

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

8 February 2022

<b>AN BORD PLEANÁLA</b>	
LDG-	048805-22
ABP-	
08 FEB 2022	
Fee: €	3000 - Type: <u>Cheque</u>
Time: 15.45	By: <u>hand</u>

Our Ref. 20035

**RE: FIRST PARTY APPEAL AGAINST CONDITION**

**PLANNING APPLICATION FOR THE DEVELOPMENT OF MIXED-USE DEVELOPMENT IN 2NO. BLOCKS, RANGING IN HEIGHT FROM 1 TO 9 STOREYS OVER 2NO. INDEPENDENT SINGLE LEVEL BASEMENTS (GROSS FLOOR AREA C. 15,842.4 SQ M) AT NOS. 36 – 41 HENRY STREET, NOS. 1-9 MOORE STREET, NOS. 3-13 HENRY PLACE, DUBLIN 1 (DUBLIN CENTRAL – SITE 3)**

**DUBLIN CITY COUNCIL REG. REF: 2861/21**

**DATE OF DECISION: 12 JANUARY 2022**

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 12 January 2022, to grant permission for development as generally identified above, at Dublin Central – Site 3, Dublin 1.

This First Party appeal seeks an amendment to Condition 28 (duration of the permission) by the Board, pursuant to Section 139(1)(b) of the Planning & Development Act 2000 (as amended) concerning appeals against conditions.

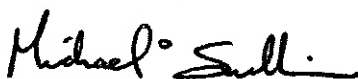
The statutory appeal fee is enclosed in the form of a cheque for €3,000.00 made payable to An Bord Pleanála.

**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 12 January 2022.
2. First Party Appeal Report, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
3. Supplementary Programme Statement, prepare by Certo Management Services.

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,



Michael O'Sullivan,  
Senior Planner  
**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 12 January 2022, to grant permission for the development of a mixed-use development in 2no. blocks, ranging in height from 1 to 9 storeys over 2no. independent single level basements (gross floor area c. 15,842.4 sq. m) to accommodate 79no. 'Build-To-Rent' apartments units (14no. 1-bed studios, 56no. 1-bed and 9no. 2-bed) internal residents' amenity areas (c. 325sq. m GFA), 150no. bedroom hotel, 11no. retail units (c. 1,954 sq. m), 2no. café / restaurant units (c. 138 sq. m GFA) and all associated and ancillary site development, infrastructural, landscaping and boundary treatment works at Nos. 36 – 41 Henry Street, Nos. 1 – 9 Moore Street, Nos. 3 – 13 Henry Place, Dublin 1

Condition 28 of this permission imposes a 5 (five) year duration of the permission, notwithstanding that the application submitted on 1 June 2021 had sought a period of 7 (seven) years.

This First Party appeal seeks an amendment to Condition 28 by the Board, pursuant to Section 139(1)(b) of the Planning & Development Act 2000 (as amended) concerning appeals against conditions, to secure a 7 (seven) year permission.

The Applicant, otherwise, warmly welcomes the positive decision of DCC to grant permission in this case. The support of the Planning Authority for this project 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 **8 February 2022**.

We confirm that in preparing this appeal, we have visited the site and reviewed the Council's public planning file (DCC Reg. Ref. 2861/21), 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.

## THE PROPOSED DEVELOPMENT

### 2.1 Brief Description of Proposed Development at Application Stage (1 June 2021)

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: -

- An hotel (c. 7,175.3 sq. m gfa) with 150no. bedrooms from 1<sup>st</sup> to 7<sup>th</sup> 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 8<sup>th</sup> 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. 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 1<sup>st</sup> to 5<sup>th</sup> 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 1<sup>st</sup> to 5<sup>th</sup> 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 5<sup>th</sup> 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 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).

## 2.2 Summary of Amendment to the Proposed Development at Further Information Stage (9 November 2021)

In addressing Items 1 – 11 of the DCC Request for Further Information, design amendments were made to the proposed development included: -

- The elevational treatment of No. 41 Henry Street has been revised, including materiality and fenestration details.
- The height of Block 3A has been reduced.
- Roof plant on Block 3A has been rationalised and moved from Level 09 to Level 08. A screen has been introduced around the plant on Level 08.
- Changes have been made to the location and type of windows (in apartment units B-01-14 and B-02-18) in Nos. 11 – 13 Henry Place, to avoid overlooking of studio apartment units B-01-11 and B-02-15 within Block 3B, at Levels 01 and 02.
- In Block 3B units B-01-09, B-02-13, B-03-13, B-04-13, B-05-10 (layout reconfigured & fritted glazing) and B-01-10, B-02-14, B-03-14, B-04-14, B-05-11 (fritted glazing) have been adjusted, to avoid overlooking from the Block 3A hotel rooms opposite, from Levels 01 to 05 inclusive.
- A window facing the new passageway in each of Block 3A hotel rooms A-01-10, A-02-10, A-03-10, A-04-10 and A-05-10 is omitted, from Levels 01 to 05 inclusive.
- A new window is provided to Block 3A hotel room A-01-10, at Level 01, which is orientated away from the residential unit opposite.
- The floor level of residential unit B-03-07 has been adjusted to improve average daylight factor (ADF).

For the avoidance of doubt, no changes were required to the water services (foul, surface water and water supply) or landscaping arising from the request for Further Information.

### 3 GROUNDS OF APPEAL

This planning appeal requests an amendment to Condition 28 of DCC Reg. Ref. 2861/21 decision to grant conditional permission, dated 12 January 2022.

For convenience, Condition 28 states: -

“28. The duration of the permission shall be five years.

*Reason: To ensure the timely development of the site.”*

The condition is informed by the following elaboration, relating to construction management and phasing, contained in the DCC Planner’s Report: -

*“Construction is anticipated to commence in August 2023 with a target completion date of April 2027, 5 years from planning approval. A 7 year permission has been requested to allow for risk arising from the scale of the development the reliance on other sections of the masterplan site. The principle of a 7 year permission is of concern to the Planning Authority. Given the scale of the development on the subject site, which for example does not involve intrusive works such as the Metro Enabling works on Site 2AB and Site 2C, it is considered that a 5 year permission is sufficient. The applicant notes that legislation, yet to be approved however, proposes that applications which are subject to an EIA cannot avail of an extension of time to the permission. Whilst this risk is noted, the Planning Authority considers that a 7 year period is a significant passage of time, particularly in a city centre context and much can change not only physically within the city itself but also in terms of planning policy and legislation. As such, a 7 year permission is not considered appropriate, were the Planning Authority minded to grant permission.”*

The focus of this First Party Appeal relates solely to the duration of the planning permission as detailed in said Condition 28.

#### 3.1 Construction Strategy

The proposed development (Site 3) forms part of a much larger, very significant regeneration and development project planned for an area comprising almost three entire urban blocks located between O’Connell Street Upper, Parnell Street, Moore Street and Henry Street (hereafter referred to as Dublin Central). The project area is in critical need of regeneration and has been since this issue was formally identified by Dublin City Council in 1997 (almost 25 years ago) in the preparation of the O’Connell Street Integrated Area Plan.

Planning applications for Site 3 (DCC Reg. Ref. 2861/21 – subject of this First Party Appeal), Site 4 (DCC Reg. Ref. 2862/21 – the subject of a separate First Party Appeal on similar terms) and Site 5 (DCC Reg. Ref. 2863/21) were made concurrently to DCC. Together, Sites 3, 4 & 5 will broadly see the regeneration of the eastern side of Moore Street as far as Moore Lane and Henry Place to the east, O’ Rahilly Parade to the north and Henry Street to the south.

Whilst this planning application relates to Site 3, a Masterplan for the entire Dublin Central was prepared to provide the Planning Authority and the public generally with an indication of the wider proposals for the area (the Masterplan). As such, while separate planning applications were made for individual sites within the Masterplan there is an obvious relationship between the sites, in particular from a construction management perspective, which necessitates the request for a 7 (seven) year duration for the permission.

We consider, respectfully, that DCC has not given any weight to the complex inter-relationship of the construction management between the various development sites within Dublin Central, to deliver such a large city centre regeneration project.

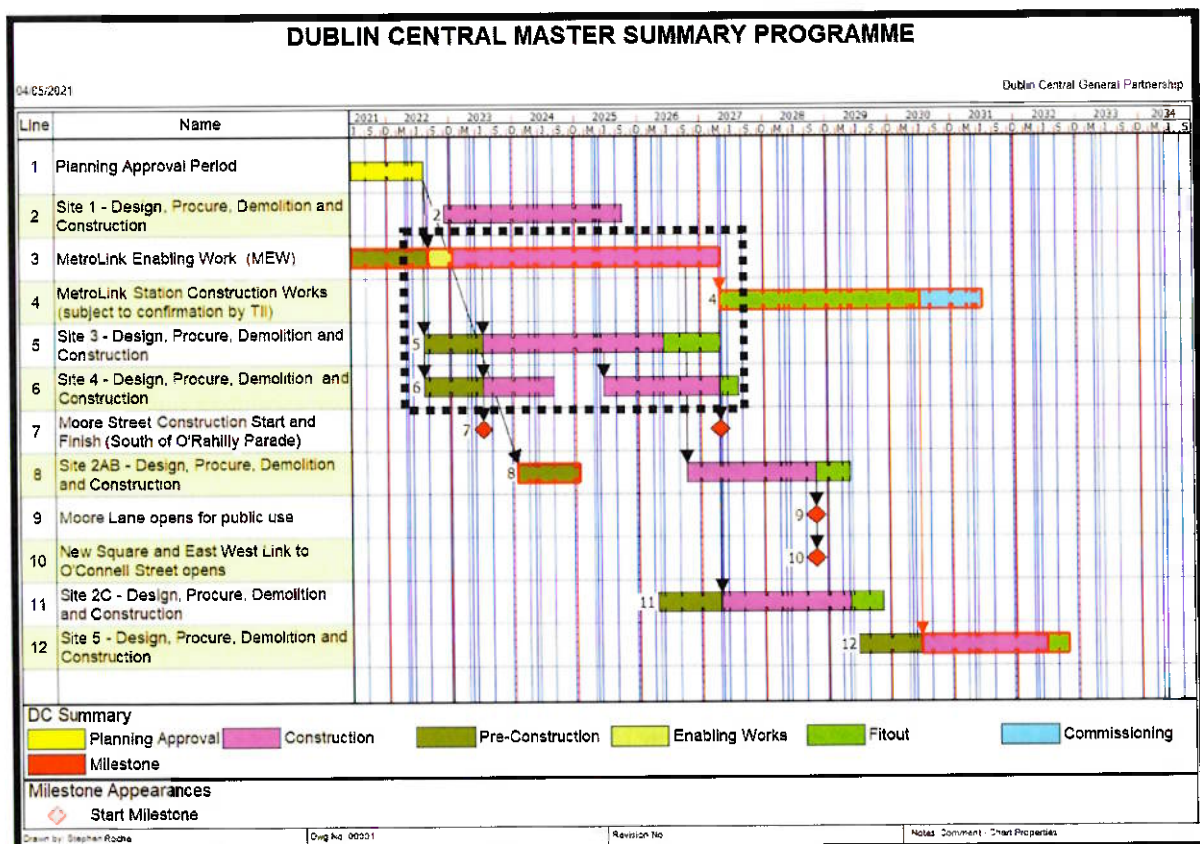
The following sections will set out the constraints associated with the construction of Site 3 in the context of its relationship with the other sites in the wider Masterplan.

#### 3.2 Relationship between Site 3 / 4 and Wider Masterplan

In broad terms, the Masterplan needs to be delivered in stages to suit the constraints of the site. The five major constraints that have dictated the strategy are as follows: -

1. Restricted access arising from the surrounding road network and the narrow existing lanes within the overall site.
2. Restricted access arising from two major pedestrianised streets flanking the overall site.
3. Protected Structures and non-protected structures proposed to be retained.
4. Neighbours including residents and local businesses.
5. The scale and nature of construction works to be undertaken.

While Site 3 is a standalone project the overlap of the predicted construction timelines of Site 2 and Site 4 are significant (see Figure 1 below). The Site 2 planning application will include the Metro Enabling Works (the MEW) to facilitate the development of the O'Connell Street MetroLink Station. Site 2 including MEW will be subject to a separate planning application by the Applicant to Dublin City Council in Q1 2022.



**Figure 1:** Dublin Central Masterplan Summary Programme – Relationship in terms of Site 3, Site 4 and the MEW highlighted (black dashed line – SLA Overlay).

### 3.3 Considerations to be Borne in Mind in Determining Appropriate Planning Duration

#### 3.3.1 Phasing

Please refer to the Construction Stage Sequencing set out in the Masterplan Outline Construction & Demolition Management Plan, prepared by Waterman Moylan Consulting Engineers which accompanied the planning application. The report, which highlights the interdependencies between each of the project phases, illustrates why a multi-phase project of this nature requires additional time to complete.



### 3.2 Sequencing

We refer the Board to the Masterplan Outline Construction Management & Demolition Plan, prepared by Waterman Moylan Consulting Engineers that accompanied the planning application, which illustrates the construction stage sequencing from Site 3 moving north. Henry Place, which runs between the both Site 3 and Site 4, will need to be closed and this area will become a servicing point for both Site 3 and Site 4.

Should there be any delay in progress of the MEW, Henry Place must continue to remain a servicing area until such time that construction works move further north through the Masterplan.

### 3.3.3 MetroLink Enabling Works

The forthcoming application for Site 2 will be the MEW, which are anticipated to run in parallel to the construction programme of Site 3 and Site 4. As such, these are inextricably linked to the construction programme of Site 2. Any delays to the construction of the MEW, e.g. a delay in achieving an enforceable Railway Order, would have a knock on impact on the delivery of Site 3.

We refer the Board to the Supplemental Programme Statement, prepared by Certo Management Services, which sets out additional modelling of predicted timelines which supports the conviction that 7 years is the only appropriate period to construct both Site 3 and Site 4, when the above constraints are considered (Monte Carlo simulations – construction industry standard approach). Note: The Statement should be read in conjunction with the Programme Report, prepared by Certo Management Services contained in Appendix A of the Masterplan Outline Construction Management & Demolition Plan, prepared by Waterman Moylan Consulting Engineers.

### 3.3.4 Protected Structures & Ministerial Consent

There are a number of Protected Structures within the Masterplan which will need to be carefully managed as part of the construction process. In addition, Site 3 and Site 4 have included for the integration and conservation of existing non-protected historic building fabric.

Particular detailed consideration has been given to Nos. 14 – 17 Moore Street (a National Monument). Ministerial Consent will be required for any works being carried out in proximity to the National Monument prior to commencement on site.

## 3.4 Changes to Planning Legislation

This is a complex development, involving the conservation and adaptive reuse of historic structures and the redevelopment of a city block of scale, at the junction of two of the busiest shopping streets in Dublin city centre.

Although Site 3 is physically separated from the other Masterplan sites and capable of being developed independently of the final wider road and public realm works to be delivered with Site 2, it is also expected to become a seamlessly integrated part of the Masterplan.

Section 42 of the Planning and Development Act 2000 was amended by Statutory Instrument No. 456 of 2021 and came into effect on 9 September 2021. Resulting from these changes the basis for extension on commercial, economic or technical grounds have been removed<sup>1</sup>. Therefore, an Extension of Duration (EoD) is only available for Site 3 where substantial works are carried out.

It should be noted that there is now no mechanism for an EoD of a permission should an EIA or an AA be required “in relation to the proposed extension concerned”. Section 42(8) of the Planning and Development Act 2000 (as amended) states that: -

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<sup>1</sup> Planning & Development Act 2000 (as amended) – Deleted (9.09.2021) by European Union (Planning) (Habitats, Birds and Environmental Impact) Regulations 2021 (S.I. No. 456 of 2021), reg. 2(a)(ii), in effect as per reg. 1(2).

*“A planning authority **shall not extend the appropriate period** under this section in relation to a permission if an **environmental impact assessment** or an appropriate assessment **would be required** in relation to the proposed extension concerned.”*

**[SLA emphasis in bold font]**

As noted above, this Section of the Planning and Development Act 2000 (as amended) came into effect on 9 September 2021. That was some 3 months after the planning application was lodged. As such, at the time of making the decision in respect of this application, the legislative basis for seeking the period of 7 years was in place and it is far more than just the *risk* that is acknowledged in the Planning Officers Report, it is now the reality.

We note the comments made in the DCC Planner's Report concerning the passage of time and that planning policy and legislation may change / evolve over this period. While we accept this general principle, the current position is that the life of the planning permission for Site 3 cannot be extended unless substantial works are completed and the balance of the remaining works would not give rise to the requirement for EIA or AA. Given the nature and scale of Site 3 within the overall context of the Masterplan, screening out the need for EIA where substantial works may be completed, while not insurmountable, is by no means certain. This presents an intolerable risk for the Applicant given the complexity of what is the regeneration of an significant city centre site.

In creating a workable and safe construction strategy across the Dublin Central Masterplan it is considered prudent to seek and grant a 7 year permission for Site 3. This would ensure that there is sufficient buffer to absorb potential risks arising from the development of such a complex site, by way of separate concurrent permissions.

It should also be noted that where the entirety of Site 3 is not completed within the 5 year period, there is a risk that its completion require permission to retain and complete the work. Retention permission cannot be sought for development requiring an EIA.

Alternatively, where it becomes apparent that the permitted development cannot be completed within the 5 year life of the permission, and new permission is sought prior to it withering, it is likely to benefit from an additional 5 years, rather than the 2 years hereby sought. It would also be necessary to seek such permission at least 2 years before the permission lapses (i.e. only 3 years into the compliance and construction period), to account for the application and appeal periods and any other unforeseen challenges.

The limited 5 year life of the permission for this complex development adds significantly to uncertainty, cost and viability risk to the project, and thus to its prospects of being realised.



## CONCLUSION

We welcome the Planning Authority's support for the development of Site 3 as proposed under DCC Reg. Ref. 2861/21, and the related regeneration of a significant portion of Henry Street and Moore Street. This seeks to strike a reasonable balance between preserving the environment, including the historic environment, and the need to achieve balanced economic and social development.

We are contesting only the Planning Authority's imposition of Condition 28 which limits the life of the permission to a 5 year period, notwithstanding strong justification for the Applicant's request for a 7 year permission to be granted.

We are of the professional opinion that: -

- The proposed development (Site 3) forms part of a much larger, very significant regeneration and development project planned for an area comprising almost three entire urban blocks located between O'Connell Street Upper, Parnell Street, Moore Street and Henry Street. This presents unique logistical challenges, given the city centre context, which set it apart from typical construction projects.
- The complex inter-relationships of the construction management between various site within Dublin Central to deliver such a large city centre regeneration project has not been given sufficient weighting in the overall assessment of the appropriate planning permission period.
- The relationship between the construction programme of Site 3 and Site 4 are unavoidably linked to the construction programme of Site 2 / MEW. The concurrent construction of Site 3, Site 4 and the works associated with Site 2 / MEW requires some contingency period for slippage or unforeseen circumstances to arise within the construction programme. As such, any delays to the implementation of the MEW has knock-on construction programme related impacts for Site 3 (and Site 4).
- While Dublin Central will deliver the MEW, many of the risk factors that could impact its delivery are out of the control of Dublin Central (e.g. a delay to getting an enforceable Railway Order).
- There have been changes to planning legislation relating to EoD. The ground for extension on commercial, economic or technical grounds have been removed. Therefore, an EoD is only available for Site 3 where substantial works are carried out. There is no longer a mechanism to extend the duration of a permission where EIA or AA is required for the extension required. There is a real risk that a fresh planning application would be required if the development is not completed within five years and, worse, that a fresh application would be made in year 3 of that period, in order to manage the risk that fresh permission might be delayed.
- Failure to complete the permitted development within a tight 5 year period would bring unnecessary and highly concerning risk to the completion of the development, whereby retention permission cannot be sought for unauthorised development that requires an EIA.
- It is not considered unreasonable to grant a modest additional 2 year contingency period for the proposed development to address all of the foregoing.

We trust that the enclosed material provides sufficient grounds for the Board to amend Condition 28 of Dublin City Council's decision to grant permission for this development proposal.

**STEPHEN LITTLE & ASSOCIATES**

8 February 2022

ENCL/: -

- Statutory Appeal Fee (cheque to sum of €3,000.00).
- Copy of DCC Notification of Decision to Grant Permission, dated 12 January 2022.
- Supplementary Programme Statement, prepared by Certo Management Services.





# **DUBLIN CENTRAL MASTERPLAN SUPPLEMENTAL PROGRAMME STATEMENT**

**for Dublin Central GP Ltd**

**8th February 2022**

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**CERTO**

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Management Services

## 1. PURPOSE OF THIS STATEMENT

The purpose of this statement is to provide additional supportive rationale for why, having regard to the nature and scale of the development and any other material consideration under section 41 of the Planning and Development Act 2000, as amended, Dublin Central GP Ltd (DCGP) believes it is critical to the success and deliverability of the respective permissions to gain planning duration of 7 years for Sites 3 and 4.

The 5 year durations conditioned by Dublin City Council in its notification of decision to grant permission (Council reference nos. 2861/21 and 2862/21), each dated 12<sup>th</sup> January 2022, are considered inappropriate in this instance.

## 2. CONTEXT

Dublin Central GP Ltd made a planning application on 1<sup>st</sup> June 2021 for the redevelopment of Sites 3 (Council reference no. 2861/21) and 4 (Council reference no. 2862/21) as part of its overall masterplan.

The two sites comprise the following:

Site 3A – 150 bed hotel

Site 3B – 79 build to rent apartments

Site 4 – a mixed use scheme comprising offices, retail, cultural spaces and residential units in two parts located north and south of the National Monument

The overall areas of the proposed development of the Overall Site are quoted in Table 1.

	Site 1	Site 2AB	Site 2C	Site 3	Site 4	Site 5	Total
	sq. m	sq. m	sq. m	sq. m	sq. m	sq. m	sq. m
Office	3,610	17,484	17,029	-	295	5,799	44,217
Hotel	8,094	-	-	7,175	-	-	15,270
Residential	-	-	-	6,452	1,454	-	7,906
Retail	-	1,876	1,255	1,954	617	-	5,672
Café / Restaurant	-	625	150	138	864	679	2,456
Cultural / Gallery / Cafe	-	-	-	123	-	-	123
Extension to National Monument for ancillary use to National Monument – a cultural facility	-	-	-	-	60	-	60
Metrolink Enabling Works	-	555	831	-	-	-	1,386
<b>Total</b>	<b>11,704</b>	<b>20,541</b>	<b>19,235</b>	<b>15,842</b>	<b>3,290</b>	<b>6,478</b>	<b>77,090</b>

Note: the areas given for Site 1, Site 2AB and Site 2C are based on draft calculations prepared for intended applications for permission. The areas given for Sites 3, 4 and 5 are included in the applications for permission made.

*Table 1 – Schedule of Area for the Masterplan of the Overall Site.*

The Planning duration that was applied for in both applications was 7 years (see Programme Report, prepared by Certo Management Services contained in Appendix A of the Masterplan Outline Construction Management & Demolition Plan, prepared by Waterman Moylan Consulting Engineers). This was submitted in the knowledge that 5 year durations are the default period prescribed under the Planning Acts, are the norm for commercial developments in the city centre and therefore a clear explanation to justify a longer duration being sought would be required.

### 3. WHY WERE 7 YEAR DURATIONS APPLIED FOR?

The programme that was contained within the Programme Report was as shown in Figure 1.

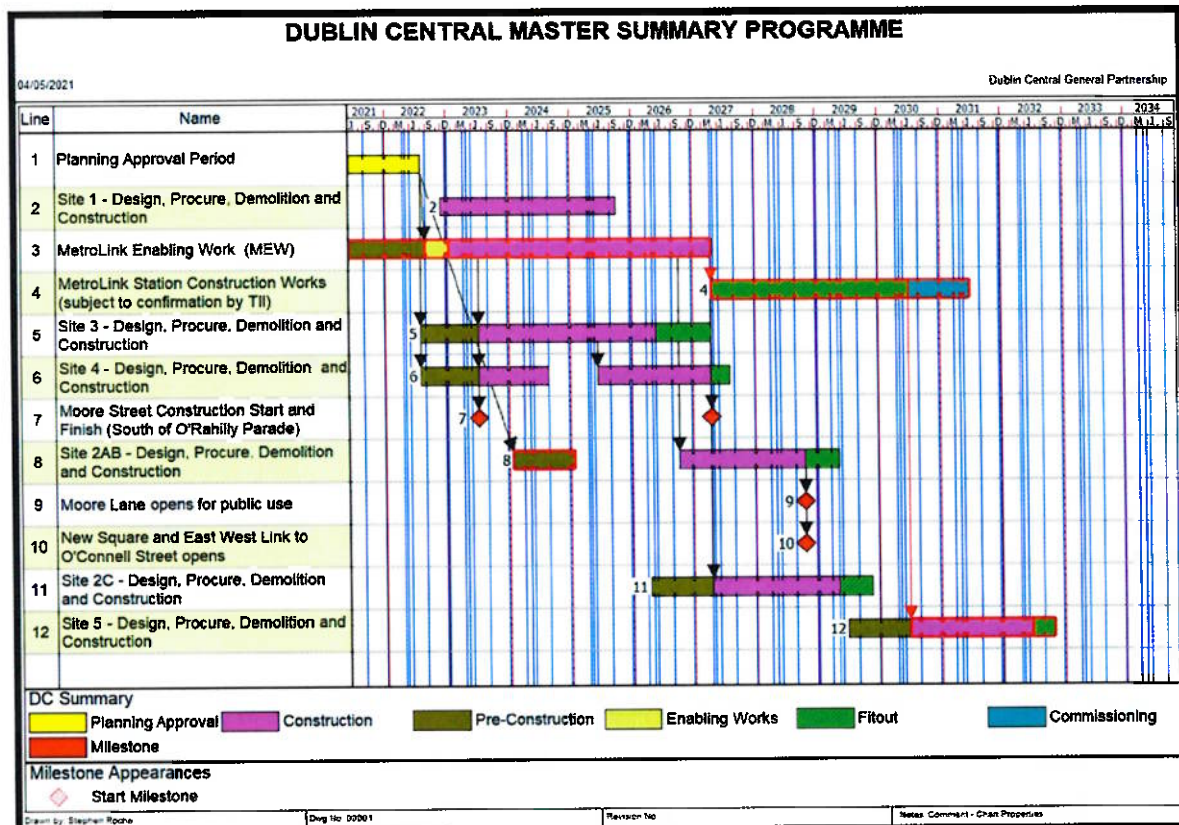


Figure 1 – Master Summary Programme (May 2021)

As can be seen in Figure 1 above, the works are timed so that the heavy civil engineering works of building the MetroLink Enabling Works would be completed at broadly the same time as the completion of Site 3 and Site 4.

Both Site 3 and Site 4 being completed within 5 years of an assumed Planning Permission date of Summer 2022. However, there is no allowance for risk in these timeframes and hence why an extended Planning Duration of 7 years has been applied for.

Any project requires an allowance for unforeseen issues / constraints in its programme. Delays to the construction of the MetroLink Enabling Works brought about, for example, by a delay in achieving an enforceable Railway Order (amongst others), would have a knock on impact on the delivery of Site 3 and Site 4.

### 4. MONTE CARLO SIMULATION

The above factors have been given consideration in determining the proposed planning durations on a risk-adjusted basis.



Potential constraints were assessed by applying impact and probability criteria to predict an estimate for an overall delay. Modelling the data is helpful in determining how the overall impact upon the critical path (longest duration) could be assessed considering that:

- Not all risks will affect the critical path of the project as they could affect works not on the critical path at the time.
- As risks occur, not all will affect the critical path as some will be concurrent with other more dominant risks and therefore it is the dominant risk time that will be lost, and so it is this that needs to be modelled to predict the longest path for the project.
- Not all risks may be realised, and some may only be partly realised.

To account for the items a) to c) above, and to more accurately predict the impact on the critical path (longest duration) the project was modelled using computer software which ran a defined number of Monte Carlo simulations to predict the probability of different outcomes given the intervention of the risk variables present. This simulation is a construction industry standard approach that is typically employed for large scale, complex development projects. This modelling helped inform the impact of risk and uncertainty when deriving the completion dates for all the various Sites, as can be seen in Figure 2 below.

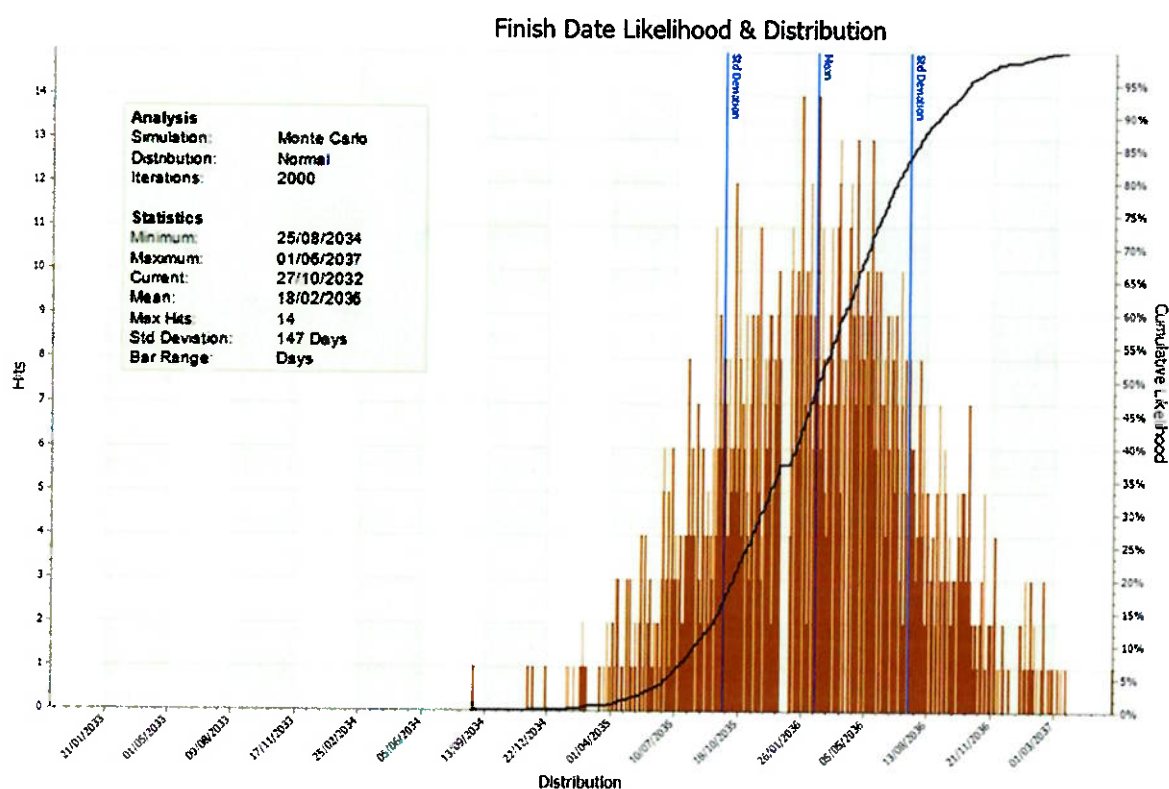


Figure 2 – Monte Carlo simulation for longest path of total project

To understand the effect on the completion dates of all the Sites, it was necessary to consider the predicted programme for any given percentile of probability and compare this to the Baseline Programme. Two different percentiles were used for this exercise to determine how sensitive the difference might be. Because this exercise is being applied to determine the correct duration of the Planning Approval period to be applied for, an extremely high percentile of probability was considered necessary and therefore the two percentile values that were used were 80% and 100%. The 80%

percentile assumes that most of the predicted risk events have been realised, but not all of them (their fullest degree, whereas the 100% percentile predicts the most likely statistical outcome for the worst case situation.

The results can be seen in the Gantt Chart in Figure 3. The “Hatched Green” bars broadly show the baseline programme (shown in Figure 2) before the analysis was applied. The “Yellow” bars show the first position, i.e., the 80% percentile that the sites will be completed by the dates shown with the “Solid Dark Green” bars showing the second position, i.e., the 100% percentile.

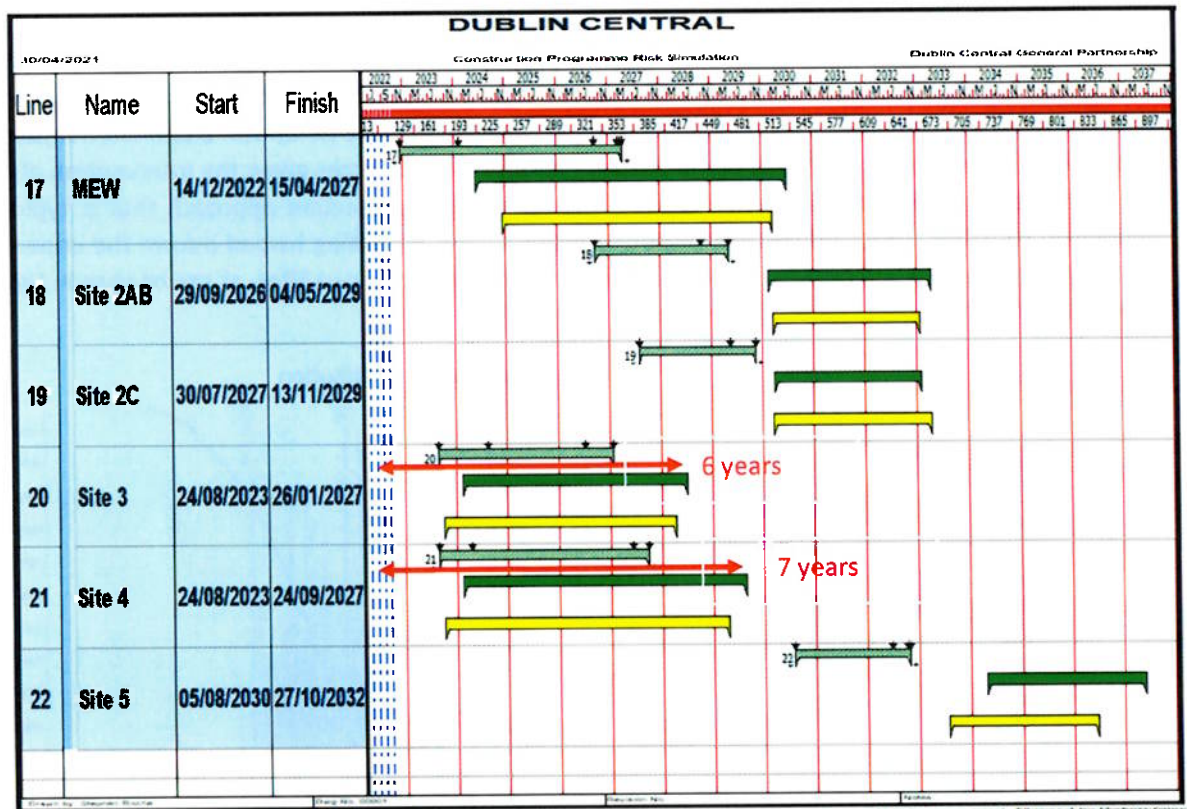


Figure 3 – Monte Carlo 80% and 100% percentile modelling results

The modelled completion date for Site 4 shows a 7 year duration is necessary. The same for Site 3 shows a duration of between 6 and 7 years, and so as the two projects need to be completed by the same contractor contemporaneously, a 7 year application for both is the only appropriate duration.



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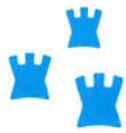
Stephen Little & Associates  
26/27 Upper Pembroke Street  
Dublin 2, D02 X361

Application No.	2861/21
Registration Date	09-Nov-2021
Decision Date	12-Jan-2022
Decision Order No	P2086
Location	36-41 Henry Street, 1-9 Moore Street, 3-13 Henry Place, Charles Court & Mulligan Lane, Dublin 1
Proposal	<p>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 &amp; 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. 127.2 sq. m) at ground floor on the new Passageway; 1no. retail unit for use as a</p>

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'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 at junction of O'Rahilly Parade / Moore Lane within that





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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.

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)

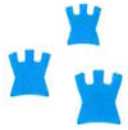
**NOTIFICATION OF DECISION TO GRANT PERMISSION**

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 12-Jan-2022 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 19/10/21, and Article 35 request received on the 9/11/21 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

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notices.

Reason: To comply with permission regulations.

2. A development contribution in the sum of €549,787.82 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 €224,690.00 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 planning authority a cash deposit or a bond of an insurance company/bank .

(a) to secure the satisfactory maintenance, completion and any reinstatement of





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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. Prior to the commencement of development, the owner shall submit, for the written agreement of the planning authority, details of a proposed covenant or legal agreement binding on it and its successors confirming, for a minimum term of 15 years after the first occupational letting in the development:

(a) no separate sales or equivalent disposals of any individual residential units shall take place;

(b) the residential development shall be owned and operated by a single institutional entity;

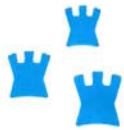
Such covenant or agreement shall contain such as to ensure to the satisfaction of the planning authority the effectiveness of the foregoing requirements.

Reason: In the interests of proper planning and sustainable development of the area.

6. The development shall be revised as follows:

a) Full height laneway access from Henry Street to Henry Place shall be provided through the removal of No. 38 Henry Street as per the elevations and illustrations on page 22 of the MOLA 'Request for Further Information Response Document' dated October 2021.

b) The top two floors of the upper section of Block 3A shall be permanently omitted and the plant area relocated from the roof space or adequately screened as far as is practicable.



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Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority, and such works shall be fully implemented prior to the occupation of the buildings:-

Reason: In the interests of orderly development and visual amenity.

7. The following requirements of the Archaeology, Conservation & Heritage Division (Conservation Officer) shall be strictly adhered to:

- a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the building 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 building and facades structure and/or fabric.
- b) The applicant shall submit a detailed photographic and drawn survey (both of the exterior and the interior of each structure), including elevations, floor plans, sections, reflected ceiling plans, details of decorative plasterwork, joinery, staircases etc.) of all historic buildings that are proposed to be demolished to make way for new development at site 3.
- c) A drawn and photographic record identifying the surviving 18th and 19thC fabric across Site 3 shall be provided. The applicant should seek to retain as far as practically possible, these historic fragments within the proposal for the site, particularly the external facades of the Hotel at Block 3A (at No. 5-8 Henry Place).
- d) A thorough record survey shall be prepared of all surviving historic fabric along the boundaries of the laneways, along the road and pavement surfaces, and all historic materials are retained and enhanced in their original locations as far as is possible within the parameters of the proposed development, to ensure the legibility, patina and authenticity of the setting is respected.
- e) All works to the protected 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 the Environment, Heritage and Local Government. 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.
- f) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.



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

h) 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 the interest of the proper planning and development of the area and to ensure protection of the historical environment.

8. The following requirements of the Engineering Department – Drainage Division shall be strictly adhered to:

a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).

b) Records of public surface water sewers are indicative and must be verified on site.

c) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Irish Water's combined sewer system.

d) 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.

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

f) Discharge of groundwater to the public drainage network may be permitted during construction subject to a trade effluent discharge license being obtained from Drainage Division Council as required by the Local Government (Water Pollution) Acts, 1977 and 1990.

g) All surface water discharge from this development must be attenuated to two litres per second.

h) The development shall incorporate Sustainable Drainage Systems in the management of surface water. The proposed green and blue roofs shall be implemented in full. Full details of the surface water management proposals shall be agreed in writing with Drainage Division prior to commencement of construction.

i) The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works



Version 6.0.

j) All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

Reason: In the interest of the proper planning and development of the area.

9. The following requirements of the Archaeology, Conservation & Heritage Division (City Archaeologist) shall be strictly adhered to:

(A)

Moore Street National Monument

a) Prior to commencement of development the developer shall agree in writing with the Office of Public Works and the Department of Housing, Local Government and Heritage arrangements to ensure that no damage occurs to the national monument constituted by Nos. 14 to 17 Moore Street. A copy of that agreement shall be provided to the Planning Authority in advance of commencement of development.

b) In recognition of the significance of the Moore Street National Monument, its setting and the historic street pattern the Project Archaeologist will monitor and maintain the temporary exclusion zones around the monument and in other areas of significance. The extent of such exclusion zones will be agreed with the Planning Authority and with the Department of Housing, Local Government and Heritage in advance of the commencement of any development works.

(B)

Archaeological mitigation project.

c) 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 the Department of Housing, Local Government and Heritage throughout the course of the development.

d) 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.

e) The Project Archaeologist shall provide a schedule of works and the proposed archaeological mitigation methods to be agreed with the Planning Authority and the 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.

f) The Project Archaeologist shall oversee the proposed archaeological mitigation for



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Site 3 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 4 and 5).

g) The Project Archaeologist shall inform the Planning Authority, the 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.

h) 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.

j) 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 the Department of Housing, Local Government and Heritage in that regard.

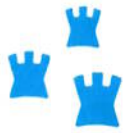
k) The archaeologist shall provide regular progress reports and shall submit written reports on completed phases of work to the Planning Authority and to the Department.

l) 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 Authority in consultation with the Department of Housing, Local Government and Heritage.

Archaeological Excavation.

m) No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.





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- n) The developer shall retain a Project Archaeologist to co-ordinate the applicant's archaeological team and to liaise with the Planning Authority.
- o) The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the City Archaeologist.
- p) The developer's archaeologist shall undertake licensed archaeological monitoring of all site investigation, demolition, piling and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.
- q) A phase of post demolition archaeological testing shall be carried out in order to inform the nature of archaeological excavation.
- r) An archaeological method statement for impact mitigation (including temporary and enabling works) shall be provided in advance to the City Archaeologist. The method statement shall contain a detailed archaeological and historical desktop study of the subject site, to include industrial heritage. A copy of the license application to the National Monuments Service shall also be provided.
- s) No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.
- t) Details of the proposed construction methodology, including the phasing of any archaeological excavation, and the location of site compound, shall be agreed with the City Archaeologist prior to the commencement of main contract.
- u) The City Archaeologist recommends that Archaeological Excavation, as described below, be carried out prior to the commencement of development.
- v) The subject site in its totality (as defined by Health and Safety regulations) is to be archaeologically excavated to the level of natural subsoil. All in situ features, including post medieval, must be fully recorded prior to removal by hand excavation (unless methodology otherwise agreed) in these areas.
- w) The archaeologist shall provide the City Archaeologist with progress updates during the ongoing excavation on a bi-weekly basis or otherwise as agreed.
- x) All piling is to be monitored by an archaeologist.
- y) Removal of the existing ground slab and all ground reduction to formation level is to be monitored by an archaeologist. If archaeological deposits are encountered above the formation of the new build these are to be archaeologically excavated.
- z) In the event of in situ articulated human remains, being located during the course of this work, the archaeologist retained by the developer shall immediately notify the City





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Archaeologist and The National Monuments Service. Should such archaeological features be of great significance their preservation in situ shall be required. This may negate, or curtail, aspects of the development.

aa) A finds-retrieval strategy shall be developed by the licensed archaeologist and submitted for agreement with The National Monuments Service and the City Archaeologist.

bb) An environmental sampling and analysis strategy shall be developed by an environmental specialist in consultation with the licensed archaeologist with reference to best practice environmental standards. The strategy shall be submitted for agreement with The National Monuments Service and the City Archaeologist.

cc) The developer shall fund the post-excavation work and sufficient resources allocated to ensure that correct archaeological procedures are adhered to.

dd) A written and digital report (on compact disc) containing the results of the archaeological excavation and post-excavation shall be submitted on completion to this office and to The National Monuments Service.

ee) Following submission of the Final Report to the City Archaeologist, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, Pearse Street, Dublin or with another appropriate repository to be otherwise agreed with City Archaeologist within 2 years of excavation completion.

Reason: In the interest of preserving the special character and archaeological interest of the monument and of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development and to ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

10. The following requirements of the Transportation Planning Division shall be strictly adhered to:

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:

i. 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.



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ii. 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 the opening of the development, an updated Mobility Management Strategy 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.

c) 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.

d) 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. Access to the long term bicycle parking shall be in accordance with the details submitted in the Mobility Management Plan and the Further Information response submitted on the 9th November 2021. Cycle parking shall be in situ prior to the occupation of the development.

g) 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.



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

Reason: To ensure a satisfactory standard of development.

11. The following requirements of the Environmental Health Division shall be strictly adhered to:

a) The updated Construction and Demolition Waste Management Plan (based on the outline CDWMP prepared by Waterman Moylan Consulting Engineers Ltd dated May 2021) should be compliant with the 'Air Quality Monitoring and Noise Control Unit's Good Practice Guide for Construction and Demolition'.

Reason: In order to ensure a satisfactory standard of development.

12. The following requirements of Irish Water shall be strictly adhered to:

a) Where a water/wastewater connection(s) is required the applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

b) Prior to the commencement of any works on site, the applicant shall engage with Irish Water's diversions section to assess feasibility of build over and/or diversion. The applicant shall then submit the outcome of this engagement as evidence to the Planning Authority, to satisfy the requirements of this condition.

c) Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.

d) Any proposals by the applicant to build over or divert existing water or wastewater services shall be submitted to Irish Water for written approval, prior to works commencing.

e) All development shall be carried out in compliance with Irish Water Standards codes and practices.

Reason: To ensure adequate provision of water/wastewater facilities.

13. Prior to the commencement of works, the applicant is requested to liaise with the Irish Aviation Authority and furnish them with any updated plans and relevant information and to provide the relevant notice required prior to any crane operations commencing on site. This should include the placement of obstacle lighting at the



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highest practical point on the tallest structure or as may be specified otherwise by the Irish Aviation Authority.

Reason: In the interests of safety.

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

15. All new street and development names shall reflect local history, heritage or cultural associations. The planning authority will approve the naming in order to avoid confusion with similar names in other locations. Developers shall agree a scheme's name, which shall be in both the Irish and the English language, with the planning authority prior to commencement of development, and the name selected shall be installed on site.

Reason: In the interest of orderly street numbering.

16. Prior to the occupation of any retail, restaurant or café unit along Henry Street, the specific use of each unit shall be agreed in writing with the planning authority.

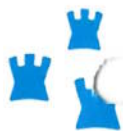
Reason: To take account of the policy of the O'Connell Street Special Planning Control Scheme (2016), in relation to fostering higher order retail uses and in relation to other complementary uses along this street.

17. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

18. A scheme of shopfront design, including any associated signage, lettering, lighting or internal security screens, shall be submitted to the planning authority for written agreement before the development commences.

Reason: In the interest of the visual amenities of the area.



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19. Prior to the commencement of development, an updated Management Scheme shall be submitted to the Planning Authority for written agreement. The management scheme shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority. The Management Scheme shall include the communal residents amenity facilities, such that all residents 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.

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

20. During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

21. (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

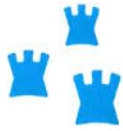
Sundays and Public Holidays - No activity on site.

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.

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





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

23. (a) Development shall not commence until full details and specifications of the public lighting system necessary to serve the development and access thereto have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt, the proposed lighting system shall comply with the requirements set out in the General Specification for Public Lighting Design and Installation in Housing, Industrial and Commercial Developments (copies available from the Public Lighting Services Division). The proposed lighting system shall, if necessary, provide for the attachment of lanterns and fixtures to buildings in the development.

(b) The agreed lighting system shall be fully implemented prior to the first occupation of the development, or if the Planning Permission relates to a phased development, prior to the first occupation of each phase.

Reason: In the interests of a properly planned and serviced development, and in the interests of public safety and convenience.

24. The following Waste Regulation and Enforcement requirements shall be strictly adhered to:

a) Prior to the commencement of any works, a final and updated Construction and Demolition Waste Management Plan (based on the outline CDWMP prepared by Waterman Moylan Consulting Engineers Ltd dated May 2021) must be furnished to and approved by Dublin City Council having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DECLG, July 2006.

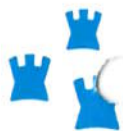
b) In the event that hazardous soil, or historically deposited waste is encountered during the construction phase, the contractor must notify Dublin City Council and provide a Hazardous/Contaminated Soil Management Plan, to include estimated tonnages, description of location, any relevant mitigation, destination for disposal/treatment, in addition to information on the authorised waste collector(s).

c) Prior to the commencement of any storage of waste on-site, the applicant must consult with the Waste Regulation Unit of Dublin City Council.

d) Monthly reports regarding the management of the waste during works, must be forwarded electronically to the Waste Regulation Unit of Dublin City Council [waste.regulation@dublincity.ie](mailto:waste.regulation@dublincity.ie)

e) The works must comply with the following:





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- i. Waste Management Act 1996, as amended.
- ii. Dublin City Council Waste Bye-Laws 2013 (Bye-Laws for the storage, presentation and collection of Household and Commercial waste) or any revision thereof.
- iii. Eastern & Midlands Regional Waste Management Plan 2015-2021.
- iv. Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects – DECLG 2006.
- v. Waste Management (Hazardous Waste) (Amendment) Regulations S.I. No 73/2000
- vi. National Hazardous Waste Management Plan 2014-2020
- vii. Article 27 of the European (Waste Directive) Regulations S.I. No 126 of 2011
- viii. Any other relevant Waste Management related regulations
- ix. Dublin City Development Plan (Current Version)
- f) The requirements set out in the Bye-Laws for the Storage, Presentation and Collection of Household and Commercial Waste, 2013 or any revision thereof must be adhered to and, in particular, the requirement to segregate waste into separate fractions to facilitate the collection of dry recyclables, organic kitchen/garden waste and residual waste in line with Waste Management (Food Waste) Regulations 2009 (S.I. 508/2009), and the Waste Management (Food Waste) Amendment Regulations S.I. 190 of 2015, and the Eastern - Midlands Region Waste Management Plan 2015-2021.
- g) The following are also requirements:
  - i. Receptacles that are designed for reuse, with the exception of in specific areas designated by a local authority as being only suitable for the collection of non-reusable receptacles such as bags, ideally of 1,100L capacity, must be used.
  - ii. Adequate storage space for a minimum of 1 No. 1,100 Litre receptacle.
  - iii. Sufficient space must be provided to accommodate the separate collection of dry recyclables and organic food/garden waste.
  - iv. Adequate space and height for a standard Refuse Collection Vehicle (RCV) to access site.
  - v. Sufficient access and egress must be provided to enable receptacles to be moved easily from the storage area to an appropriate collection point on the public street



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nearby.

vi. Receptacle storage areas must not be visible from or on a public street.

vii. The receptacle storage areas should be designed so that each receptacle within the storage area is accessible to occupants/employees of the development (including people with disabilities)

viii. Suitable wastewater drainage points should be installed in the receptacle storage area for cleaning and disinfecting purposes

ix. Waste storage areas should not present any safety risks to users and should be well-lit

x. Adequate ventilation of waste storage areas so as to minimise odours and potential nuisance from vermin/flies

Reason: In order to ensure a satisfactory standard of development.

25. Before the use thereby permitted commences, a scheme shall be submitted to, and approved in writing by the Planning Authority for the effective control of fumes and odours from any commercial premises. The scheme shall be implemented before any use commences and thereafter permanently maintained.

Reason: In the interests of the amenities of both the immediate neighbours and general surroundings.

26. 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.

27. Development shall not commence until an updated landscape scheme which takes into account any changes necessitated by condition 6, prepared by a qualified Landscape Architect, is submitted to the Planning Authority for written agreement. The approved revised landscape scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development, and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking



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in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: In the interests of amenity and sustainable development

28. The duration of the permission shall be five years.

Reason: To ensure the timely development of the site.

29. Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy unless the applicant has applied for and been granted an Exemption Certificate under Section 97 of the Planning & Development Act 2000 - 2010 (as amended).

Reason: To comply with the requirements of Part V of the Planning & Development Act 2000 - 2010.

30. During construction works the developer/owner is requested to ensure the protection of the Moore Street Casual Trading Area as far as is 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.

Reason: In the interests of orderly development.

31. Prior to the commencement of development, details of the final materials, colours and textures of all the external finishes to the proposed development (including ground coverings) 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.

32. All mitigation and monitoring measures set out in the Environmental Impact Assessment Report and contained within any other technical reports submitted with the application (including by way of additional information) shall be implemented in



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full except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interests of protection of the environment.

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 Pleanála 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 Pleanála within FOUR WEEKS beginning on 12-Jan-2022. (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 part of it at a later date, even within the time limit.



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- 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:**

*Ken Kelly*  
**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

<b>AN BORD PLEANÁLA</b>	
<b>08 FEB 2022</b>	
LTR DATED _____	FROM _____
LDG- _____	
ABP- _____	



