

An Bord Pleanála

Councillor Donna Cooney

4, Victoria Road, Clontarf,

Dublin 3

D03 P2V5

Observations planning reference 2861/21

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| <b>AN BORD PLEANÁLA</b> |                |
| LDG-                    | 048836-22.     |
| ABP-                    |                |
| 08 FEB 2022             |                |
| Fee: € 50               | Type: C/ Card. |
| Time: 13.10             | By: Hand. af.  |

2861/21

Dear an bord pleanála,

I would also like my observations on the appeal to the planning permission to be considered not only on it's own, but together with 2862/21 planning permission as it is the same applicant and location and the possibility of DCC granting planning permission to 2863/21 which has decided to extend the time for a decision will have a combined effect of the streetscape, character and sustainability of the development.

Please find my observations and reasons for an appeal on this planning permission below; please consider these in tandem with my original observations Dublin city Council planning authority.

I would also like to request an oral hearing as this is a very large development, of huge significance historically and culturally both nationally and internationally in the heart of Dublin and our nation, it is an architectural conservation area and site of the national monument. Historically unique, as the site of the 1916 rising, one of the only remaining international urban battlefields and one of our oldest market areas. And as such any development must seek to protect and enhance this built heritage.

I would suggest the planning notice 2862/2 may have been invalid as it does not reference 18 + Moore Street, though it proposes to demolish it and build a two storey extension on to no 17 the National Monument. Notice states: Location 10-13 & 19-21 Moore Street, 5A Moore Lane & 6, 7 & 10-12 Moore Lane & 17 -18 Henry Place.

- In my opinion this proposal would not fully comply with the development plan 4.5.9 Urban Form and Architecture and in particular chapter 11(culture and heritage) including guidance on development in conservation areas and protected structures.
- The proposal would in part contravene the policy objectives of SC25, SC26 SC29 and SC30.
- I object to the proposed demolition of no. 18 and 19 Moore Street and the proposed Archway for the reasons outlined below also the height and scale of proposed new buildings also encroach on the curtilage of the national monument and protected structures in the area. The alterations to the arch are moderate and do not address the fundamental concerns that I put in my observations and that had been expressed by the department of heritage, Dublin City Council plans and others.

The National Monument and proposed archway and demolishing of number 18 and 19 Moore Street.

- I object to the proposed walkway/arch breakthrough in Moore Street Terrace between in the curtilage of the state owned national monument protected structures, from gable of 17 to 20, pedestrian route and case studies.
- The continuity of the Moore Street terrace was a key request of the Ministers Moore Street Advisory Group Report.
- The applicant Dublin Central-GP Limited was requested to consider revising the earlier proposed archway by DCC planners, concern was expressed by a number of submissions; by the department of Housing Local Government and Heritage, An Taisce, majority of public reps submissions and by the numerous public submissions.
- Yet in studying examples like Eustace Street in Temple bar with one of the busiest pedestrian footfalls in Dublin City the developer concluded that the width was not adequate and reverted back to their original proposal option 1; only slightly modified by moderation in height and inclusion of newly built odd buildings on either side with fake windows, the archway is still dominant and out of character.
- This design is still not resolved and a more considered restrained design was not proposed. This does not in my view respect the authority's and others legitimate concerns and is the opposite as stated by architects for the applicant 'a quiet merging of the terraced streetscape' but is gapping large thoroughway framed by an archway out of keeping with the heritage, has no reference to any real architectural style, but could be regarded as a form pastiche.
- It is generally considered bad design practice to break the streetscape; this would be the case in any terrace of houses, shops with frontage facing onto the street. In this case this terrace of houses is in an Architectural Conservation Area and contains the national monument, which has the highest built heritage conservation protected status in Ireland.
- There are clearly viable permeability alternatives, historical lanes exist on Henry Place and O'Rahilly Parade through to Moore Lane.

- The buildings proposed to be demolished are in the process of being evaluable to be added to the list of protected structures, as no valid planning permission is in place, the owners must be informed of the process of adding these buildings to the list of protected structures and protected once notice from the authority is issued.
- The small walkway that is ruled out by the developer in option 3 similar to Eustace Street does not require total demolishing of these buildings.
- It is important that the integrity of the structures are protected and the streetscape and original plot lines.
- The visual integration theory proposed as the reason for demolition of one and  $\frac{3}{4}$  buildings for a wide walkway and imposing archway is not based on good place-making or real studies of human behavior. There are many empty uninviting public spaces/squares/plazas that have wide pedestrian walkways on all sides and yet they remain uninviting.
- If this proposed area is to be a quiet way as suggested by the applicant from a busy vibrant street then narrower historical lanes would achieve this better, Venice is a good example. The original footprint and integrity of the urban form should be maintained and restored; people will walk through to avoid the busier routes on Henry Street and O'Connell Street and Parrnell Street. The GPO arcade and the merchant arch are examples of people taking more interesting routes away from the main streets. The statement that the large archway breaking through the terrace is needed to view O'Connell Street would in the model supplied by the applicant appear not to be the case as a large scale 9/10 storey block building 3A in the model meets Moore lane.

#### Heritage buildings and Historical Lanes

- In the Courtney Deery Heritage Consultancy report they mention in their baseline Record Survey that Henry Place, Moore Lane and O'Rahilly Parade are busy public lanes that form access for business, and services and the historic street surfaces lie concealed below modern tarmac surfaces, therefore it is unfeasible to provide a comprehensive survey of the historical street surfaces. And it will not be possible to provide a comprehensive survey of the historic street surfaces and fabrics as part of an RFI response. This survey would need to be completed before any possible planning permission; if the roads can be closed to enable Irish water works they can be closed for a short period to enable full studies on these historical streets. This also highlights the issue of the displacement of the public use of these lanes for periods of 7 and 15 years if these applications were granted as requested.
- The integrity of these historical lanes must be protected, the lines kept intact and these cobblestones and curbs uncovered and repaired.
- Welcome more details on the protection of no. 10 and no. 13, 1916 tunnelling in party walls, but disappointed that no. 12 will not be investigated until after this application, how

can permission be requested for rebuilding and guarantee on protection of 1916 heritage be given without prior full inspection and assessment. The [proposed revised design of 11, 12, 13 Moore Street gables are more keeping and welcomed, but it is essential that all remaining 1916 heritage be retained and protected and all inspected prior to planning permission/building commencement.

- Welcome proposed use of no. 10 Moore Street as a cultural cafe space and further retention of the built fabric and demonstrates possibilities for further sensitive restoration.

This application must be considered in conjunction with the other Site applications by the applicant.

Reference in the documentation is made to the **Dublin Central Master Plan**; only the local authority can develop a master plan. There must be a strategic framework, which relates to the physical social and economic context of the site and its surroundings.

This scoping exercise would not be apparent in this application, have the existing business been considered and the constraints, the appropriate scale and density. Dublin City Council is the authority responsible for the urban regeneration of this area and the development of a master plan in an architectural conservation area. There are no guidelines in this 'master plan' on scale and how it relates to heritage buildings, streetscapes and roof tops. The Spire on O'Connell Street was selected as it drew your eyes up to the impressive rooftops on the boulevard of O'Connell Street, the main street in Dublin City. Any regeneration should enhance the existing built heritage and restoration and reuse of buildings and new build should complement the streetscape.

#### The Height and Scale of the Proposal

The height and scale of the proposed buildings contravenes the Dublin City Development plan policy SC15 which states that Dublin City is intrinsically a low rise city.

#### Hotel proposal Block 3A

A reduction in height by 4.5 m does not adequately address the imposing of this building on the skyline. Also question the need for 150 hotel bedrooms in an area already saturated with hotels as the loss of culture and heritage buildings. Lower height and residential affordable homes with cultural or retail/community uses would

be more sustainable and meet the 15 minute city objectives in the draft city development plan for urban regeneration. Also the reduction in height has been achieved by a reduction in floor to ceiling heights that would possibly not meet living/building regulation standards.

- Especially in an ACA the scale should be in keeping with the surrounding streetscape.

- The view from Cathedral Street would still show the dominance of the bulk height and scale of the proposed building block 3A. They should not be visible from O'Connell Street and the impact on the national monument, the buildings should be human scale and not obtrusive on the skyline. Also still impacting on the views of the GPO which is the site of the Easter Rising headquarters, where the proclamation was read and still is in annual State Easter Rising commemorations, I attend these every year as a relative of Elizabeth O'Farrell as do most descendants of 1916, the President, Ministers, The Lord Mayor and thousands of the public line the Streets. It is also the site of other national events, including the viewing area during the St Patrick's Day parade. These events are shown all over the world with millions of viewers looking up at the flags above the iconic GPO no hotel development should diminish that skyline. The height of any permitted building must be reduced to not be visible from O'Connell Street or Cathedral Street.

- The impact of such a large scale development in this proposal and the potential for loss of fine urban grain in this historical part of Ireland, which supports a diversity of economic, historical and cultural life needs to be carefully considered, any regeneration should be measured against the objectives of an Architectural Conservation Area and a cultural and historical quarter.

- The scale and height and demolition of buildings fail in parts to adequately address the wider urban context, the character of Moore Street Market and businesses or the many protected structures along the street and laneways, notably the iconic Moore Street terrace which will be at ACA after councilors voted to support my motion to rezone and is in the new development plan and the O'Connell Street Architectural conservation area.

- The proposed office block at site 5 will have a negative visual impact on the National monument and the iconic Terrace. It will also overshadow residential and commercial units at Moore street north and Greeg Court apartment block including sun balconies of the owner/occupiers

The design, scale and massing of the of proposed new building would seriously detract from the setting and character of both the O'Connell street conservation area and the protected structures on the site, and would have a significant adverse impact on the conservation area, contrary to Section 11.1.5.3 of the development plan and policies C1, C2, C4 and C6.

- Proposal would contravene policy SC17 in relation to protection of the skyline without justification.
- Design, scale and massing would seriously detract from the setting and character of both the O'Connell street conservation area and the protected structures on the site, and would have a significant adverse impact on the conservation area, contrary to Section 11.1.5.3 of the development plan and policies C1, C2, C4 and C6.
- Proposal would contravene development plan policies CHC29, CHC37 and CHC43 in relation to protection of the cultural and artistic use of buildings in established cultural quarters, without justification.

#### Sustainable Building Environment and Climate Action

- The most sustainable buildings are the ones that already exist. The first principle should be to restore and to reuse existing buildings to reduce carbon emissions associated with demolition and construction works of a new large scale development, also the protection of the character and built heritage.

- The impact of building traffic, construction and demolition has not been properly assessed on air quality and noise pollution to surrounding residents, business and the public. Less demolition and restoring and reusing materials on site would reduce the impact of the construct.

### Daylight

- Site 5

O' Rahilly Parade it is expected proposed developed will directly impact the daylight on the O'Rahilly Parade it will be severely impacted by development, the plaza to the south of site 5 in no way mitigates the impact on O'Rahilly parade, it is also proposed to remove the stone cobbles and relocate them to Henry Place, both are 1916 historical lanes and both need equal protection.

In the applicant response -Site 5 sunlight Analysis by BDP Diarmuid Reynolds and Patrick Kavanagh; the Geometric Integrated Environmental Solutions model of the baseline site would appear to be devoid of almost any daylight ref..Figure 2 pg 8 of report

- To say that good levels of sunlight now on O'Rahilly Parade is because of an existing vacant lot and any building on that would do similar is not correct; a less obtrusive building would not have the same effect and to claim it does not warrant due consideration as it is not a pedestrianised streetscape (I would hope it becomes one) but acts as an access route to the proposed new development. This is a historical road where the O'Rahilly died and to dismiss it as a dark route into proposed development with no proposed mitigation is not acceptable. It is also proposed to use this route for access to the site for 15 years; relatives of the O'Rahilly have an annual commemoration on the site.
- Site 5 proposal would result in a number of Apartments in the Moore Street Apartments will exceeding the 20% loss of sunlight threshold, it will come as little comfort that their homes should not have been build with a set back of the windows and overhanging balcony, this extra loss of sunlight is unacceptable and would severely impact the residents amenity in their homes and health UV light also kills bacteria and lack of sunlight for humans result a range of health problem, including deficiency in vitamin D, depression etc. This would indicate that there would also be a loss of sunlight to shops opposite O'Rahilly Parade.

- Site sunlight loss to Jury street hotel the south elevation will have a 'noticeable loss of sunlight' To state in the report that it is unusual to have the existing level of sunlight in an urban environment does not diminish the responsibility not to diminish this access.

#### Request by applicant for 7 and 15 year planning permissions

- No planning permission should be given that exceeded the usual time lines.

Section 40 the Planning Development Act deals with the limit and duration of planning permissions.

- Section 40(3) provides that a planning permission has a lifespan of five years beginning on the date of grant of permission or, in addition, such further period that may be specified in the grant itself.
- There is a presumption on the applicant that they can get extraordinarily three times the normally allowable duration of planning permission, this could if permitted set a dangerous precedent and could be argued is not permissible under the planning laws .
- This cannot be facilitated especially in a busy trading, historical and cultural area in the very centre of our capital city. Any planning permission should be for 5 years with any possible extensions after review of works.
- A building site with all the construction traffic for 5 and 7 years would be detrimental to the survival of this unique historical area and the generational Moore Street traders, shops, business and new diverse culture of traders. The combined negative effect of planned works needs to be considered.



- The condition by Dublin City Council to reduce the time for completion of works is to be welcomed but as previous applications for this site got extensions, there may still be longer term impacts from this development during construction phases.
- Dublin City Council has tendered for a Moore Street manager to revitalise the street bringing vibrancy, more footfall, more traders and more variety in food stall offerings, promotion, historical signage, street art, increased trading hours with night time and Sunday trading. This will begin in early 2022 and the development must not prevent this revitalisation of the Moore Street Market Area.

#### Metro North

Conditions for any permission must include enabling works for Dublin's Metro link and not be conditional on any permissions granted, or part granted with conditions. This strategic transport infrastructure included in The Greater Dublin Transport Plan and The National Development Plan should not be delayed with a fifteen year long planning permission.

Councillor Donna Cooney

Dear Planner,

Please find my observation on this planning application.

**Planning Application Reference:** 2861/21

On behalf of myself Councillor Donna Cooney

Chair North Central Area 2020- 2021

Chair of The Lord Mayor's Forum on Moore Street - 2020 to 2021.

Chair Expert Group on the Moore Street Market

DCC representative on the Ministers Moore Street Consultative Group

Relative of the 1916 Easter Rising volunteer Elizabeth O'Farrell

The application site is within the O'Connell Street Architectural Conservation Area.

And The Moore Street Architectural Conservation Area

**Referencing Dublin City Development plan Built Heritage and Culture 11.1.5.6**

#### **Conservation Area – Policy Application**

'It is particularly important within Conservation Areas that design is appropriate to the context and based on an understanding of Dublin's distinctive character areas'. "The policy on land-use as set out in the Architectural Conservation Areas (ACAs), with particular regard to complementary non-retail uses, shall be revised accordingly to reflect the approach as set out in the Category 1 and Category 2 Streets, in order to create the rich mix and diversity of complementary uses in the vicinity of the principal shopping streets"

This planning application reduces the on street retail space with demolition of many of the retail with the potential loss of employment in the Dublin 1 area: The objectives of the development plan

*This proposed*

*'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'*

*Existing retail businesses on Henry Street were not consulted and the application is for duration of seven years. This application must also be considered as a combined effect with PL 2683/21, PL 2682/21 with a request for 15 years application.*

Objective of the Dublin City Development plan 'This category includes the main shopping streets as well as shopping malls and arcades. They are located within the area defined as the

City Centre Retail Core. In order to strengthen the retail offer of the city centre, the land-use objectives will be in favour of higher order retail use at ground floor level'.

The proposal is in part contrary to Special Planning Control Schemes (SPCS) apply to areas within Grafton Street and Environs, designated in 2013, and O'Connell Street and Environs, designated in 2003 and renewed in 2009 and again in 2016. These SPCS follow the boundaries of the ACAs. The Special Planning Control Schemes give the planning authority greater control in maintaining a balance in the mix of uses on the street and were prepared to address the predominance of certain uses inappropriate to the city's two principal shopping streets which also serve an important civic function.

The height and of the office block does not complement the fine grain of the established streetscape

### **Residential**

I am very disappointed to see that much of the residential in this application is below apartment building standards. 14 studio, 56 one bed and only 9 two bed with no 3 bed. This will not be a liveable intergenerational community, but transient residents in rent investor insecure accommodation. I had thought that this could have been an example of the 15 minute city bring families back into the heart of the city.

### **Office**

### **Impacts on climate change and biodiversity.**

Lack of public green space and SUDs Green infrastructure

Lack of sustainable green infrastructure, all the surface water and waste water is going into existing drainage on Parnell Street adding to the potential for flooding and overcapacity in the storm water system which in turn leading to increased likelihood of flash flooding and polluted waterways. There is potential for flooding on the Luas tracks, due to increased hard surfacing, more strain on existing drainage infrastructure with the hotel, office and residential units. Also the metro station and sub-station which will be below ground level are at risk of flooding with the amount of hard surfacing.

Demolition rather than reuse of materials, adding to carbon foot print and increase in CO2 emissions. Though recycling is welcome, reuse and reduction of waste is far better.

The appropriate assessment does mention loss of habitat for gulls and there would not appear to be mitigation measures. It is also possible that bats and birds may be present and killed in demolition experts should be brought in to check.

Address:

4, Victoria Road, Clontarf Dublin 3.