

An
Bord
Pleanála

AN BORD PLEANÁLA LDG- ABP- Planning Appeal Form

08 FEB 2022

Fee: € _____ Type: _____

Time: _____ By: _____

Your details

1. Appellant's details (person making the appeal)

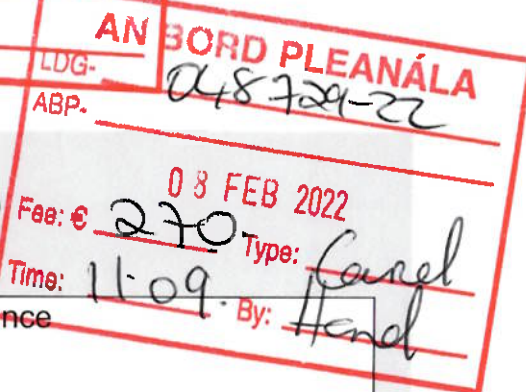
Your full details:

(a) Name

Dublin One Business Alliance

(b) Address

Troys Family Butchers, Moore Street, Dublin 1



Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Thomas Russell BArch BA MSc MRIAI

(b) Agent's address

DMOD Architects, Cathedral Court, New Street
Dublin 8

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

☐

The agent at the address in Part 2

☒

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Dublin City Council

(b) Planning authority register reference number

(for example: 18/0123)

2861/21

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Nos. 36-41 Henry Street, Nos. 1-9 Moore Street and Nos. 3-13 Henry Place, Dublin 1

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please refer to the letter attached with this form.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the "yes, I wish to request an oral hearing" box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the "No, I do not wish to request an oral hearing" box.

Yes, I wish to request an oral hearing

☒

No, I do not wish to request an oral hearing

☐

NALA has awarded this document its Plain English Mark

Last updated: April 2019.



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

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. planningsubmissions@dublincity.ie

Mr. Thomas Russell, on behalf of Dublin
One Business Alliance
DMOD Architects
Cathedral Court
New Street
Dublin 8
D08YY51

IMPORTANT: Please retain this letter. You will be required to produce it should you wish to appeal the decision issued by the Planning Authority to An Bord Pleanála in relation to this development

PLAN NO.

2861/21

DATE RECEIVED:

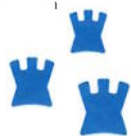
09-Nov-2021

LOCATION :

36-41 Henry Street, 1-9 Moore Street, 3-13 Henry Place, Charles Court & Mulligan Lane, Dublin 1

PROPOSAL :

PROTECTED STRUCTURE: Dublin Central GP Limited intends to apply for Permission for a period of 7 years at a site, 'Dublin Central – Site 3' (c. 0.37 Ha), at Nos. 36 – 41 Henry Street, Nos. 1 – 9 Moore Street, Nos. 3 – 13 Henry Place (formerly known as Nos. 2 – 13 Henry Place), Clarke's Court and Mulligan's Lane, Dublin 1. Also, the site includes the rear of Nos. 50 – 51 and Nos. 52 – 54 Upper O'Connell Street, 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), Dublin 1. The site is otherwise bounded by Henry Street to the south, Moore Street to the west and Henry Place to the north and east. The proposed development comprises a mixed-use scheme (c. 15,842.4 sq. m gross floor area) accommodated in 2no. blocks, ranging in height from 1 – 9 storeys over 2no. new independent single level basements. A proposed new passageway separates the 2no. blocks (Block 3A & Block 3B), connecting Henry Street and Henry Place. The proposed blocks comprise: - Block 3A (Eastern Block) (c. 7,806.3 sq. m gfa), fronting Henry Street, Henry Place and the new passageway, with modulating building height at 4, 5, 7 and 9 storeys, over single storey basement. Block 3A accommodates: - A hotel (c. 7,175.3 sq. m gfa) with 150no. bedrooms from 1st to 7th floor and ancillary facilities at ground floor and basement, including: hotel reception addressing Henry Place; 1no. licensed hotel restaurant / cafe with takeaway / collection facility (c. 138.1 sq. m) at ground floor on the new passageway and Henry Place; and, 1no. licensed hotel restaurant / cafe with takeaway / collection facility (c. 194.2 sq. m) and 2no. associated external terraces (c. 38.8 sq. m in total) at 8th floor of the proposed hotel; 1no. retail unit for use as a shop or licensed restaurant / café unit with takeaway / collection facility' (Unit 1 – c.



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigí 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. planningsubmissions@dublincity.ie

127.2 sq. m) at ground floor on the new Passageway; 1no. retail unit for use as a 'shop' (Unit 2 – c. 326.5 sq. m) at basement, ground floor and first floor level on the new passageway and Henry Street; Block 3B (Western Block) (c. 8,036.1 sq. m gfa), fronting Henry Street, Moore Street, Henry Place and the new passageway, with modulating building height at 1, 3, 5, 6 and 7 storeys, with top storey set back, over single storey basement. Block 3B accommodates: - 79no. 'Build-to-Rent' apartment units (c. 6,451.5 sq. m gfa), including 14no. 1-bed studios, 56no. 1-bed apartments and 9no. 2-bed apartments from 1st to 5th floor, with access from residents' lobby at ground floor on Henry Place; Internal residents' amenity areas at ground and 6th floors (c. 325 sq. m in total) and external terrace areas (c. 517.7 sq. m in total) at 6th floor; Private residential balconies and 'wintergardens' from 1st to 5th floor inclusive on elevations facing into the open courtyard areas and facing east to the new passageway. Balconies / terraces at 4th floor on west elevation to Moore Street and at 5th floor on south elevation to Henry Street; 5no. retail units, each for use as a 'shop', including: Unit 6 (c. 245.2 sq. m) at ground and 1st floor on new passageway and Henry Street, Unit 7 (c. 382.4 sq. m) at ground and 1st floor on Henry Street and Moore Street, and Unit 8 (c. 182.2 sq. m), Unit 9 (c. 57.2 sq. m) and Unit 10 (c. 52.5 sq. m) at ground floor on Moore Street; 4no. retail units, each for use as 'shop' or 'licensed restaurant / café units with takeaway / collection facility', including: Unit 3 (c. 148.9 sq. m), Unit 4 (c. 53.5 sq. m) and Unit 5 (c. 55.1 sq. m) at ground floor on the new passageway, and Unit 11 (c. 160 sq. m) at basement and ground floor on Moore Street and Henry Place; 1no. 2-storey building for cultural / gallery use with restaurant / café (c. 123.4 sq. m) replacing No. 10 Henry Place. All associated and ancillary site development, conservation, demolition, landscaping, site infrastructure and temporary works, including: - Conservation, repair, refurbishment and adaptive reuse of part of the existing building fabric, including: - Retention of Nos. 36 – 37 Henry Street, with modifications, a vertical extension and new shopfronts; Retention of No. 39 – 40 Henry Street (upper floor façade); Retention of Nos. 8 – 9 Moore Street, with internal and external modifications and new shopfronts; Retention of Nos. 11 – 13 Henry Place, with internal and external modifications and new shopfronts; Works to include repair and upgrade works (where required) of existing masonry, external and internal joinery, plasterwork and features of significance; New Passageway linking Henry Street and Henry Place; Demolition of all other existing buildings and structures on site (c. 6,701 sq. m), including No. 38 Henry Street to form new passageway linking Henry Street to Henry Place; Demolition of boundary wall onto Moore Lane at the rear of properties at Nos. 50 – 51 and Nos. 52 – 54 (a protected structure) Upper O'Connell Street; 160no. bicycle parking spaces within secure bicycle facility (24no. within Block 3A, 126no. within Block 3B and 10no. in the public realm); 1no. external residential courtyard at ground floor in Block 3B; Plant at basement and roof level; 2no. ESB sub-stations; Building signage zones and retractable canopies; Removal of existing boundary fence



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigí 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. planningsubmissions@dublincity.ie

at junction of O'Rahilly Parade / Moore Lane within that part of the site including 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). The application site is within the O'Connell Street Architectural Conservation Area. An Environmental Impact Assessment Report (EIAR) accompanies this application. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

Note: Submissions/Observations may be made on line at:

<https://www.dublincity.ie/residential/planning/planning-applications/object-or-support-planning-application>

To Whom It May Concern,

The Planning Authority wishes to acknowledge receipt of your **submission/observation** in connection with the above planning application. It should be noted that the Dublin City Council as the Planning Authority will consider this application strictly in accordance with the provisions of the Dublin City Development Plan. The contents of your submission/observation will be considered by the **Case Officer** during the assessment of the above application, and you will be notified of the decision in due course.

- All queries should be submitted to the e mail address shown above.
- Please note that a request for Further Information or Clarification of Further information is not a decision.
- **You will not be notified**, if Further Information or Clarification of Further information is requested by the Planning Authority.

Please also note that a weekly list of current planning applications and decisions is available for inspection at the planning public counter.

Opening Hours 9 a.m. - 4.30 p.m. Monday to Friday (inclusive of lunchtime)

A weekly list of planning applications and decisions is available for inspection at all Dublin City Council Libraries & on **Dublin City Council's website. www.dublincity.ie.**

T. 01 222 2222 W. www.dublincity.ie



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigí 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. planningsubmissions@dublincity.ie

Yours faithfully,

For ADMINISTRATIVE OFFICER

Our Ref: 21016 06 tr
8th February 2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

**RE: Application for Planning Permission Registry Reference 2861/21 at
Nos. 36-41 Henry Street, Nos. 1-9 Moore Street and Nos. 3-13 Henry
Place, Dublin 1**

Dear Sir/Madam,

We write on behalf of the Dublin One Business Alliance to appeal the Dublin City Council decision to grant planning permission in regard to the recent application registry reference 2861/21, comprising one tranche, Site 3 (c.0.37 hectares gross site area), of the proposed redevelopment of lands in a masterplan area of 5no. sites extending to c.2.2 hectares between O'Connell Street and Moore Street, denominated 'Dublin Central' by the applicant.

The Dublin One Business Alliance is an association of independent store traders with premises on Moore Street, some members having family trading in this location for generations, and includes the proprietors of FX Buckley Butchers, Moore Street, Troys Family Butchers, Moore Street and the Centra Convenience Store, Greeg Court, Moore Street. We note that the Applicant has made no attempt to engage with these independent store traders who have grave and distressing concerns about the adverse impact of the construction traffic and activities during the delivery of the proposed development that were not allayed by the materials submitted with the application for planning permission or in response to the request for further information and that not been allayed by the conditions that Dublin City Council have attached to the grant of planning permission. At stake for these traders is the eventual loss of their businesses and as consequence at stake for the city is the loss of the enduring character of Moore Street.

During the evaluation of the application for planning permission we made formal observations in regard to the proposed development that we believe were not adequately considered. These included:

- (01) that the impact of site contingencies and construction activities on existing Moore Street businesses would be overwhelmingly adverse.
- (02) that the impact of the constriction of access to Moore Street arising from the proposed haul routes, vehicle movements and displaced parking arrangements for site operatives would be overwhelmingly adverse.

Cathedral Court
New Street
Dublin 8, Ireland
D08 YY51
+353 1 491 1700
mail@dmod.ie
www.dmod.ie

DMOD
ARCHITECTS

Directors

Mark Duffy
Dip Arch B Arch Sc FRIAI

Brian Gavigan
BSc Arch B Arch Dip Proj Mng MRAI

John Mitchell
Dip Arch B Arch Sc FRIAI

Thomas Russell
B Arch B A MSc Urban Design MRAI

Associates

Michael Cahill
Dip Civil Eng Tech Eng MRAI Arch Tech

David Delaney
BSc Arch B Arch Dip Proj Mng MRAI

Robert Denvir
BSc Arch B Arch MRAI

David O'Connor
Dip Arch Tech BAArch MRAI

David Winston
B ConsTech MRAI Arch Tech

Consultants

Coli O'Donoghue
Dip Arch Tech Dip Arch B Arch Sc

Financial Controller

Tanya Fitzpatrick
FCA

ISO 9001:2015



Registered in Dublin, Ireland
Certificate of Incorporation No. 449068
Registered Office: As Above
DMOD Ltd is a Limited Company trading as DMOD

(03) that the scale and duration of this adverse trading environment arising from the masterplan phased 10 year delivery period indicated (from Q3 2022 to Q2 2032) will create an unsustainable trading environment on Moore Street likely resulting in the failure of these businesses prior to the completion of the masterplan.

(04) that the Applicant has failed to engage with or address these legitimate concerns of the independent store traders on Moore Street.

We believe these concerns were not adequately addressed in the evaluation of the application and in the conditions attached to the grant of planning permission. For instance, an examination of the import of Condition 11 which deals with Noise and Air Pollution during construction reveals that these are generic and difficult to enforce. This is of grave concern to the independent store traders because of the adverse impact construction activities will have on the immediate trading environment.

In addition to restating these concerns, and in support of our appeal in this matter, we propose that there are technical flaws in the process of application that undermine the legitimacy of the Dublin City Council decision to grant planning permission. We propose that the Planning Authority has failed to ensure proper planning and development by permitting a development proposal for c.2.2 hectares, subject to a single coordinated masterplan, to be evaluated as a series of separate applications, some of which have not even been submitted yet, and these separate applications are interdependent in regard to construction traffic and waste management.

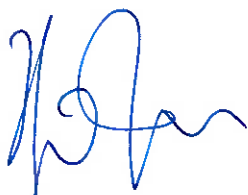
Furthermore, we note that Condition 10 of the proposed grant of permission (2861/21) - and Condition 21 of the grant of permission for the separate application registry reference (2862/21) - cannot possibly be satisfied because the conditions for satisfaction, including construction traffic and waste management - depend on the outcome of a separate application for planning permission (2863/21) which has yet to be determined.

Finally, we note that Condition 30 of the proposed grant of permission (2862/21) requests that the applicant ensure the protection of the Moore Street Casual Trading Area as far as practicable and provide support and liaise with the Casual Traders and/or representatives where ongoing trading is no longer possible or construction works necessitate relocation of the Casual Trading Area. No such consideration has been afforded the independent store traders on Moore Street who, with the on-street casual

traders, have formed an essential part of the trading ecology on the street over several generations of family in some cases. Notwithstanding the exasperating toothlessness of this condition, the failure of the Dublin City Council Planning Authority to also recognise the material impact of the duration and process of the construction of the proposal on the independent store traders on Moore Street, in spite of material evidence submitted in demonstration of this, is a substantive oversight and warrants the refusal of Planning Permission.

Similar observations on behalf of the Dublin One Business Alliance have been made in appealing the Dublin City Council's decision to grant planning permission under registry reference 2862/21. For the reasons set out we contend that the evaluation forming the basis of Dublin City Council's decision to grant planning permission for this proposed development was flawed and incomplete and we request that An Bord Pleanála overturn this decision and refuse planning permission.

Yours sincerely,



Thomas Russell BA BArch MSc MRIAI
Director
For DMOD Architects

Encl. Application Form (requesting an Oral Hearing)
Application Fee
Letter acknowledging receipt of submission/observation.

AN BORD PLEANÁLA	
08 FEB 2022	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	