

Mary Ledwith

DCN.

From: Michael O'Sullivan
Sent: Monday 14 March 2022 17:20
To: Bord; Appeals2
Cc: SLA Dublin Central
Subject: Re: Response to ABP-312642-22
Attachments: 20035 CL DC S4 P Response to 3P Appeal Final 14032022.pdf; 20035 DCP S4_1P Response to 3P Appeals_FINAL 14032022.pdf

Resending - appeals@pleanala.ie email address included

Dear Sir / Madam,

We refer to your letter dated 14 February 2022 in respect of appeal reference ABP-312642-22, inviting a written response from the First Party by 14 March 2022.

We have been instructed by our Client (the First Party), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576, to make this formal written submission in response to the Third Party Appeals.

Please find attached the Applicant's Response Report and Cover Letter to the Third Party Appeals, prepared by Stephen Little & Associates, Chartered Town Planners & Development Consultants.

We trust this is in order, and would be grateful for acknowledgement of receipt of this email and submission on file.

All future correspondence relating to this appeal should be addressed to this office.

Regards,

Michael O'Sullivan,
Senior Planner
STEPHEN LITTLE & ASSOCIATES
Chartered Town Planners & Development Consultants
26/27 Upper Pembroke Street,
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The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

Our Ref. 20035

14 March 2022

RE: FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

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)

AN BORD PLEANÁLA REF: ABP-312603-22

DUBLIN CITY COUNCIL REG. REF: 2861/21

Dear Sir / Madam,

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, D02 X361 are instructed by our Client (the Applicant), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576 to submit this First Party Response to Third Party Appeals by: -

- Colm O'Murchu, 121 Hollybank Road, Drumcondra, Dublin 9.
- Diarmuid Breatnach, 34 Geata an tSéipéil, Bóthar San Alfonsas, Baile Átha Cliath 9.
- Dublin One Business Alliance, Troy Family Butchers, Moore Street, Dublin 1.
- Mary Lou MacDonald, 58 Fassagh Avenue, Cabra West, Dublin 7.
- Moore Street Preservation Trust, Ireland Institute, The Pearse Centre, 27 Pearse Street, Dublin 2.
- William Doran Planning & Project Management Consultant on behalf of various Moore Street Traders.
- Patrick Cooney on behalf of the Save 16 Moore Street Committee, 46 Shantalla Drive, Beaumont Drive, Dublin 9.
- Stephen Troy, Troy Family Butchers Ltd., Moore Street, Dublin 1.

We trust the Board will have regard to this response to Third Party Appeals together with the previous response to a Third Party Appeal (submitted to An Bord Pleanála on 25 February 2022) when assessing the proposed development.

We confirm that we act for the Applicant in this instance and would ask that all future correspondence in this matter be directed to this office.

We would be grateful for written acknowledgement of this submission at your earliest convenience.

Yours faithfully,



Michael O'Sullivan,
Senior Planner
STEPHEN LITTLE & ASSOCIATES

**Planning
Report**

**Applicant's
Response to
Third Party
Appeals**

**Dublin Central
– Site 3**

For Development
Comprising Hotel,
Retail, Restaurant /
Café, Residential &
Cultural Uses and
Associated & Ancillary
Development.

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

For Dublin Central GP
Limited

MARCH 2022

Document Control: -


Author	Checked by	Purpose	Date
RCS	MO'S	Draft	02.03.2022
-	EMP	Final Draft	11.03.2022
MO'S		Final	14.03.2022

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1 INTRODUCTION

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

The content of this Report responds to a letter from An Bord Pleanála, dated 14 February 2022, inviting the Applicant to make a submission / observation in writing to the Board in relation to the following 8no. Third Party Appeals: -

- Colm O'Murchu, 121 Hollybank Road, Drumcondra, Dublin 9.
- Diarmuid Breatnach, 34 Geata an tSéipéil, Bóthar San Alfonsas, Baile Átha Cliath 9.
- Dublin One Business Alliance, Troy Family Butchers, Moore Street, Dublin 1.
- Mary Lou MacDonald, 58 Fassauga Avenue, Cabra West, Dublin 7.
- Moore Street Preservation Trust, Ireland Institute, The Pearse Centre, 27 Pearse Street, Dublin 2.
- William Doran Planning & Project Management Consultant on behalf of various Moore Street Traders.
- Patrick Cooney on behalf of the Save 16 Moore Street Committee, 46 Shantalla Drive, Beaumont Drive, Dublin 9.
- Stephen Troy, Troy Family Butchers Ltd., Moore Street, Dublin 1.

We refer the Board to Section 5 of this Report where the relevant planning issues raised in these appeals are grouped together in planning themes and the Applicant's response provided.

The strategic importance of the application site and this development for Dublin City in general cannot be overemphasised. The Applicant acknowledges that undertaking regeneration projects of significant scale within dense urban settings are complex and challenging with a broad array of considerations and constraints to be dealt with. However, it remains steadfast in the belief that the proposed development (Dublin Central Site 3) in conjunction with the wider vision of the Dublin Central Masterplan will see the sensitive, innovative and transformative rejuvenation of this area. The development area has been in critical need of regeneration for almost 26 years, first highlighted in the preparation of the O'Connell Street Integrated Area Plan in 1997.

Planning applications were made concurrently to Dublin City Council (DCC) for: -

- Site 3 (DCC Reg. Ref. 2861/21) – subject of this Third Party Appeal,
- Site 4 (DCC Reg. Ref. 2862/21) – subject of Third Party Appeal to be responded to separately, and
- Site 5 (DCC Reg. Ref. 2863/21) – currently subject of a DCC Request for Further Information.

A Masterplan for the entire Dublin Central site was prepared to provide the Planning Authority, prescribed bodies and the general public with a clear indication of the wider proposals for the area. The Masterplan is underpinned by the Dublin Central Masterplan Area Conservation Management Plan, prepared by Molloy & Associates Conservation Architects. As such, while separate planning applications have been made for individual sites within the Masterplan area, there is an obvious relationship between the sites. An architectural model was submitted to Dublin City Council, providing further information on the Site 3 proposal in the context of the Dublin Central Masterplan.

DCC issued a notification of its decision to Grant Permission for the Site 3 proposal, on 12 January 2022, subject to 32no. conditions. Condition 6(b) imposes a reduction in height of the upper section of the Block 3A hotel building by two storeys.

The Applicant submitted a First Party Appeal to the Board, on 8 February 2022, in respect only of Condition 28, which limits the duration of permission to 5 years (rather than 7 years sought). The Applicant has otherwise warmly welcomed the decision of the Planning Authority to grant permission, which it considers is informed by reasonable planning judgement.

We respectfully submit that it is evident from the Planning Officer's Report that the issues raised in the Third Parties' submissions at application and further information stages (now appeals) were carefully considered, and that the Planning Authority has had due regard to these issues in making its decision. We do not consider that any new issues are now raised in the Third Party appeals which have not been appropriately assessed by DCC or which would merit a reversal of its decision by the Board.

We would respectfully request that the Board upholds the decision of Dublin City Council to grant permission for the Site 3 development, with a duration of 7 years, in order to allow this strategically important development to proceed.

The Board will have access to the public planning file in this case. To avoid duplication, this Appeal Response Planning Report cross references to the relevant material already provided in the planning application file where necessary and appropriate, rather than repeating it.

Detailed background information relating to the proposed development and relevant to this Third Party Appeal Response, including site and development descriptions and planning policy context, is provided in the Planning Application Report submitted to Dublin City Council at application stage on the 1 June 2021 and as amended by Further Information on the 9 November 2021.

Details of the in-depth pre-planning consultation with Dublin City Council, in respect of the Dublin Central project and Site 3 proposal, are summarised in Section 5 of the SLA Planning Report submitted with the application, and in Section 4 of our Further Information Planning Report.

2 SUMMARY OF RELEVANT BACKGROUND INFORMATION

For the convenience of the Board, this Section provides a brief summary of the relevant background information that sets the context for the Applicant's response to the Third Party Appeals in this case. The Board will also have regard to the Council Planner's Report for further context. Where particularly pertinent to the issue being discussed, we quote extracts from the Planner's Report, but otherwise trust that the Board will have full regard to the Council's planning assessment of the proposed development.

We trust that the Board will also have full regard to the entire and extensive suite of material lodged with the initial planning application for Site 3, including the EIAR and also the material lodged with the response to the Request for Further Information, including the Addendum to the EIAR. Whilst it is acknowledged that there is significant volumes of material in those submissions, it is not considered helpful to re-state much of that for a further time as we are very aware of the fact An Bord Pleanála will be considering this application in its entirety *de novo* and as a result will be reviewing all of this material in any event.

2.1 Site Location & Context

Site 3 measures c. 0.33 ha (net site area) / c. 0.37 Ha (gross site area). When additional works to facilitate temporary construction activities, on Moore Lane and junction of O'Rahilly Parade / Moore Lane are included, the gross site area amounts to 0.37 ha. Site 3 is generally bounded by Henry Street to the south, Moore Street to the west and Henry Place to the north and east. Site 3 includes the following existing properties: -

- Nos. 36 – 41 Henry Street inclusive.
- Nos. 1 – 9 Moore Street inclusive.
- Nos. 3 – 13 Henry Place inclusive.

It also includes private passageways of Clarke's Court and Mulligan's Lane (also otherwise known as Mulligan's Court), internally within Site 3.

None of the existing buildings at Site 3 are 'Protected Structures' are listed in the Record of Protected Structures (RPS) or identified on Zoning Map E contained in either the current or Draft Dublin City Development Plan. The site does, however, lie within a designated Architectural Conservation Area (ACA) and some of the existing buildings are of historic interest, as identified in the plans and particulars submitted with the Planning Application.

Henry Street is one of the busiest shopping high streets in the State. It extends west from O'Connell Street to Mary Street. Henry Street is home to a number of landmark retail outlets, including Arnotts department store and the ILAC Shopping Centre.

The interior of the Site 3 block was once permeated by a number of lanes and archways leading to small courts (Clarks Court, Mulligan's Lane, Moore Place, etc.) and backyards to the buildings fronting the larger streets. The gradual infilling of these external rear spaces and access routes was complete by the 1950s. This has led over time to the extinguishing of activity and virtually all habitable use of the interior of the site, and indeed of the upper floors of the buildings on Moore and Henry Streets, as all means of access and escape were extinguished to comply with increasingly onerous safety and building regulations. The need to remedy this impediment to active uses at upper levels has been a key issue in formulating an appropriate and workable design proposal for the redevelopment of Site 3.

Site 3 is currently occupied by existing buildings and warehouse structures, which vary from two to four storeys generally and are arranged over an extensive basement level. Existing uses include retail and ancillary retail space, food and beverage outlets, warehouse and workshops, and some small scale office accommodation on upper floors. The two main street frontages accommodate retail units predominantly, ranging from the larger comparison stores addressing Henry Street, to smaller specialist shops and retail services units along Moore Street. The site is, however, also characterised by a high level of dilapidated building stock, including underutilised or unoccupied upper floors on Moore Street and Henry Street, and entirely unused structures along its less prominent lane frontages and within a large portion of its interior.

Site 3 includes Nos. 36 – 41 Henry Street, a four storey terrace in redbrick and stone dating from the early 20th Century. This terrace was extensively damaged during 1916 Easter Rising and the existing structures rebuilt c. 1917. Existing uses in these buildings fronting Henry Street include clothing shops, an ice cream parlour, phone shop and café. The upper floors are predominantly used as office space, storage or are unoccupied.



Figure 1: Extract from Google Earth showing Site 3 location in red and wider Masterplan area in orange (indicative overlay by SLA).

We refer to the Architects Design Statement submitted with the planning application, prepared by MOLA Architects, for further description of the built composition of Site 3. We refer also to the Architectural Heritage Impact Assessment, prepared by Molloy Associates Conservation Architects for confirmation of the architectural and cultural significance of existing buildings and streets at Site 3.

2.1.1 Dublin Central Masterplan Area

Site 3 forms part of the wider envisaged Masterplan, the latter extending to c. 2.2 ha. The Masterplan almost entirely encompasses three urban blocks, bounded generally by O'Connell Street Upper and Henry Place to the east, Henry Street to the south, Moore Street to the west, and O' Rahilly Parade and Parnell Street to the north. Moore Lane extends south from Parnell Street through the centre of the Masterplan, as far as its junction with Henry Place.

The Applicant's rationale for making multiple applications for the component parts of Dublin Central have been set out in the Planning Application Report prepared by Stephen Little & Associates which accompanied the planning application.

2.2 Land Use Zoning

Under the Dublin City Development Plan 2016 – 2022, as may be seen from the zoning map extract below, the site is subject to the zoning objective, "Z5 – City Centre", in common with much of the city centre area in the immediate vicinity of the application site.

The land use objective for the Z5 zoning seeks: -

"To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity."

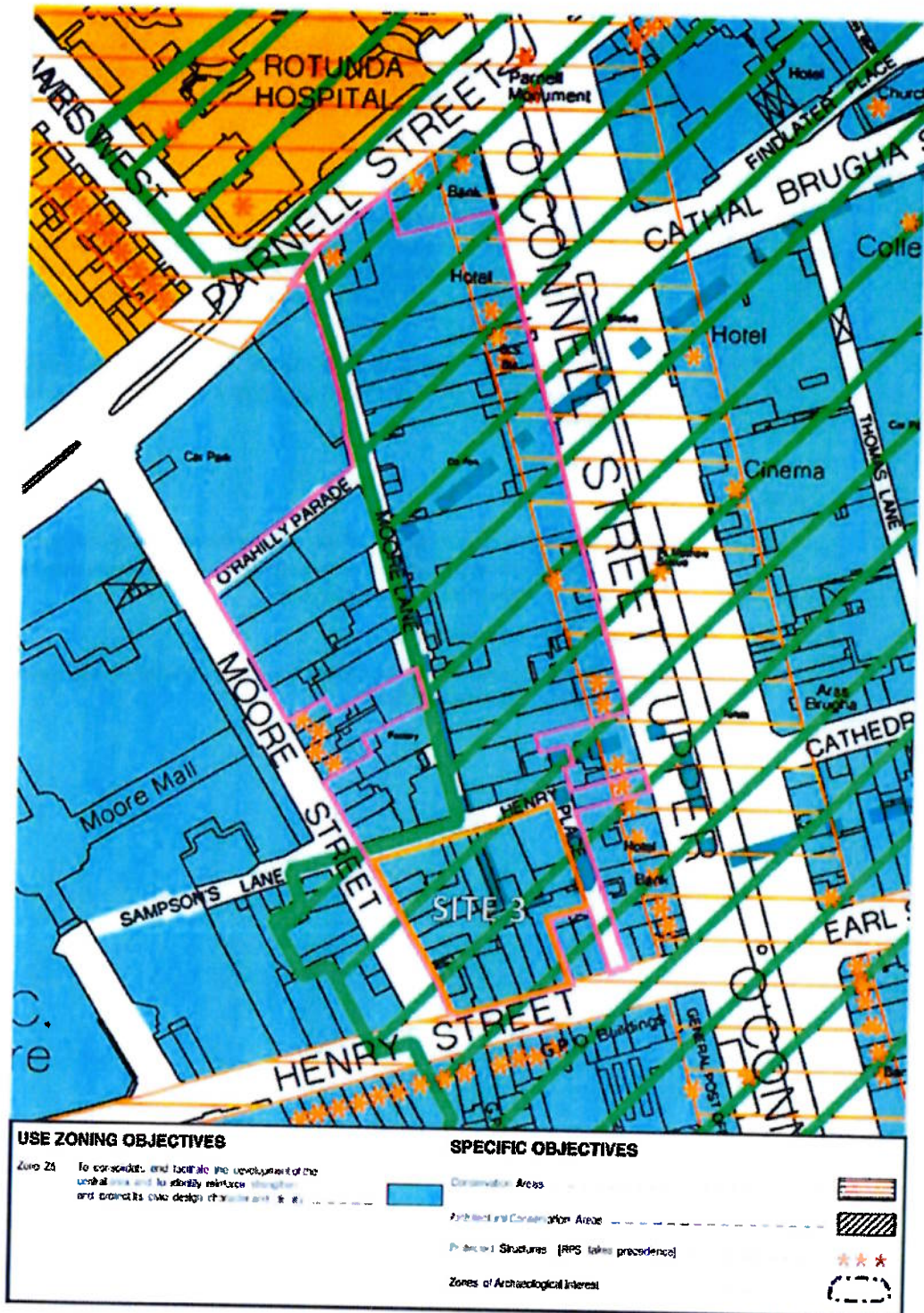


Figure 2: Extract from Map E of the Dublin City Development Plan 2016 – 2022 with Site 3 outlined in red and the Masterplan outlined in purple. There has been no change to the zoning map contained within Site 3 under the recently published Draft Dublin City Development Plan 2022 – 2028.

Site 3 comprises proposed retail, café / restaurant, cultural, residential, and hotel uses, which are all permissible in principle under the Z5 zoning.

2.3 Strategic Planning Policy Context

The proposed development has been designed, and subsequently approved by the Planning Authority, in full accordance with the relevant strategic and statutory planning policy context.

We refer the Board to the Planning Report, prepared by this Stephen Little & Associates, included with the Planning Application.

2.4 Proposed Development

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 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 '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 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).

2.4.1 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.

2.4.2 Summary of Further Amendment made by the Decision of Dublin City Council to Grant Conditional Permission (12 January 2022)

In granting Planning Permission Dublin City Council attached Condition 6b, to omit the top two floor of the hotel building in Block 3A, thus reducing the highest building element to 7 storeys.

This condition has not been contested by the Applicant in its First Party Appeal.

2.5 Planning Application & Further Information Response Material

We trust that the Board will note from the extent of material / assessment at Planning Application and Further Information stages, that considerable time and effort was expended by the Applicant to develop a suitable and sustainable development for the site. This involved a complex interdisciplinary design approach involving the Applicant's core Design Team and other external experts. The strategic importance of the development site was therefore clearly appreciated by the Design Team from the very outset and through the application stages.

As the Board will note from the material on file, the Planning Authority sought a physical model as part of the Request for Further Information in this case. This would have been a matter of public record at the time. Rather than submitting a model of Site 3 in isolation, the Applicant has provided the Planning Authority (and now An Bord Pleanála) with a model of the wider Dublin Central lands showing how the proposals relate to their current surrounds. The model shows the development at Site 3 and also the concurrent proposals at Site 4.

3 RESPONSE TO GROUNDS OF APPEAL

The Applicant has gone to great length to ensure that a comprehensive planning and environmental assessment of the proposal was provided to DCC, demonstrating how the proposed development is compliant with the relevant statutory planning policy and the proper planning and development of the area. We are pleased to note from the Council Planner's Report, dated the 26 July 2021, its Further Information Report, dated 12 January 2022, and the Council's favourable decision dated 12 January 2022, that the Planning Authority is satisfied that this is the case.

We would highlight that the concerns raised in Third Party submissions, and repeated in their appeals to the Board, have been either addressed in the initial assessment of the Planning Authority, or in certain instances formed the basis of its Further Information request. Ultimately the Planning Authority was satisfied, when making its assessment and determination, that all issues raised were satisfactorily resolved. We would respectfully submit that no new issues are now brought to the Board in the Third Party Appeals.

Notwithstanding, in making this response to the Board, we have sought to identify all of the grounds of appeal, raised in the various Third Party Appeals, under the common themes identified below. We then provide our response to these issues.

Having carefully reviewed the content of the 8no. Third Party Appeals, our summary interpretation of the main grounds of appeal to relate to the following topics: -

- Conservation / Built Heritage / Protected Structures.
- National Monument & Ministerial Consent.
- Design, Scale & Layout.
- Proposed Uses.
- Response to Further Information.
- Construction / Traffic Management.
- Archaeology.
- Impact on Market Traders.
- Planning Procedure (multiple planning application, scale model).
- Alternative Proposals.

We proceed to provide the Applicant's response to the Third Party grounds of appeal in the next sections.

We note generally that the Third Party Appeals have in some instances raised concerns that are inherently addressed by way of extensive research, presented in the planning submission.

3.1 Request for an Oral Hearing

Before addressing the planning matters raised in the grounds of appeal, we acknowledge that a number of the Appellants have also sought an Oral Hearing of this application.

In response to this point we note that the absolute discretion to hold an Oral Hearing rests entirely with the Board.

Notwithstanding this, in the event that the Board consider an Oral Hearing would assist them in their understanding of the issues at hand, the Applicant would be happy to assist the Board in that regard.

3.2 Conservation / Built Heritage / Protected Structures

A number of Third Party Appeals have raised concerns regarding the approach to conservation and built heritage. The main concerns raised relate to: -

- Assessment of the historical significance existing buildings.
- The historic context / special setting of the area has not been taken into consideration.
- The extent of demolition and the loss of built heritage.
- Impact on the O'Connell Street Architectural Conservation Area (ACA) and the extent to the ACA.
- Reports on No. 10 – 25 Moore Street (buildings forming part of a number of motions by Members of Dublin City Council) (Note that Site 3 does not include these buildings).

3.2.1 Conservation Approach / Demolition

From the outset, we would highlight that the Applicant, Dublin Central GP Limited, has employed the expertise of a wide ranging design team, including significant input from conservation specialists, Molloy & Associates Conservation Architects¹. The Dublin Central project has been the subject of extensive new conservation research and analysis by Molloy & Associates Conservation Architects. This has informed the approach to both the Masterplan by way of Conservation Management Plan and the Site 3 proposal. The research and analysis by Molloy & Associates Conservation Architects of the buildings and setting of Site 3 has been extensive and has informed its Architectural Heritage Impact Assessment and the Environmental Impact Assessment Report (EIAR). The content of these assessments includes: -

Architectural Heritage Impact Assessment

- Introduction.
- Baseline Description.
- Statutory Protections.
- Historical Backgrounds.
- Statement of Significance (definition of significance and assignment per building).
- Development of Description (description of proposed works including conservation and repair works).
- Architectural Heritage Impact Assessment.
 - Part 1 – Consideration of statutory and non-statutory architectural heritage protection.
 - Part 2 – Anticipated singular and collective assessment of impacts.

¹ Archive and field research / recording and documentation carried out by Rob Goodbody BA(Mod), DipEP, DipABRC, MA, MUBC, MIPI and Sunni Goodson BA, Msc Conservation of Historic Buildings, HNC Interior Design.

Historic Urban Landscape Assessment by Dr. John Olley BEng, PhD.

Forensic Archaeology comprising the analysis of mortar and masonry by Dr. Jason Bolton MA, MIAI, PhD

Findings collated and opinions provided by Conservation Architects: -

Maol Íosa Molloy B.Arch., BSc.Arch., MUBC, Dip.Arb., MRIAI, RIBA, MCI.Arb., Grade 1 Conservation Architect.

Michael O'Boyle B.Arch., MUBC, FRIAI, Grade 1 Conservation Architect.

Shelley O'Donovan B.Arch., PGDip., MRIAI, RIBA accredited Conservation Architect, Grade 2 Conservation Architect.

- Summation.
- Appendices.
 - **A3.1: Conservation Plan & Appendices.**
 - A1 Archaeology and Cultural Heritage.
 - A2 Building Inventory, Description and Assessment.
 - A3 Historic Urban Landscape Assessment.
 - A4 The Urban Battlefield.
 - A5 Building Fabric Analysis Volume 1
 - A6 Building Fabric Analysis Volume 2
 - **A3.2: Chronological Drawings**
 - **A3.3 – 3.20: Building Inventory (Individual Buildings within Site 3.**
 - **A3.21: Schedule of Works**
 - **A3.22: Historic Building Materials Analysis Report – Sites 3, 4, 5**

EIAR Chapter 15: Cultural Heritage (Architectural)

- Assessment of the potential impact on architectural heritage for the Masterplan and Site 3 and cumulative development as appropriate.

Extensive structural survey and construction methodology work has been carried out by Murphy Surveys and Waterman Structural Engineers to ensure that the extent of existing buildings and basements to be retained and demolished is understood. All buildings proposed to be retained will be appropriately propped and supported during the construction phase.

Within Site 3, the planning drawings, prepared by MOLA Architects show the extent of existing historic fabric, at basement, upper floors and facades, on Henry Street and Moore Street, that is proposed to be integrated into the redevelopment proposal. Site 3 provides for the retention of existing historic built fabric, generally including: -

- **Nos. 36 and 37 Henry Street:** Partial retention, restoration and adaptive reuse of the existing basements, ground, 1st, 2nd and 3rd floor areas and upper floor facades (1st, 2nd & 3rd floors) fronting Henry Street, within proposed Block 3A.
- **Nos. 39 and 40 Henry Street:** Retention, restoration and adaptive reuse of upper floor facades at 2nd and 3rd floor levels, within proposed Block 3B.
- **Nos. 8 and 9 Moore Street:** Retention, restoration and adaptive reuse of the existing basement, ground, 1st and 2nd floor areas, internal walls and external façade of the existing 3 storey buildings. An existing staircase to the rear of Nos. 8 – 9 Moore Street, currently serving ground and 1st floors will be extended to provide access to the upper floors.
- **Nos. 11 – 13 Henry Place:** Retention, restoration and adaptive reuse of the existing ground and 1st floor area including façade retention.

BDP M&E Consulting Engineers have prepared services strategies to ensure that modern heating systems and other services are appropriately integrated into the building fabric.

It is suggested within a number of Third Party Appeals that Molloy & Associates Conservation Architects have no authority to provide an assessment of significance given they are part of the design team. Molloy & Associates Conservation Architects set out within the Architectural Heritage Impact Assessment the statutory mechanisms associated with the site (i.e. no building on the RPS, site within the O'Connell Street ACA) and go on to set out how they have approached the assessment of significance in response to the specific characteristics of the site. Reference is also made as to how ICOMOS Conservation Charters inform the assessment.

Furthermore, in terms of understanding the historic setting of the areas studies including the 'Historic Urban Landscape Assessment' by Dr. John Olley BEng, PhD and 'Baseline Assessment of 1916 and 1922 Battlefields' by Molloy & Associates Conservation Architects has informed the overall Dublin Central Masterplan and Site 3 proposal also (Refer to A3.1: Conservation Plan & Appendices).

The Planning Authority is satisfied that the strategy for proposed demolition across the site had been thoroughly investigated and justified. We note the conclusion of the Planner's Report that: -

"...buildings and facades worthy of retention have been retained whilst detailed inventories, including photographs, have been prepared for all structures proposed for demolition across the site."

The Conservation Department, while expressing some regret at the loss of existing plot delineation, acknowledges the balanced need for regeneration and reuse in this area. It generally welcomes the introduction of attractive residential units, retail units, an hotel, and associated amenities at the proposed development site. Furthermore, the Planning Officer considers the proposed development will: -

"...repair and retain facades that are of architectural interest and will result in improvements to the wider public realm, and re-instatement of historic routes and characteristic plot patterns."

It is noted that the Conservation Officer expresses some concern regarding the demolition of No. 38 Henry Street, the treatment of No. 41 Henry Street and the building height of Block 3A. The issues were consequently raised at Further Information stage. Following receipt of a comprehensive Further Information response by the Applicant, which identified the practicalities surrounding all of these issues, the Planning Authority found that: -

"...any demolition or redevelopment of the site can only be considered where the benefits are clearly identifiable and in this case, can be attributed to the development of the overall masterplan area and the benefits this will bring to this inner city area. In this case, through the introduction of a new full height access to the street, the benefits of the development of site 3, in combination with the wider development of the Dublin Central Masterplan site will likely extend beyond the realms of the site itself and will result in far reaching improvements across the area through the attraction of new investment not only in the retail and commercial sectors, but also through the attraction of residents into a new, high quality city quarter."

[Bold Font emphasis by SLA]

It is absolutely appreciated that the subject site is historically sensitive and we trust An Bord Pleanála can readily determine this to be the case from the content of the material provided by the Applicant and their team in relation to this matter. However, it is also our firm conviction that the proposed development strikes a reasonable and appropriate balance between the need to respond positively to the architectural built and cultural heritage, whilst also delivering implementable urban renewal at this strategic city centre site. The proposed development, having regard to expert conservation advice, makes reasonable provision for the appropriate and practicable integration of historic building fabric and street pattern, in accordance with the governmental guidance and statute in relation to conservation.

We refer to the Board detailed analysis of the heritage context and impact of Site 3 as detailed in the architectural heritage reports prepared by Molloy & Associates Conservation Architects, which accompanied the Planning Application.

3.2.2 Protected Structures

A number of the Third Party Appeals have referred to the lack of assessment of Protected Structures which are to be added to the record of Protected Structures within Site 3. Multiple references are made in the Third Party Appeals to motions of members of Dublin City Council to add buildings to the Record of Protected Structures. Many assert that by virtue of these motions that the buildings are deemed to have that protection. We would refute such an assertion.

We refer to Figure 2 above, which is an extract from Map E of the Dublin City Development Plan 2016 – 2022. It is respectfully submitted that there are no Protected Structures identified at Site 3 on the zoning map or listed in the current Dublin City Development Plan RPS. We would further note that the Draft Dublin City Development Plan 2022 – 2028 which has recently been on public display does not include any new additions to the RPS within Site 3. As such, notwithstanding the arguments presented by the Third Parties in this instance, the buildings in question within Site 3 are neither Protected Structures nor are they Proposed Protected Structures.

As set out above, while there are no Protected Structures within Site 3, the buildings or building fabric of particular heritage significance or interest have been sensitively retained and integrated where practically possible. For example, fabric of significance was found during the course of the extensive site investigations, arising in the identification of Nos. 8 – 9 Moore Street as 18th Century townhouses, resulting in its retention and careful incorporation in the scheme. The scheme where practically possible has incorporated buildings of significance noting that none of the buildings are designated Protected Structures. This approach has been accepted by the Planning Authority.

3.2.3 O'Connell Street ACA

The impact of Site 3 on the O'Connell Street ACA has also been raised by a number of Third Party Appeals. A comprehensive assessment of the impact on the proposed development on the ACA was submitted with the Planning Application. This included an assessment of the building height of the proposed development within the context of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

The Planning Application was accompanied by Landscape and Visual Impact Assessment (EIAR Chapter 12: Landscape & Visual Impact Assessment), prepared by ARC Architectural Consultants. The LVIA generally noted that on the O'Connell Street axis, visual impact is likely to range from 'none' to 'imperceptible', and becoming 'slight' to 'moderate' at locations near the Spire and the GPO and from Marlborough Street looking west up Cathedral Street. Visibility of Site 3 from these locations is likely to be largely confined to glimpses of the top of the proposed 9-storey hotel² in the backdrop of the existing and emerging pattern of development to the western side of Connell Street and north of the GPO.

Following a detailed response to the Request for Further Information, the Planning Authority drew the following conclusion with regard the LVIA: -

"The assessment of the EIAR in relation to Landscape and Visual Impacts concluded that it could not be confirmed that no significant adverse effects are likely to arise until such time as any additional information was submitted particularly in respect of View 5 which concerns views from Cathedral Street towards O'Connell Street. Concerns were raised regarding the potential impact of the height of Block 3A on the surrounding historic area and the O'Connell Street Architectural Conservation Area.

The applicant was requested to consider an appropriate decrease in the scale of the proposal in order to respect the scale and context of the historic area, and in particular the vista of O'Connell Street from Cathedral Street. The applicant, in their response reduced the overall height of Block 3A by 2.1m. As detailed in the assessment earlier in this report the Planning Authority consider that a further reduction in height through the removal of the upper storey, top floor, of the proposed block would be appropriate having regard to the sensitive setting and backdrop to the site.

² In granting Planning Permission Dublin City Council attached a condition to omit the top two floor of Block 3A – reducing the height to 7 storeys (Condition 6b).

Therefore, subject to a condition requiring this amendment, the Planning Authority is satisfied that no significant adverse effects are likely to arise as a result of the proposed development in respect of landscape and visual impacts."

[Bold Font emphasis by SLA]

It is respectfully submitted that the Site 3 development, is a fully justified and elaborated proposal which meets all of the requirements of the proper and sustainable planning of the area include adherence to architectural conservation principles. We refer the Board to the following reports that accompanied the Planning Application and which are important in understanding how Site 3 has been conceived, considered and further refined in order to ensure that it will make a positive contribution to the architectural and civic design quality in this context: -

- Architects Design Statement, prepared by MOLA Architects, provides an in-depth analysis of the site and surrounding historic and existing context, which has informed the architectural design of Site 3 .
- Architects Design Statement – Further Information Response, prepared by MOLA Architects, provides architectural description of the revised façade design of No. 41 Henry Street and a robust rationale for the complete demolition No. 38 Henry Place to facilitate the new passageway.
- Conservation Plan and Architectural Heritage Impact Assessment, prepared by Molloy & Associates Conservation Architects, which respectively describe the existing built environment at Site 3 and consider the impact of the proposed building on the architectural heritage and setting of the site and its surroundings.
- EIAR Chapter 15: Cultural Heritage (Architectural), prepared by Molloy & Associates Conservation Architects.
- EIAR Chapter 12: Landscape and Visual Impact Assessment, prepared by ARC Architectural Consultants, which includes a visual impact assessment of Site 3, having regard to the pattern of change and to the existing historic and urban landscape that characterises the site location.

3.3 National Monument & Ministerial Consent

A number of Third Party Appeals, including the appeals made by Colm O'Murchu, Mary Lou McDonald, Moore Street Preservation Trust, Patrick Cooney on behalf of Save 16 Moore Street Committee and Stephen Troy, raise concerns regarding works in proximity to the National Monument. Furthermore, these appeals highlight that no reference is made to the requirement for Ministerial Consent.

The National Monument is located at Nos. 14 – 17 Moore Street. The National Monument is **not within** the Site 3 application site.

As set out in the Planning Application Report (Section 6.4), prepared by Stephen Little & Associates, it is acknowledged in that, in line with the provisions of the National Monuments Act, 1930 (as amended), any development that alters the National Monument, or disturbs the ground around or in proximity to it, will require the appropriate Ministerial Consent under Section 14 of that legislation.

Ministerial Consent is a separate process and will be entered into prior to any works to or adjacent the National Monument. Again, for the avoidance of doubt, no work are proposed to or adjacent the National Monument at Site 3.

The Site 3 site enabling works and construction are not directly adjacent the National Monument. However, consideration has been given to the protection of the National Monument as set out in the Site 3 Outline Construction & Demolition Management Plan, prepared by Waterman Moylan Consulting Engineers in this respect and have been assessed and considered in the EIAR.

Prior to demolition of any existing buildings, an external survey control system is to be established around the site, including all protected structures, retained buildings, retained facades and the National Monument. This will be carried out using traditional closed traverse surveying techniques and will involve the setting up of sufficient external control stations to allow monitoring of the neighbouring structures during and after demolition.

We respectfully submit that no works are proposed to or adjacent the National Monument as part of the proposed redevelopment of Site 3. All necessary measure to protect the National Monument during the construction phase of Site 3, including demolition and enabling works, will be implemented. As such, no adverse impacts are anticipated to the integrity of the National Monument.

3.3.1 Extent of the National Monument

Nos. 14 – 17 Moore Street is a National Monument in State ownership and care, which is subject to a preservation order (PO) made under the National Monuments Acts 1930 to 2014 (PO No. 1/2007). In addition to this designation, it is also listed in the Record of Monuments and Places (RMP DU018-390) and in the Record of Protected Structures in the Dublin City Development Plan 2016 – 2022 (RPS Nos. 5282 – 5285).

A number of Third Party Appeals assert that the High Court has defined the extent of the National Monument as encompassing the battlefield beyond 14-17 Moore Street (*Moore v. Minister for Arts, Heritage and the Gaeltacht* [2016] IEHC 150). However, it should be duly noted that the Court of Appeal subsequently set aside the High Court ruling, finding that it was not within the jurisdiction of the courts to designate a national monument (*Moore v. Minister for Arts, Heritage and the Gaeltacht* [2018] IECA 28, pars. 46-49 and 61-65).

As such, the extent of the National Monument is as set out under PO No. 1/2007.

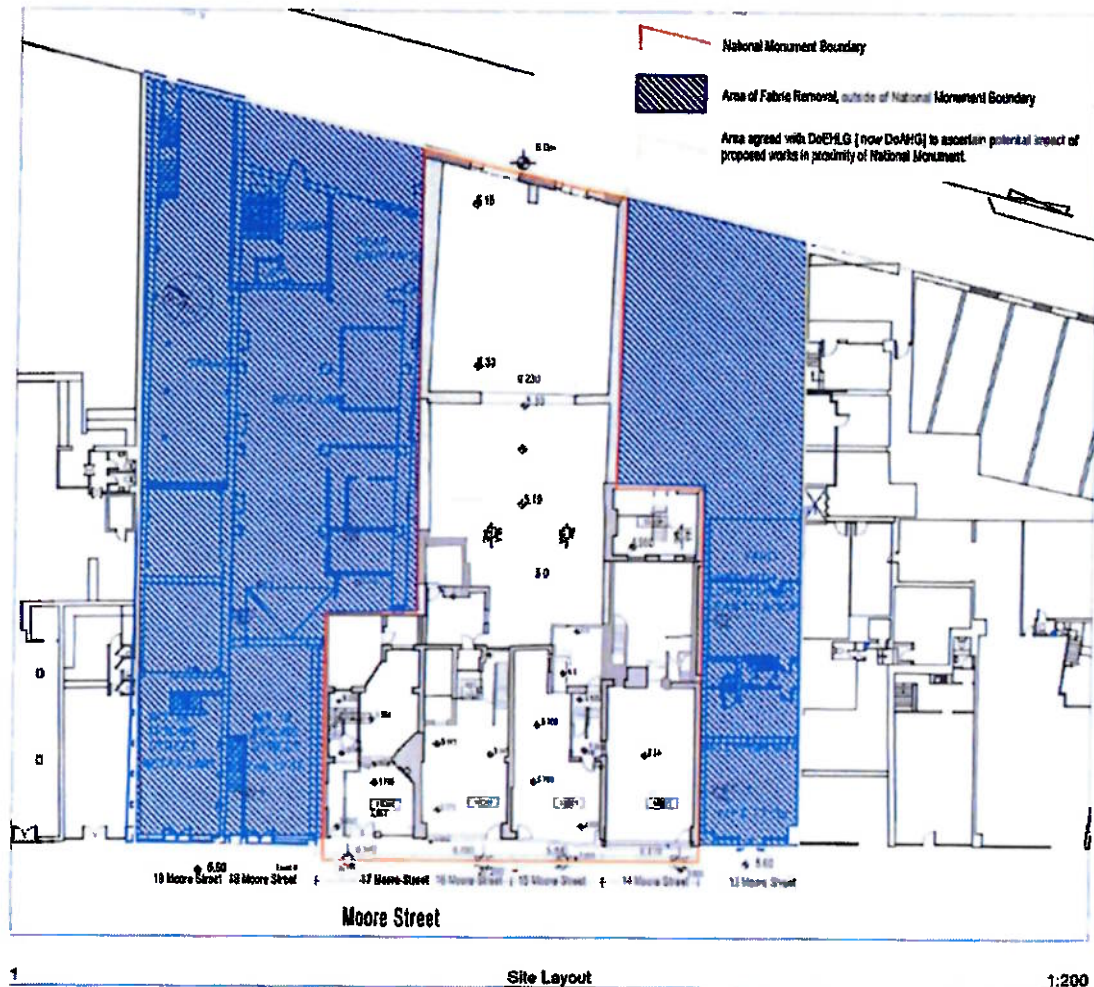


Figure 3: Delineation of the National Monument as including proximity zone under the existing Ministerial Consent (C392).

3.4 Design, Scale & Layout

A number of the Third Party Appeals have raised concerns that the design, scale and layout of the proposed development is out of context, in particular in the context of the National Monument (No. 14 -17 Moore Street).

In relation to layout and design, the Planning Officer generally concludes that: -

"...given the extent of the site, the overall design of the various blocks and elements respond satisfactorily to their surrounding and immediate environments. The retention of a number of facades along Henry Street within the development demonstrates an appreciation of historically important features which define this particular terrace. The modulation of the various buildings and the use of vertically emphasised windows to the hotel building introduces a subtle contemporary character to the area..."

[Bold Font emphasis by SLA]

The Planning Authority generally welcomes the modulation of massing and height across the site, whereby the massing of the overall development has been broken down into a number of smaller elements, respecting historic building height at street edges and plot widths, and the scale of the existing surrounding built environment.

The Planning Officer states that there is no objection in principle to western Block 3B, noting that *“when viewed in section adjacent to the historic GPO structure to the south, is broadly respectful of the overall scale and height of the building, and that of surrounding buildings.”*

Some concern is raised by the Planning Officer regarding the façade treatment of No. 41 Henry Street, which is considered a prominent site on the junction of Moore Street and Henry Street. As part of the Further Information response, revised elevation design and material finishes were proposed for No. 41 Henry Street. The Planning Authority considered that the revised proposal is *“a significant improvement on what was originally proposed.”* It was further noted that the proposal for No.41: -

“... whilst introducing a new and obvious increased scale to the corner of Henry Street and Moore Street, preserves, in some way, the former symmetry afforded by the chamfered profiles of the subject building and that of No. 42 Henry Street, opposite the site.”

The Conservation Officer raised some residual concern regarding the height of the proposed Site 3 hotel building. Her report states that whilst the *“proposed hotel within Block 3A incorporates a transitional approach to height across the site, there are reservations about the height as the building, which will be up to 9 storeys in the north western corner.”*

Ultimately, notwithstanding the height reduction measures proposed for hotel Block 3A by the Applicant at Further Information stage, the Planning Authority conditioned the omission of the top 2no. floors of Block 3A. The Planning Authority is satisfied that this design mitigation measure will appropriately: -

“...direct the maximum height of the overall development away from the north eastern corner of the site and away from the sensitive backdrop of O’Connell Street, the heart of the ACA area.”

We refer the Board to the MOLA Architectural Design Statement, submitted at planning application stage, which provides a clear illustration and description of the design context and evolution of Site 3. It covers the topics of building form, height and massing, architectural expression and materiality, amongst other detailed design matters. Furthermore, comprehensive landscaping proposal is set out in the Dublin Central Site 3 Landscape Planning Report and Drawings, prepared by GrossMax Landscape Architects, which accompanied the application.

We also refer the Board to the Further Information Architectural Design Statement, prepared by MOLA Architects, which sets out comprehensive design response to the concerns raised by the Planning Authority, in respect of design considerations for No. 41 Henry Street, justification for the demolition to No. 38 Henry Place to create a new permeable passageway, and proposed building height reduction to the Block 3A hotel building.

We respectfully submit that the design and layout of Site 3 respectfully responds to the site characteristics and context, and will make a significant positive contribution to the rejuvenation of this area of Henry Street / Moore Street / Henry Place.

3.5 Proposed Uses

3.5.1 Mixed Use

A number of the Third Party Appeals have raised concerns regarding the uses proposed within Site 3. They generally argue that adequate retail floor spaces already exists and that there is an overconcentration of hotels in the city centre. It is argued that the proposed mix of uses will not contribute to or generate activity or support the concept of day-to-night economy.

We respectfully submit that the ground floor plan in both Blocks 3A and 3B, largely comprise high quality retail ‘shop’ units (incl. at first floor level at Nos. 36 and 39 – 41 Henry Street), with an element of licensed café/restaurant and cultural use also proposed activating all street and lane frontages.

The upper floors of Block 3B comprise residential accommodation with associated residential amenity areas split between ground level and sixth floor level. The upper floors on Block 3A accommodate hotel bedrooms. A hotel restaurant / café and external terrace at roof level has potential to offer panoramic view over the City. However, this potential may now be somewhat compromised with the attachment of Condition 6(b) of the Council's decision, to omit the top 2 floors of Block 3A.

The mix of uses proposed at Site 3 (and within the wider Masterplan) are wholly in accordance with the Z5 land use zoning. They are appropriate for the creation of a vibrant and active city centre streetscape.

We would highlight that the Planning Authority considers the mix of uses proposed to be appropriate to this site, having regard to the site context and the Z5 (City Centre) land use zoning objective. The Planner's Report states: -

"The proposed distribution and concentration of these uses is therefore considered to be appropriate having regard to the site context. The retention of units fronting Henry Street and the majority of Moore Street in retail use is in accordance with Appendix 3 Retail strategy which seeks to strengthen the retail offer of the city centre, and land-use objectives within these Category 1 and Category 2 Streets will be in favour of higher order retail use at ground floor level. The option for café/restaurant uses within units 1, 4, 5 & 11 is also acceptable as it will complement the retail uses and provide services for future occupiers of the residential occupiers of not only site 3, but the remainder of the sites within the masterplan area."

[Bold Font emphasis by SLA]

Furthermore, the Planning Authority considers that the mix of uses across the Masterplan, and in particular the street level activation, would sustain activity throughout the day and night. Fáilte Ireland in making its submission on the planning application, identifies that the mix of uses proposed will strengthen the night-time economy, stating that: -

"The provision of extensive public realm enhancements and new public spaces in the city centre will support animation and increase dwell time. This will increase the destination's ability to maximise the economic benefits across multiple sectors including tourism."

We note that the net additional retail / commercial floor space (c. 2,216 sq. m) is not significantly higher than the existing retail / commercial uses (c. 1,719 sq. m) already within the site. We would submit that the change in terms of retail / commercial environment is unlikely to be adversely effected.

The proposal is significantly different to the previous permission at this site. It retains street facing retail and café uses and the existing street pattern formed by Henry Street, Henry Place and Moore Street. Further external street permeability and tight urban grain is provided by the proposed new passageway through Site 3.

3.5.2 Social & Affordable Housing

Colm O'Murchu, Diarmuid Breatnach and Mary Lou McDonald set out in their Third Party Appeals that no provision is made for social and affordable housing. On the contrary, a Part V Proposal accompanied the Planning Application and has been accepted, without prejudice, by the Planning Authority at this stage of the process. A Part V Condition was then attached to the Notification of Decision to Grant Permission, issued 12 January 2022. As such, the Applicant will appropriately meet its Part V obligations.

3.6 Comprehensive Response to Further Information

In the Third Party Appeal by Mary Lou McDonald, it is set out that the Applicant has not addressed all of the concerns raised by the Planning Authority as part of the Further Information request. It is stated that: -

"The Applicants were asked to by the Planning Authority to review the proposed new street from Henry Street to Henry Place, which includes the demolition of 38 Henry Street and it was suggested that a laneway would be preferable in keeping with the existing historic fabric of the laneways in this area. Henry Place was the laneway route taken by the GPO evacuees in 1916. The application has not altered the design to the suggested ground level arched access only and insisted on creating a new street."

Other Third Party Appellants, including the Moore Street Preservation Trust asserts that the demolition of No. 38 Henry Street is unnecessary.

The Planning Authority generally considers the principle of the new north-south laneway through the site to be acceptable in the interests of enhanced permeability. Notwithstanding, a request to further examine the practicality of retaining a portion of the upper floor fabric of No.38 together with the delivery of the new passageway, formed the basis of the further information request on this matter. This included an exploration of the possibility for design revisions to provide laneway access from No. 38 Henry Street to Henry Place at ground level only.

As part of the Further Information response, a comprehensive architectural design and conservation rationale was provided in support of the complete demolition of No. 38 Henry Street. The Planning Authority, following consideration of the rationale provided, considered that *"...on balance, the proposal to remove No. 38 Henry Street to provide for an open, unobstructed entrance to the site is the most appropriate option..."* The Planning Authority was also satisfied that the proposal is supported by the O'Connell Street Architectural Conservation Area (ACA), which includes an objective to develop new linkages to support pedestrian movement.

While it is acknowledged that the request for Further Information sought clarification on the use of 'ground level only', the Applicant has clearly demonstrated to the Planning Authority that the demolition of No. 38 Henry Place is, on balance, a more favourable and acceptable intervention.

We refer the Board to the Request for 'Further Information Dublin Central – Site 3 Report', prepared by MOLA Architects which addresses the provision of a new laneway through No. 38 Henry Place. We also refer the Board also to the Molloy & Associates Conservation Architects 'Further Information Response' (October 2021).

3.7 Construction / Traffic Management

A number of Third Party Appeals object to the development on grounds relating to construction and traffic management including appeals submitted by Colm O'Murchu, Dublin 1 Business Alliance, Diarmuid Breatnach, Mary Lou McDonald, Moore Street Traders, Patrick Cooney on behalf of Save 16 Moore Street Committee and Stephen Troy. We address these appeals as follows.

3.7.1 Duration of Permission

The duration of permission sought in this case is **7 years**, and not 15 years as presented by some Appellants.

3.7.2 Noise, Vibration & Dust

We refer the Board in the first instance to the Outline Construction & Demolition Management Plan (OCDMP), prepared by Waterman Moylan Consulting Engineers, which accompanied the Planning Application. This includes management of the construction process for Site 3 including appropriate mitigation measures for the control of noise, dust and vibration, amongst other matters. The following is an outline of the measures outlined in the OC&DMP: -

- Site Setup including but not limited to location of hoarding, location of site compound, access and egress into individual sites, crane strategy, parking provisions, services for the construction site (drainage, power etc.) and on site facilities (wheel washing, security etc.)
- Construction Methodology including but not limited to surveys required, approach to enabling works (demolition, excavation etc.), basement / foundations, superstructure and retention of existing building fabric where relevant.
- Construction & Demolition Waste including the management of all waste generated from the demolition and construction of each site.

- Protection of Existing Buildings including the retention of buildings / façade where relevant, exclusion zones (in particular adjacent No. 14 – 17 More Street – National Monument / Protected Structure) and movement monitoring programme.
- Control of **Noise, Dust and Vibration** including all appropriate mitigation measures.
- Approach to Archaeological Monitoring.
- Compliance with Building Control Regulations.
- Liaison with Third Parties.

The DCC Environmental Health Officer determined that “[the] construction management plan is compliant with the Air Quality Monitoring and Noise Control Unit’s Good Practice Guide for Construction and Demolition.”

On the appointment of a contractor, the OC&DMP will be updated and agreed with Dublin City Council (Condition 10 of the Notification of Grant of Permission by DCC) to ensure best construction practice is implemented, including the management of noise, dust and vibration.

Furthermore, in accordance with Condition 32 of the Notification of Grant of Permission by DCC, the mitigation measures set out in the EIAR shall be implemented. Chapter 11 – Noise & Vibration of the EIAR sets out detailed mitigation measures in relation to the control, as far as practicable, of noise, dust and vibration during the construction process.

3.7.3 Traffic Management

The Moore Street Traders contend that alternative construction access can be facilitated from O’Connell Street via the vacant plot (Nos. 41 – 57 O’Connell Street Upper).

We refer the Board to the Preliminary Construction Traffic Management Plan (PCTMP), prepared by Waterman Moylan Consulting Engineers, which accompanied the Planning Application. This was done in close consultation with Dublin City Council and its Roads and Transportation Departments.

It may be noted that the Preliminary Construction Traffic Management Plan provides a guide as to how construction traffic will be managed as part of any construction works. The final detailed Construction Traffic Management Plan will be prepared by the appointed Contractor for agreement with Dublin City Council at the appropriate time. It is normal practice that the Construction Traffic Management Plan is a live document, which is updated throughout the construction period to take account of any changes to the surrounding road network and/or other factors that might influence construction traffic. An appropriate condition (Condition 10) has been attached to the Council’s decision to this effect.

In the PCTMP two construction routes to the site have been identified both to Parnell Street. One would be via Summerhill and Parnell Street and the second preferred route via Dorset Street and Dominick Street Lower as shown in Figure 3 below. At pre-planning stage, the Planning Authority noted that construction access via O’Connell Street would be very challenging, in particular due to disruption to public transport facilities in proximity to the Masterplan site and thus not favourable.

Traffic and other movements on the road network during the construction phase will be managed by carrying out the works in a number of stages to a sequence to be prepared in conjunction with Dublin City Council and implemented by the main Contractor.



Figure 4: Emerging Haul Routes for Construction Traffic (Inbound in green and outbound in red) – See Chapter 13: Material Assets (Transportation) also.

As such, the two alternative scenarios of access via Parnell Street were developed in detail, based on clockwise and anti-clockwise circulation around the block bounded by Moore Street, O’Rahilly Parade and Moore Lane.

The preferred option is the anticlockwise circulation included the local traffic management proposals presented in Figure 3 above. Inbound access for the majority of construction vehicles is proposed from Parnell Street to Moore Street / O’Rahilly Parade and outbound departures from Moore Lane to Parnell Street. This preferred option was selected on the basis of a number of local constraints including: -

- The lack of a stacking lane on Parnell Street in advance of the left turn into Moore Lane should there be a delay entering Moore Lane for whatever reason.
- The restricted width of the left turn from Parnell Street around Conway’s public house into Moore Lane which could cause delays due to the slow deliberate turning for vehicles across a busy restricted area.
- The relatively easy right (and left) turns from Parnell Street to Moore Street.
- The availability of a stacking area for the right (and left) turns from Parnell Street into Moore Street.
- Local traffic management on Moore Lane would require the presence of temporary traffic signals and / or flagmen at different locations and at different times to facilitate vehicles passing depending on the movements in progress.

Arrivals are proposed from Parnell Street via Moore Street and O’Rahilly Parade. Some limited departures are proposed to O’Connell Street Upper via Henry Street up to 11h00 after which Henry Street is restricted to pedestrians only. The remaining departures are proposed to Parnell Street via Moore Lane.

Traffic and other movements on the road network during the construction phase will be managed by carrying out the works in a number of stages to a sequence to be prepared in conjunction with Dublin City Council and implemented by the main Contractor.

Alternative Access for Long Vehicles to Site 3

Arising from the restricted junctions at both ends of O’Rahilly Parade, an alternative part time access to Site 3 from Parnell Street via Moore Lane is also proposed. This access would be for long vehicles only and would operate in the mornings up to 11h00 as illustrated in Figure 4 below.

Long vehicles travelling south on Moore Lane would require the presence of temporary traffic signals and / or flagmen at different locations at different times depending on the movements in progress.

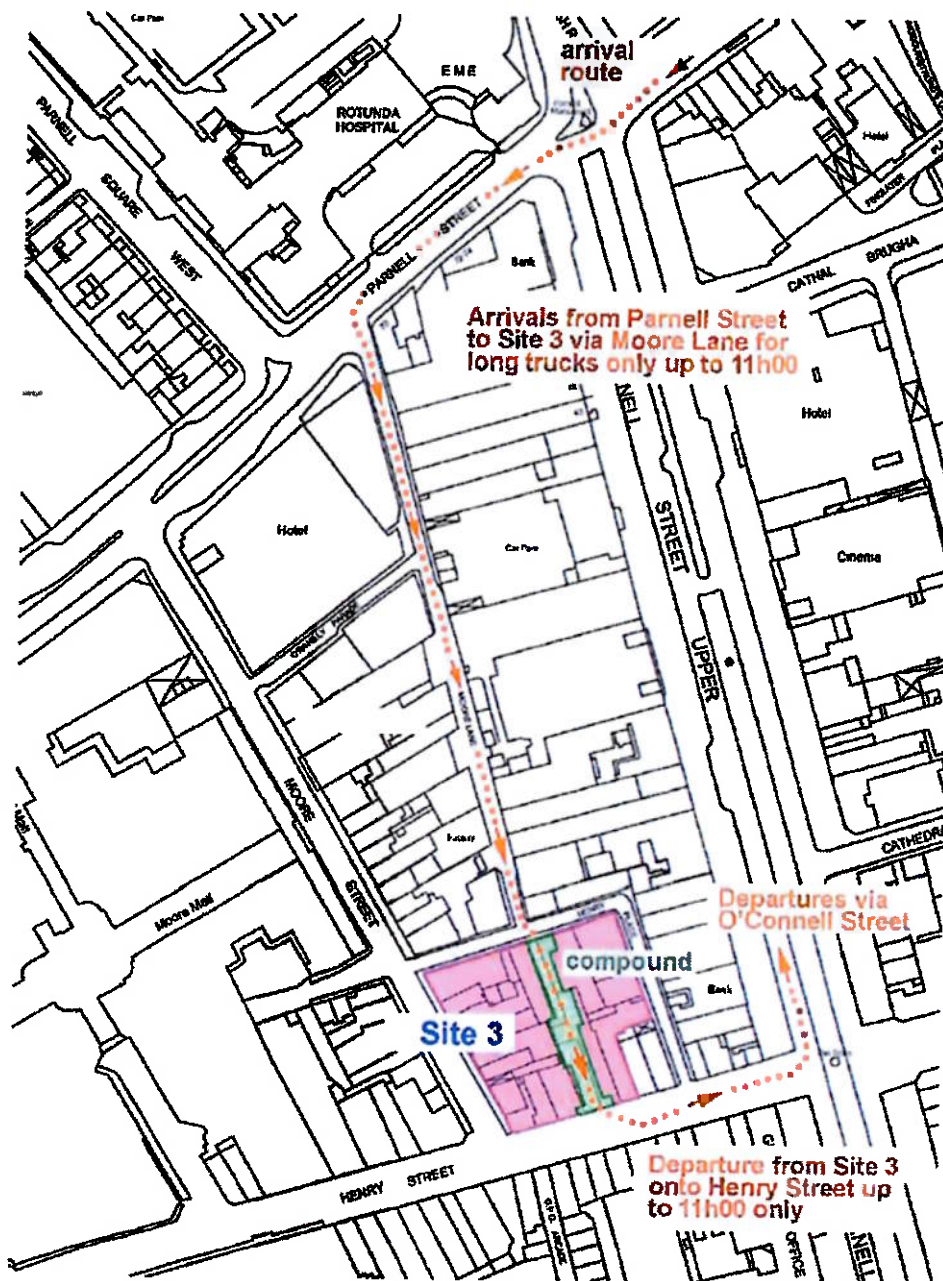


Figure 5: Alternative Access for Long Vehicles to Site 3 – See Chapter 13: Material Assets (Transportation) also.

Dublin City Council Roads Streets & Traffic Department Road Planning Division, in its Report to the Planning Department identifies that: -

"Extensive consultation occurred prior to the submission of this application with the Roadworks Control Division in order to ascertain the potential construction traffic routes for the proposed development. It is acknowledged however, that subject to the appointment of a contractor, a revised construction traffic management plan will be required to be approved and this is subject to ongoing reviews and consultation with the Roadworks Control Division during the demolition and construction stages."

[Bold Font emphasis by SLA]

As noted previously, on the appointment of a contractor, the PCTMP will be updated and the full details of the arrangements for construction traffic routes at all stages of demolition and construction agreed with Dublin City Council at the appropriate time (Condition 10 of the Notification of Grant of Permission by DCC). This is normal practice as the Construction Traffic Management Plan will be a live document that will be updated throughout the construction period and to take account of any changes to the surrounding road network or other factors that might influence the construction traffic.

3.7.4 Implementation of Conditions

The Dublin 1 Business Alliance and Moore Street Traders raise concerns regarding the nature of the conditions attached in the Council's Notification of Decision to Grant Permission. It is contended that Condition 20 relating to noise and air pollution is generic and difficult to enforce.

It is respectfully submitted that the implementation of the mitigation measures set out in the EIAR, as required under Condition 32 of the Notification of Grant of Permission, will ensure that best practice construction measures are implemented for this development at this site. Various technical criteria and limitations are set out in these mitigation measures.

It is further contended by the Dublin 1 Business Alliance that Condition 10, relating to construction and traffic management for Site 3, cannot be satisfied on the basis that construction and traffic management for Site 4 (DCC Reg. Ref. 2862/21 – granted permission) and Site 5 (DCC Reg. Ref. 2863/21 – subject to Further Information) must be considered also.

We refer the Board also to the Masterplan OC&DMP and Masterplan PCTMP, prepared by Waterman Moylan Consulting Engineers. This sets out how the construction of the entirety of Dublin Central Project will be appropriately managed on site. It provides a holistic approach to the construction strategy and management of the wider Dublin Central Project, including Sites 3, 4 & 5.

For clarification, each individual 'Site' application was then also accompanied by a site specific OC&DMP and PCTMP, prepared by Waterman Moylan, Consulting Engineers. This demonstrates how the 'site' is to be constructed and appropriately managed, both individually and in the holistic context of the Dublin Central Project. As such, the implementation of the individual OC&DMP is not dependent on the commencement of works on the other 'Sites'. As the works progress on individual sites the OC&DMP will be updated accordingly by the contractor in compliance with Condition 10, and in consultation with DCC.

It must be acknowledged that any significant redevelopment of Site 3 will result in some level of nuisance during the construction process, given its restricted urban, city centre site context.

Overall, it is the Applicant's intention to ensure that the appointed Contractor is made fully aware of the requirements to implement the mitigation measures set out in the EIAR, in particular in relation to the control of noise, dust and vibration during the construction process. As per the conditions of the grant of permission, a Construction Management Plan, Construction & Demolition Management Plan and Construction Traffic Management Plan will be updated on appointment of the Main Contractor and agreed with Dublin City Council in advance of the commencement of works. This is standard practice and will ensure the demolition and construction phase of Site 3, individually and in the context of the wider Dublin Central masterplan, is appropriately managed.

3.8 Archaeology

A number of Third Party Appeals object to the development on grounds relating archaeological impact, including appeals submitted by Moore Street Preservation Trust and Patrick Cooney on behalf of Save 16 Moore Street Committee. We wish to address these appeals as follows.

Moore Street Preservation Trust state that: -

"The masterplan site has the possibility of becoming another 'Wood Quay' and it is the Trust's opinion that a planning decision should not be made without the full facts and that would have entailed a comprehensive archaeological report for the area. Instead the Council has relied on the developer appointing its own Archaeologist while on site and reporting to the Council."

We note from Zoning Map E of the Development Plan that the north eastern corner of Site 3 falls within a Zone of Archaeological Interest (See Figure 2 above).

A portion of Site 3, located approximately west of No. 43 to No. 60 O'Connell Street Upper, is part of a Zone of Archaeological Potential (ZAP) for Dublin (RMP DU018-020). The wider Dublin Central masterplan area then lies to the south of a possible Viking cemetery (RMPDU018-020495), to the north of what was the precinct of St Mary's Cistercian Abbey (RMP DU18-02048), and an 18th century brickfield (RMP DU018-020506) is identified to the west.

We refer the Board to the enclosed Archaeological Impact Assessment and EIAR Chapter 15: Cultural Heritage (Archaeological), prepared by Courtney Deery Heritage Consultancy. The Report generally concludes that there will be a direct impact on any subsurface archaeological features that might be encountered during earthmoving works within Site 3. It is recommended by way of mitigation that all excavation associated with Site 3 is monitored by a suitably qualified archaeologist. The EIAR Chapter include a suite of standard mitigation measure to be implemented.

The Department of Housing, Local Government and Heritage in its submission on the Planning Application noted that they are satisfied with the approach to archaeology and recommended condition be applied to any grant of permission.

The Planning Authority considers the issue of archaeology to have been adequately addressed.

Given that Site 3 is already developed, it is not possible to carry out subsurface archaeological testing prior to the opening up or demolition of the existing buildings. Permission is required to condition such further investigation on site. As such, Condition 9 of the Notification of Grant of Permission by DCC will ensure the appropriate archaeological resolution of Site 3.

3.9 Impact on Market Traders

A number of Third Party Appeals object to the development on grounds that the proposed development will have significant effects on the Moore Street Markets.

Issues are raised regarding the impact of construction related impacts such as noise, vibration, dust and traffic. This has been discussed in Section 3.7 above. Any significant redevelopment of the site will give rise to some construction nuisance effects. Subject to the implementation of best practice construction mitigation such nuisance will be controlled as far as practically possible.

The Applicant has met the Moore Street traders on numerous occasions prior to making the planning application, both directly and via the Government appointed Moore Street Advisory Group (MSAG). The MSAG proposed a process be established to address trading issues arising during the construction phase.

As per Condition 30 of the Notification of Grant of Permission, the Applicant is committed to participating in that process under the leadership of Dublin City Council as the owner and licensor of the street market.

3.10 Planning Procedure (Multiple Planning Application, Scale Model)

A number of Third Party Appeals object to the development on grounds of procedural issues during the planning application process. We address these appeals as follows.

3.10.1 Masterplan

A number of the Appellants have suggested that the Applicant's overall intentions are unclear. We respectfully submit that that is simply not incorrect. We appreciate that there was a significant volume of material presented with this application and it may have been missed by some parties due to this.

At Section 1.5 of the Planning Application Report prepared by Stephen Little & Associates we set out an *Application Documents and Wayfinding* so as to assist all parties in navigating the material being submitted and to make it easier for interested parties to identify the document(s) of most interest to them. The following is the key extract from Section 1.5: -

"There are two suites of documents being submitted with this planning application. The first relate to the Dublin Central Masterplan. The second relate to the development proposed at Site 3 of the Dublin Central Masterplan.

The material enclosed with regard to the Dublin Central Masterplan are enclosed for information purposes with this planning application in order to demonstrate to the Planning Authority and to interested third parties and prescribed bodies how the proposals for Site 3 sit within the wider proposals by the Applicant for this significant urban regeneration project.

The suite of material accompanying the Site 3 proposals are that for which permission is now being sought. For clarity and to assist the reader, the documents relating to the Site 3 development are set out under Section 1.5.2 below.

1.5.1 Dublin Central Masterplan and Sitewide Plans and Particulars

1. *Masterplan Design Statement, prepared by ACME Architects.*
2. *Masterplan Schedule of Accommodation, prepared by ACME Architects.*
3. *Masterplan Landscape Planning Report & Drawings, prepared by GrossMax Landscape Architects.*
4. *Masterplan Conservation Plan, prepared by Molloy & Associates Conservation Architects.*
5. *Masterplan Servicing Strategy Report, prepared by SWECO Engineering Consultants.*
6. *Overall Development Transport Assessment – Volume 3, prepared by Waterman Moylan Consulting Engineers Limited.*
7. *Preliminary Construction Traffic Management Plan, prepared by Waterman Moylan Consulting Engineers Limited.*
8. *Masterplan Outline Construction & Demolition Management Plan, prepared by Waterman Moylan Consulting Engineers Limited.*
9. *Overall Development – Basement Impact Assessment, prepared by Waterman Structures Limited.*
10. *Scenario Testing & Design Development Report, prepared by Space Syntax."*

It is evident from the above quote, and also from the material on file that the proposals by the Applicant for the combined Dublin Central project were set out very clearly as part of the planning application.

3.10.2 Multiple Planning Applications

A number of the Third Party Appeals raise concerns that the submission of multiple planning application concurrently has been confusing and makes it difficult to interpret the full scale of the combined projects.

The Planning & Development Act 2000 (as amended) does not preclude an Applicant from submitting more than one planning application at one time. It is not uncommon practice. The Applicant has been fully transparent with its future proposals within the wider masterplan area. It has submitted an EIAR and Appropriate Assessment Screening, amongst other assessments, with the Planning Application that considers the individual and cumulative / in-combination effects of the project.

The Applicant has been forthright with the rationale for taking the approach of submitting separate Planning Applications for the individual sites within the Dublin Central Masterplan. This was comprehensively explained in the Planning Application Report, prepared by Stephen Little and Associates, which accompanied the Planning Application. The Key factors are: -

- Phasing and construction constraints.
- Viability – The ability to secure planning for individual blocks allows maximum flexibility to adapt funding streams if required. It also means changes in the market can be more readily absorbed if one phase were to be delayed for any unforeseen reasons (including any prolonging of the current pandemic, or other delays outside the Applicant's control).
- The ongoing discussions between the Applicant and Transport Infrastructure Ireland (TII) regarding TII proposals to deliver a proposed Metrolink Station in the area below ground in Site 2AB and Site 2C which will necessitate Metro Enabling Works (MEW) to be undertaken by the Applicant.

Being able to progress the development in individual stages within the Masterplan area means that the risk of delay on one site can be absorbed and progress can be made on other elements that can proceed independently.

The Planning Application was received and validated by the Planning Authority in accordance with the requirements of the Planning and Development Act 2000 (as amended) and associated Planning and Development Regulations 2001 (as amended).

3.10.3 References in the Notices to the Scale Model

A number of the Third Party Appeals raise concerns that the Significant Further Information Notices, published on 9 November 2021, did not expressly state that a scale model had been produced and was on display in Dublin City Council office.

In response, we respectfully submit that there is no such requirement in the Planning & Development Regulation 2001, as amended, to make statements to this effect. The Significant Further Information Notices were set out in accordance with Schedule 3, Form No. 4 of the Planning & Development Regulation 2001, as amended.

The Significant Further Information response was received and validated by the Planning Authority in accordance with the requirements of the Planning and Development Act 2000 (as amended) and associated Planning and Development Regulations 2001 (as amended).

We would also comment that it was a matter of public record for many months that the Planning Authority had requested a physical model in this case as part of the Request for Further Information. As such, it is unreasonable to imply that Third Parties would not have been aware of the scale model. Furthermore, as the Board will see from correspondence on file, many of the Third Parties did in fact make further submissions to the Planning Authority on foot of the statutory notices being published / erected and had clearly reviewed the material on file. That material clearly pointed to the fact a model was submitted in this case.

3.11 Alternative Proposals

A number of Third Party Appeals object to the development on grounds that, in their opinion, more suitable alternatives should be considered for the development of the general Moore Street area, including appeals submitted by Colm O'Murchu, Diarmuid Breatnach, Mary Lou McDonald, Moore Street Traders, Patrick Cooney on behalf of Save 16 Moore Street Committee and Stephen Troy.

The proposed development (Site 3) within the context of the Dublin Central Masterplan will see the redevelopment and rejuvenation of lands broadly bound by Moore Street, Henry Place and Henry Street.

The Applicant has put forward a proposal for development following c. 24 months of detailed and constructive engagement with the Planning Authority (See Appendix I) culminating in a Notification of Grant of Permission by DCC on 12 January 2022.

The Planning Authority has assessed the proposal put in front of it by way of a Planning Application under Section 34 of the Planning & Development Act 2000, as amended. It has considered the 'Alternatives' in Chapter 4 of the EIAR that accompanied the Planning Application.

It must be noted that the Applicant has employed an experienced multi-disciplinary team in developing its proposals considering all complexities within its context, across the Masterplan area as well as within the subject site itself. Primary design considerations such as heritage and architectural considerations have underpinned the Site 3 proposals. These are in addition to but not limited to design consideration relating to servicing and waste management strategies, fire access, disabled access, pedestrian movement, public transport, public safety, anti-terrorism, security and sustainability.

Whilst it is evident that many of the Third Parties have expended huge time and effort in compiling alternative concepts, this is entirely academic as the Applicant has made a planning application in this case on lands they own and it is that development which An Bord Pleanála is being asked to assess. As a result, with the greatest of respect to the work undertaken by others any reference to other potential uses for the area / alternative projects by Third Parties has no bearing on the assessment of the proposed development subject of this planning application or the decision of the Planning Authority.

4 POSITIVE ASSESSMENT OF THE PROPOSED DEVELOPMENT BY DUBLIN CITY COUNCIL

The preceding section of this Report set out the ground of appeal raised by the various Third Party Appellants. Where relevant we have identified the positive assessment of the Planning Officer and other DCC Department in responding to the issues raised within our responses.

For the information of the Board, we identify below the further positive attributes of the proposed development, as assessed by the Planning Authority.

4.1 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020

The Planning Authority is satisfied that the majority of the apartments meet the design standards as set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020.

At further information stage, some concern was raised by the Planning Authority regarding daylight / sunlight availability within a limited number of instances, including at apartment B-03-07 and the proposed single aspect, north facing studios (B-01-11 and B-02-15,) within Block 3B.

The Applicant clarified the quantum of internal amenity within the scheme and daylight / sunlight access to the certain apartments as part of the response to Further Information request. The Planning Authority was subsequently satisfied that the relevant standards are satisfactorily achieved to protect residential amenity.

4.2 Materials and Finishes

The Planning Authority generally considers the materials and finishes proposed to be acceptable. It also states that: -

"The Planning Authority welcomes the reclamation of historic setts and considers their use on this part of the masterplan site as an effective way to return some of the historic character back to this laneway and define Site 3 as a gateway to the wider masterplan area."

4.3 Shopfronts and Signage

The Planning Authority is satisfied that the shopfronts and signage proposals are acceptable, noting favourably that: -

"It is considered that the enhanced shopfronts to the development will be consistent with this objective and replace the haphazard approach to shopfronts, particularly on Moore Street."

[Bold Font emphasis by SLA]

4.4 Landscaping / Public Realm

The Planning Authority is satisfied that the landscaping strategy for the site has been appropriately considered.

4.5 Daylight and Sunlight

The Planning Authority is generally satisfied that the assessment of daylight and sunlight delivers acceptable results and amenity.

4.6 Compliance with Wider Planning Policy

4.6.1 Density

The Planning Authority considers the proposed density acceptable, in providing for sustainable regeneration and consolidation of development on a brownfield, accessible city centre site.

4.6.2 Housing

The Planning Authority welcomes the proposed housing provision at upper floors at this city centre site. This is considered to be compliant with national, regional, and local planning policy, regarding enhanced housing provision at a brownfield site, located within a central location, with access to convenient and high frequency public transport and other services.

4.6.3 Retail

The Planning Authority welcomes the proposed retail use as being appropriate, having regard to Appendix 3 of the Dublin City Development Plan 2016 – 2022. Furthermore, in accordance with the Reimagining Dublin One strategy document, the Planning Authority considers: -

“...that the subject development will contribute towards the enhancement of a number of laneways in the vicinity of the site, including the creation of a new laneway to further enhance the offering to the Dublin 1 area.”

[Bold Font emphasis by SLA]

4.6.4 City Economy

The Planning Authority considers the proposed development will support economic development, enterprise, and employment growth. In relation to the city's economy, the Planner's Report generally favourably concludes that: -

“...the proposed development will provide a comprehensive redevelopment of the wider masterplan area bringing a number of underutilised buildings into use through a diverse scheme of demolition, adaptive reuse as well as façade retention thus broadly complying with these overarching policies.”

[Bold Font emphasis by SLA]

4.7 Drainage

No objection from the Drainage Department subject to conditions.

4.8 Transportation

The quantum of bicycle parking provided is acceptable to the Transportation Department. Clarification was sought with regard the exact location, type, and number of bicycle parking spaces to server the proposed development. The Transportation Department considered that the clarification provided as part of the Applicant's Further Information response was acceptable.

4.9 Appropriate Assessment

The Planning Authority concurs that the information set out in the Applicant's Appropriate Assessment Screening Report is satisfactory and that the proposed development would not be likely to have a significant environmental effect, individually or in combination with other plans or projects, on a European site.

4.10 Environmental Impact Assessment (EIA)

The Planning Authority considers that *"the majority of environmental effects arising as a consequence of the proposed development have been satisfactorily identified and assessed."*

Minor updates were made to the EIAR arising from the adjustments to the scheme as a result of the Further Information request. The Planning Authority generally concluded that: -

"...it is considered that subject to mitigation and monitoring measures as set out in the relevant documents, this development may proceed, without detriment to the environment."

[Bold Font emphasis by SLA]

Condition 32 attached to the grant of permission ensures that the EIAR mitigation measures will be adhered to in the implementation of the permitted development.

5 CONCLUSION

The proposed development has been carefully conceived, having regard to the statutory planning context, to the specific context and character of the site and to the potential development at the surrounding regeneration areas.

The proposal currently before the Board has been the subject of in-depth assessment by both the Applicant and Dublin City Council.

Both the Applicant and Dublin City Council concur that the proposed development successfully provides for the rejuvenation of a significant brownfield site in Dublin City centre.

We do not consider that the Third Party Appeals raise any significant new issues that the Applicant and the Planning Authority have not already comprehensively dealt with through the Planning Application and Further Information process.

It remains our opinion that the proposed development is compliant with the Government and Dublin City Council policy guidance on strategic regeneration development in city centre locations. This includes the policies, objectives and design standards for mixed-use development in close proximity to several public transport nodes, to cater for a recognised demand for residential, retail, retail service, hotel and cultural uses.

We would continue to maintain that the proposed development represents a well-considered design and layout that responds appropriately to context and is sympathetic to historic context and the ACA, neighbouring protected structures in terms building height, form and materials. No significant adverse planning impacts or long term environmental effects are predicted arising from the proposed development.

Subject to consideration also of our First Party Appeal relating to the duration of permission, we trust that the Board will see fit to uphold the Council's decision to grant permission for the proposed development. This is appropriate on the grounds that: -

- Site 3 represents an exceptional opportunity to provide a mixed use development that will act as a catalyst for the regeneration of O'Connell Street and will result in a radical, empathetic and positive impact upon the social and economic framework of the north inner city.
- Site 3 is located on a prominent site from a citywide perspective.
- Site 3 successfully integrates existing built fabric of architectural and cultural heritage interest with contemporary and innovative design, within an ACA.
- Site 3 complies with the zoning objectives of the site. It provides vibrant, mixed use development on lands zoned 'Z5' use.
- Site 3 will provide additional amenities including complimentary retail and café / restaurant floorspaces which will provide wider variety a diversity of attraction in the retail core.
- The proposal provides a new marker building at the junction of Moore Street and Henry Street.
- Site 3 increases activity on Henry Place, including access to the high quality hotel and residential elements, and a new passageway (laneway) connecting Henry Place with Henry Street.
- The site is exceptionally well served by high frequency, high capacity bus and rail services. This ensure that Site 3 is entirely suitable for the provision of both residential and hotel uses.
- The proposed residential units include 'Build-to-Rent' apartments. The development site is suitable for this type of unit, being centrally located and within walking distance of key employment, retail, leisure and other services of Dublin city centre.
- The hotel and café / restaurant uses will ensure that activity is maintained during the day and into the evening / night time. This will in turn support the local economy in terms of local spending and generation of jobs.
- Site 3, including the Masterplan, has been subject of comprehensive design and environmental assessment, Appropriate Assessment Screening and an Environmental Impact Assessment

Report, to ensure that it is representative of sustainable mixed-use development that meets the needs of existing and future generations.

- Site 3 consolidates growth within Dublin city, providing a development with a sustainable density which utilises a site which is underutilised / brownfield.
- Through offering a more dynamic retail, food & beverage and leisure offering in the city centre, Site 3 provides an opportunity in the Dublin City Retail Core to evolve in a mixed-use sustainable manner and create a destination for people to linger, stay, live, shop, work and socialise during the day and at night time.
- Residential apartments are included in the mix of uses, which is appropriate to delivering housing and in particular secure long term rental accommodation in the city centre.
- A sensitive design approach, the conservation and adaption of buildings of heritage significance, provision of retail, cultural, café / restaurant, residential and use, balanced with the reasonable protection of the architectural and civic character of the surrounding area, in accordance with the objectives of the current Dublin City Development Plan and the proper planning and development of the area.
- The design approach achieves optimum use of a site which has its own inherent constraints. The proposal will contribute to the creation of a dynamic, high-density mixed-use development in this strategic urban regeneration site.
- Site 3 is consistent with national, regional and local strategic planning policy as expressed in the National Planning Framework, Regional Spatial and Economic Strategy (and Dublin Metropolitan Strategic Plan), the Core Strategy of the Development Plan and all the relevant Ministerial Guidelines, and otherwise with the statutory policies and objectives of the Dublin City Development Plan.

We request that correspondence relating to this appeal be addressed to this office.

STEPHEN LITTLE & ASSOCIATES
14 March 2022

