitted to and agreed in writing with the Planning Authority, with written approval from Transport Infrastructure Ireland (TII). This shall include details of intended demolition and construction practice for the development, construction phasing and programme, hours of working, noise and dust management measures, and off-site disposal of construction/demolition waste. And details of arrangements for routes for all stages of demolition and construction traffic, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site for all stages. The appointed contractor shall liaise with DCC Road Works Control Division during the demolition and construction period.

(b) Prior to commencement of the development, the developer shall contact the Environment and Transportation Department to agree in writing all works to the public road network including footpaths, vehicular entry treatments, loading/parking bays, public lighting, and any works to Moore Lane/Moore Street/ O'Rahilly Parade/O'Connell Street. A financial contribution to compensate for any damage to or loss of the street trees on O'Connell Street shall be determined by and payable to the Parks, Biodiversity and Landscape Services Department if required. Materials

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proposed in public areas and areas to be taken in charge shall be in accordance with the document 'Construction Standards for Roads and Street Works in Dublin City Council'. All works shall be at the developer's expense.

(c) Prior to the opening of the development, an updated Mobility Management Plan shall be submitted to, and agreed in writing with, the planning authority for the subject site. This shall provide for incentives to encourage the use of public transport, cycling and walking. The plan shall also, provide details of all public transport options and identify car club spaces, bike share and any other transport schemes outside of the development and in the vicinity of the site. The mobility strategy shall be prepared and implemented by the Management Company and operators for all units within the development.

This Plan shall also incorporate a Car Parking Management Plan for the overall development. Car parking spaces shall not be privately assigned to the office development, save for use as accessible spaces and car share/fleet cars.

Details of the operation and assignment of the car parking spaces shall be provided in the updated Mobility Management Plan and agreed with the Planning Authority.

(d) Prior to the opening of the development and on appointment of the operators and Management Company for the development, an updated Service Strategy shall be submitted to, and agreed in writing with the Planning Authority. A services/facilities manager shall be appointed by the operators/management company to ensure implementation and co-ordination of all servicing and refuse deliveries and collections. Servicing access arrangements including during construction works should not have an adverse impact on Luas operation and safety.

A review of the Servicing Strategy shall be carried out within 12 months of the occupation of the proposed development and submitted to the Planning Authority for review. Any future changes and further reviews deemed necessary by the Planning Authority to the Servicing Strategy in the ongoing monitoring of the development, shall be agreed with and approved by the Planning Authority.

(e) The proposed development is located in close proximity to the Luas line; the developer shall ensure there is no adverse impact on Luas operation and safety. The development shall comply with the 'Code of engineering practice for works on, near or adjacent the Luas light rail system'.

(f) Cycle parking shall be secure, conveniently located and well lit. Cycle parking design shall allow both wheel and frame to be locked. Key/fob access shall be required to bicycle compounds/areas. Cycle parking shall be in situ prior to the occupation of the development.

(g) No doors, save for emergency access or access to substations, shall open outwards across the public footpath/laneway.

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(h) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

(i) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of sustainable transportation and safety

7. The development shall comply with the following requirements of Transport Infrastructure Ireland:

a) Works are proposed to be carried out in close proximity to Luas infrastructure. The applicant, developer or contractor will be required to apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulation of Works) Bye-laws 2004 (S.I. number 101 of 2004) which regulates works occurring close to the Luas infrastructure in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'. The developer shall be liable for all of TII's costs associated with the removal and reinstatement of Luas related building fixings and infrastructure. The permit application will require prior consultation, facilitated by the Luas operator, Transdev.

b) Prior to commencement of development, a Construction Traffic Management Plan including access to services, shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The Construction Traffic Management Plan shall identify mitigation measures to protect operational Luas infrastructure.

c) Prior to commencement of development, a Demolition and/or Construction Method Statement shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The method statement shall resolve all Luas interface issues and shall (i) identify all Luas alignment interfaces, (ii) contain a risk assessment for works associated with the interfaces, and (iii) contain mitigation measures for unacceptably high risks, including vibration and settlement monitoring regime if necessary. The method statement shall be in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system.'

d) Overhead Conductor System (OCS) poles and / or fixings are located on / or adjacent to the proposed development. Prior to commencement of development, the following plans and details shall be submitted for the written agreement of the planning authority subject to the written agreement of TII: (a) OCS pole protection and safety distances, and / or (b) Existing, temporary and subsequent permanent fixings. The developer shall be liable for all costs associated with the removal and reinstatement of the Luas related infrastructure.

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e) The developer shall be responsible for any loss of Luas revenue or any other costs associated with a suspension of passenger services, or alterations to the Luas infrastructure which may arise out of, or as a consequence of, the design, construction or the operation of the development by the development contractors, sub-contractors, their employees or agents or any other related party. Appropriate agreements between TII, Luas Operator and the developer shall be undertaken and completed prior to the commencement of development.

f) Future Luas, Metro and BRT alignments are a matter for the NTA.

Reason: To ensure the safe operation of the railway.

8. The development shall comply with the following requirements of the Archaeology Section:

a) Moore Street National Monument

(i) Prior to commencement of development the developer shall agree in writing with the Office of Public Works and this Department arrangements to ensure that no damage occurs to the national monument constituted by Nos. 14 to 17 Moore Street, including potential impacts from vibrations associated with the proposed works. A copy of that agreement shall be provided to the Planning Authority in advance of commencement of development.

(ii) The applicants shall employ the services of a suitably qualified archaeologist - the Project Archaeologist - to co-ordinate with the applicant's conservation team and consultants and to liaise with the Planning Authority and this Department throughout the course of the development.

(iii) The Project Archaeologist will assess the final proposals (when known) of the MetroLink Enabling Works and advise on necessary mitigation (in conjunction with Transport Infrastructure Ireland and in recognition of the existing Code of Practice between TII and the Minister for Housing, Local Government and Heritage). The protection zones for the National Monument and the route of the proposed haul Road and the design of the protective secant piled wall will be agreed with the Planning Authority and with this Department in advance of the commencement of any development works.

b) Archaeological mitigation project

(i) The applicants and the Project Archaeologist shall ensure the implementation of archaeological mitigation actions as set out in the EIAR and associated documents accompanying the application at the appropriate locations and at the appropriate time.

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(ii) The Project Archaeologist shall provide a schedule of works and the proposed archaeological mitigation methods to be agreed with the Planning Authority and this Department. A record of such schedules shall be maintained so as to take account of any adjustments resulting from design revisions and demolition and construction schedules.

(iii) The Project Archaeologist shall oversee the proposed archaeological mitigation for Site 2 and shall ensure integration of each element or phase of that mitigation with regard to proposed or future phases of archaeological mitigation for archaeological impacts (to include shared impacts or cumulative impacts and likely impacts for Sites 3, 4 and 5).

(iv) The Project Archaeologist shall inform the Planning Authority, this Department and the Office of Public Works in advance of any site investigation works, demolition or construction works with regard to the nature of such works and seek approval for archaeological mitigation.

(v) The applicants shall ensure that all necessary permissions, consents and licences (statutory and non-statutory) as required under the National Monuments Acts 1930 to 2014 or arising from the ownership by the Minister for Housing, Heritage and Local Government of any lands are in place before carrying out any development, entering on any lands or carrying out causing any interference with such lands (including any structures on such lands).

**c) Archaeological monitoring, testing and excavation**

(i) The applicants shall engage the services of a suitably qualified archaeologist (holding a licence under section 26 of the National Monuments Act 1930, as amended) to carry out archaeological monitoring of site investigations works, demolition phases, site preparation and pre-construction testing, and any further archaeological excavation at the site as appropriate or otherwise required. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(ii) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the developer shall comply with the advice of this Department in that regard.

(iii) The archaeologist shall provide regular progress reports and shall submit written reports on completed phases of work to the Planning Authority and to this Department.

(iv) No site preparation or construction work shall be carried out until after the archaeologist's reports relating to archaeological testing and monitoring have been submitted and permission to proceed has been received in writing from the Planning



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Authority in consultation with this Department.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological significance.

9. The development shall comply with the following requirements of the Environmental Health Division:

a) Demolition and Construction Phase

During the demolition and construction phase of this development a concise and organised plan will be required to ensure the mitigation and control of Noise, Air and Vibration nuisances.

Please follow the 'Air Quality Monitoring and Noise Control Unit's Good Practice Guide for Construction and Demolition'. A commitment to this guide shall be provided in writing and this guide shall be made reference to within your construction management plan

b) Operational Phase

There is potential for nuisances to arise during the operational phase. The development will result in a number of restaurants, cafes and take away's in the area. These premises can cause rise to nuisances for any nearby sensitive locations. The extraction systems must let out 2m above the eaves or the premises.

Reason: To ensure a satisfactory standard of development

10. The development shall comply with the following requirements of the Drainage Planning Policy and Development Control Division (DPPDC)

a) Prior to commencement of development a revised Basement Impact Assessment shall be submitted for written agreement with the Drainage Division. The following items shall be addressed:

i) An assessment of the cumulative impacts and/or consideration of nearby/surrounding basements to be carried out.

ii) A Damage Impact Assessment to be carried out for the most-affected retained protected facades and selected buildings just outside site boundaries (e.g. the AIB Bank building). Further detail is required, particularly as temporary façade restraint works details included in ancillary documents do not appear to take account of ground movement effects (demolition only mentioned).

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iii) A mixed assessment methodology has been adopted which uses Plaxis 2D to define the magnitude of potential movement followed by scaling of empirical relationships. The Applicant to submit a justification for this approach and provide details of the ground parameters, wall & prop parameters and groundwater parameters adopted in Plaxis. The Applicant to clarify whether the settlement effects of significant groundwater drawdown are included in the ground movement analysis.

iv) Monitoring proposals to be provided for groundwater before, during, and after construction.

b) The development is to be drained on a completely separate foul and surface water system with surface water discharging to the public surface water sewer network where feasible. Only where it is demonstrated not to be feasible to connect to the public surface water network shall alternatives be permitted.

c) There are public sewers in the vicinity of the site which may be impacted upon by the basement works. The developer shall carry out both pre- and post-construction CCTV surveys on this infrastructure. The pre-construction survey is to be submitted to the DPPDC section prior to commencement of the development. The post-construction survey is to be submitted upon completion of the development. Any damage to the sewer shall be rectified at the developer's expense.

d) Records of public surface water sewers are indicative and must be verified on site. The developer must carry out a comprehensive site survey to establish all public surface water sewers that may be on the site. If surface water infrastructure is found that is not on public records the Developer must immediately contact the DPPDC section to ascertain their requirements. Detailed 'as-constructed' drainage layouts for all diversions, extensions and abandonment of public surface water sewers; in an approved format are to be submitted by the Developer to the DPPDC Section for written approval. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

e) Where pipelines are to be taken-in-charge by Dublin City Council, as-constructed drawings of all pipelines complete with CCTV surveys, to a standard specified by the DPPDC section, must be submitted for written sign-off. This must be submitted no later than the completion of each phase of the development works on site. Please refer to Section 5 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

f) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.

g) Permanent discharge of groundwater to the drainage network is not permitted.

h) Discharge of groundwater to the public drainage network may be permitted during

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construction subject to a trade effluent discharge license being obtained from the responsible sanitary and/or local authority as required by the Local Government (Water Pollution) Acts, 1977 and 1990. Please note, Uisce Éireann is the sanitary authority responsible for the foul and combined drainage network. Dublin City Council is the local authority responsible for the surface water drainage network.

- i) There shall be no discharge of trade effluent to waters (including groundwater) or sewers except where a licence is granted by the responsible sanitary and/or local authority as required by the Local Government (Water Pollution) Acts, 1977 and 1990.
- j) All surface water discharge from this development must be attenuated in accordance with the requirements of the DCC's Sustainable Drainage Design and Evaluation Guide 2021.
- k) The development shall incorporate Sustainable Drainage Systems (SuDS) in the management of surface water. Full details of these shall be submitted for approval prior to commencement of the development.
- l) The outfall surface water manholes from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. The outfall manhole shall be located within the final site boundary.
- m) All private drainage infrastructure such as, downpipes, gullies, manholes, armstrong junctions, etc. shall be located within the final site boundary. Private drainage infrastructure is not permitted in public areas, or areas intended to be taken in charge.
- n) Full details of any drainage works required to facilitate the upgrade of existing public footpaths and carriageways (relocation of existing gullies, installation of new gullies, etc.) shall be agreed with the DPPDC section prior to commencement of the development.
- o) The Basement Impact Assessment report references the potential need for a large scale complex works such as concrete plug below the basement. However, this is not covered in any detail nor are the potential impacts assessed. Prior to the commencement of construction, the Developer shall submit details of this to the DPPDC section.
- p) A significant volume of extracted water has been predicted during construction that will require recharge. No assessment of the practicality of recharge has been made. Prior to the commencement of construction, the Developer shall submit full details of dewatering proposals to the DPPDC section.

Reason: To ensure a satisfactory standard of development.



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11. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes including signage to the proposed development shall be submitted to and agreed in writing by the Planning Authority.

A panel of the proposed finishes to be placed on site to enable the planning authority adjudicate on the proposals. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area

12. Prior to commencement of the development and in consultation with the Dublin City Arts Office, the Developer shall provide, for the written approval of the Planning Authority, details of the management company established to manage the operation and maintenance of the Community, Arts and Culture Centre. The public shall have access to the facilities at times to be stated in writing. Any changes to the overall community facility provision shall be agreed with the Planning Authority prior to the first occupation of the development. All works shall be undertaken at the Applicant/Developer's expense

Reason: In the interests of the future maintenance of this development, and the adequate provision of community facilities.

13. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

14. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the

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adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

15. Notwithstanding the provisions of the Planning & Development Regulations 2001(As Amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

16. Shop windows – glazing

A window display shall be maintained at all times, and the glazing to the shopfront shall be kept free of all stickers, posters and advertisements.

Reason: In the interests of visual amenity.

17. Security Shutters (recessed behind glazing)

Roller shutters (if required) and its casing shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type, and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interests of visual amenity.

18. Refuse Storage Facilities

Refuse storage facilities shall be provide prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, such facilities to be permanently retained at the site.

Reason: To ensure the provision of refuse facilities to the satisfaction of the City Council.

19. No additional development shall take place above roof level, including lift motors,

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air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

The applicant should note that development on foot of this **Decision to Grant** may not commence before a notification of final grant has been issued by the Planning Authority or An Bord Pleanala following consideration of an appeal.

N.B. It should be clearly understood that the granting of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal and that a person shall not be entitled solely by reason of a planning permission to carry out any development.

1. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
2. A grant of Planning Permission does not entitle the applicant to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
3. Any observations or submissions received by the Planning Authority in relation to this application have been noted.

**Note to Applicant:**

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- Appeals must be received by An Bord Pleanala within FOUR WEEKS beginning on 03-Oct-2023. (N.B. this is not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals whether they are sent by post or otherwise. The appeal **MUST BE FULLY COMPLETE** in all respects - including the appropriate fee - when lodged. It is not permissible to submit any



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part of it at a later date, even within the time limit.

- Refund of Fees submitted with a Planning Application. Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months, where the full standard fee was paid in respect of the first application, and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of the Planning Authority's decision on the second application.

Signed on behalf of the Dublin City Council:

  
For Administrative Officer

**Advisory Note:**

Please be advised that the development types shown below can now be submitted via our online service

Domestic Extensions including vehicular access, dormers /Velux windows, solar panels

Residential developments up to & including four residential units (houses only)

Developments for a change of use with a floor area of no more than 200 sq. m

Temporary permission (e.g. accommodation for schools)

Outdoor seating / smoking areas.

Shopfronts / signage

