

Lisa Quinn

From: Appeals2
Sent: Thursday, January 11, 2024 12:38 PM
To: Lisa Quinn; Lita Clarke
Subject: FW: ABP Ref. 312603-22 - Response to Section 137 Request - Dublin Central Site 3
Attachments: 20035 Cover Letter DC S3 Section 137 request.pdf; 20035 DCP Site 3_S137 Response_FINAL 11012024.pdf; 20020_ABP_FL_SITE 3A_RPS REF 8906.pdf; DC-MLA-3X-ZZ-M3-A-40-0401.pdf; DC-MLA-3X-ZZ-M3-A-40-0402.pdf; DCC CE Report_4-8 Henry Place_27 Oct 2022.pdf

From: Naoise O'Connor [REDACTED]
Sent: Thursday, January 11, 2024 12:30 PM
To: Appeals2 <appeals@pleanala.ie>; Bord <bord@pleanala.ie>
Cc: SLA Dublin Central [REDACTED]
Subject: ABP Ref. 312603-22 - Response to Section 137 Request - Dublin Central Site 3

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 response to the Section 137 request for ABP Ref 312603-22 as issued by An Board Pleanála on the 13th December 2023.

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.

Kind Regards,

Naoise O'Connor
Assistant Planner
STEPHEN LITTLE & ASSOCIATES
Chartered Town Planners & Development Consultants
26/27 Upper Pembroke Street,
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SLA | **Stephen Little & Associates**

The SLA team have embraced hybrid working and continue to engage with our clients and colleagues in the industry through this new arrangement.

We value our team and are seeking to maintain/improve an appropriate Work/Life balance. As such, whilst it may suit us to respond on occasion, please do not anticipate a response to your email outside of normal working hours as the norm.

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

Our Ref. 20035

11 January 2024

RE: RESPONSE TO SECTION 137 REQUEST

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,

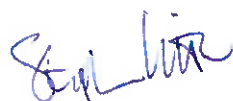
We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upper Pembroke Street, Dublin 2, D02 X361 are instructed by our Client (the Applicant), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576 to submit this response to the section 137 request as issued by An Board Pleanála on the 13th December 2023. The following documents are enclosed with this response:

- Response to Section 137 Report, Prepared by Stephen Little and Associates;
- Response to Addition of Buildings to RPS, Prepared by MOLA Architecture;
- Drawing no. DC-MLA-3X-ZZ-M3-A-40-0401, Prepared by MOLA Architecture;
- Drawing no. DC-MLA-3X-ZZ-M3-A-40-0402, Prepared by MOLA Architecture;
- 4-8 Henry Place, Report from DCC Chief Executive, 27th October 2022.

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,



Stephen Little,

Managing Director

STEPHEN LITTLE & ASSOCIATES

Response to
Section 137
Request
Dublin Central
– Site 3

ABP-312603-22

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

JANUARY 2024

Document Control: -

Author	Checked by	Purpose	Date
NOC	EMP	FINAL	11.01.2024

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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 response to a Section 137 request by An Bord Pleanála for further information in the case of appeal reference 312603-22, pertaining to mixed use regeneration of Hotel, Retail, Restaurant/Café, Residential & Cultural Uses, at Nos. 36 – 41 Henry Street, Nos. 1 – 9 Moore Street and Nos. 3 – 13 Henry Place, Dublin 1 (aka Dublin Central Site 3).

This submission is made on behalf of the Applicant / 1st Party, Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands, Dublin 2, D02 X576 (hereafter referred to as 'The Applicant').

The content of this Report responds to a letter from An Bord Pleanála, dated 13 December 2023, inviting the Applicant to make comments on matters that may be of relevance to the proposed development by reference to changes and/or any wider provisions of the **Dublin City Development Plan 2022-2028**, that came into force since the lodgement of the appeal now before the board (ABP-31603-22).

It is worth re-highlighting that the proposed development at Site 3 was prepared in the context of a Masterplan for the entire Dublin Central site, which is underpinned by the Dublin Central Masterplan Area Conservation Management Plan prepared by Molloy & Associates Conservation Architects. The Conservation Management Plan considered all historic buildings / building fabric, whether listed on the Record of Protected Structures or not listed at the time the Site 3 application or the associated appeal was made.

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. The model was then furnished to An Bord Pleanála at appeal stage.

In response to the Board's invitation, we identify in Section 2 below the relevant policy provisions of the current Dublin City Development Plan 2022-2028 and the Applicant's response in respect of how the proposed development is consistent with same.

2 DUBLIN CITY COUNCIL DEVELOPMENT PLAN 2022 – 2028

The current Dublin City Development Plan 2022-2028 came in to effect on 14th December 2022, after the Site 3 appeal was made to the Board. This section of our report provides a high level overview of the Chapters identified by the Board and the relevant associated policies / objectives, followed by our assessment of how the proposed scheme is consistent with same.

2.1 Chapter 4 – Shape and Structure of the City

2.1.1 Relevant Policies / Objectives

Policy SC1: Consolidation of the Inner City

To consolidate and enhance the inner city, promote compact growth and maximise opportunities provided by existing and proposed public transport by linking the critical mass of existing and emerging communities such as Docklands, Heuston Quarter, Grangegorman, Stoneybatter, Smithfield, the Liberties, the North East Inner City and the south and north Georgian cores with each other, and to other regeneration areas.

Policy SC2: City's Character

To develop the city's character by:

- Cherishing and enhancing Dublin's renowned streets, civic spaces and squares;*
- Developing a sustainable network of safe, clean, attractive streets, pedestrian routes and large pedestrian zones lanes and cycleways in order to make the city more coherent and navigable and creating further new streets as part of the public realm when the opportunities arise;*

- *Protecting the grain, scale and vitality of city streets and encouraging the development of appropriate and sustainable building heights to ensure efficient use of resources, services and public transport infrastructure and that protects the heritage and natural assets of the city;*
- *Revitalising the north and south Georgian squares and their environs and realising their residential potential;*
- *Upgrading Dame Street/College Green as part of the Grand Civic Spine;*
- *Promoting the development of Moore Street and the Parnell Quarter as major new cultural and historical attractions for the city.*

Policy SC3: Mixed Use Development

To promote a mixed-use land use policy in the city centre, including the provision of high quality, sustainable residential development, and facilitating the conversion of both old office buildings and over shop spaces to residential.

Policy: SC4: Recreational and Cultural Events

To promote and support a variety of recreational and cultural events in the city's civic spaces; as well as the development of new and the retention and enhancement of existing civic and cultural spaces.

Policy SC5: Urban Design and Architectural Principles

To promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure Dublin is a healthy and attractive city to live, work, visit and study in.

Policy SC10: Urban Density

To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide and any amendment thereof.

Policy SC11: Compact Growth

In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:

- *Enhance the urban form and spatial structure of the city;*
- *Be appropriate to their context and respect the established character of the area;*
- *Include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;*
- *Be supported by a full range of social and community infrastructure such as schools, shops and recreational areas;*
- *and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.*

Policy SC12: Housing Mix

To promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.

Policy SC14: Building Height Strategy

To ensure a strategic approach to building height in the city that accords with the Urban Development and Building Height Guidelines for Planning Authorities (2018) and in particular, SPPR 1 to 4

Policy SC15: Building Height Uses

To support the development of an adequate mix of uses in proposals for larger scale development which are increasing height or proposing a taller building in accordance with SPPR 2.

Policy SC16: Building Height Locations

To recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre, Strategic Development Zones, Strategic Development Regeneration Areas, Key Urban Villages and other locations as identified in Appendix 3, provided that proposals ensure a balance with the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area

Policy SC17: Building Height

To protect and enhance the skyline of the city, and to ensure that all proposals with enhanced scale and height:

- *Follow a design led approach;*
- *Include a masterplan for any site over 0.5ha (in accordance with the criteria for assessment set out in Appendix 3);*
- *Make a positive contribution to the urban character of the city and that responds positively to the existing or emerging context;*
- *Deliver vibrant and equitable neighbourhoods that are walkable, compact, green, accessible, mixed and balanced;*
- *Do not affect the safety of aircraft operations at Dublin Airport (including craneage); and*
- *have regard to the performance-based criteria set out in Appendix 3.*

All new proposals in the inner city must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas and civic spaces of local and citywide importance.

Policy SC18: Landmark/Tall Buildings

To promote a co-ordinated approach to the provision of landmark/tall buildings through Local Area Plans, Strategic Development Zones and the Strategic Development and Regeneration Area principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline and that such proposals comply with the performance based criteria set out in Appendix 3

Policy SC19: High Quality Architecture

To promote development which positively contributes to the city's built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods.

Policy SC20: Urban Design

Promote the guidance principles set out in the Urban Design Manual – A Best Practice Guide and in the Design Manual for Urban Roads and Streets (2019).

Policy SC21: Architectural Design

To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's character and which mitigates and is resilient to, the impacts of climate change.

Policy SC22: Historical Architectural Character

To promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures.

2.1.2 Applicant's Response**2.1.2.1 High Quality Regeneration & Heritage Protection**

We refer the Board also to section 2.8 of this response, for further discussion on regeneration in the specific context of the Strategic Development and Regeneration Area (SDRA 10 North East Inner City - O'Connell Street – Moore Street Civic/Cultural Hub). Below we discuss the consistency of the proposed development in the context of the more generalised urban design policies for city regeneration.

The Dublin Central Masterplan Area I (or the 'Masterplan') is a significant urban regeneration project that encourages high-quality urban design and architectural details that contribute to the historic streetscape and creates new points of interest in the area. The Applicant appointed a world class design team, led by ACME Architects as Masterplan Architect, to help realise its vision for the redevelopment and regeneration of this key city centre location, including Site 3. As previously stated, the Masterplan is underpinned by the Dublin Central Masterplan Area Conservation Management Plan prepared by Molloy & Associates Conservation Architects, having regard to the sensitive historic character of this part of the city centre.

The site of the Masterplan currently accommodates a disparate collection of predominantly two and three storey buildings of varied vintage and quality. The area is characterised by a mix of uses including retail, financial services, office, food and beverage services. It is also characterised by a number of unoccupied or underutilised buildings, plots, car parking and storage depots, service lanes and back lane workshops. Some of the buildings are afforded a level of legal heritage protection (particularly along O'Connell Street) and many others are not. There is significant potential to revitalise this central urban quarter of Dublin city centre through redevelopment and adaptive reuse, and in turn to stimulate the regeneration of the surrounding areas including the cultural quarter at Parnell Square.

Site 3, on its own and as a component of the Dublin Central Masterplan, is consistent with the national policy objectives of the NPF in achieving sustainable mixed-use development (including residential, retail, café / restaurant, hotel and cultural uses) appropriate to the regeneration and rejuvenation of this city block located between the junctions of Henry Street with Moore Street and with Henry Place, and adjoining the wider Masterplan area to the north, in the heart of Dublin City Centre. The architectural and urban design quality of the proposed scheme has been discussed in depth in both the application and appeal submissions made to date. We consider that the design and use attributes of the both the Masterplan and the Site 3 proposed scheme remain similarly consistent with the Chapter 5 policies that inform the shape and structure of the city. To avoid unnecessary repetition, we discuss the consistency of the proposed development with the more specific objectives relating to the proposed uses, heritage protection, urban density and building height, in the following sections of this report.

We would highlight that the conservation approach to the Masterplan and Site 3 seeks to ensure that buildings of historic significance are brought into viable re-use, instilling new life and activity into what

was hitherto unusable floor space notwithstanding its location overlooking Henry Street, as one of Dublin's primary shopping streets. It seeks to strike an appropriate balance between the conservation of a representative collection of 18th, 19th and 20th century buildings and the accommodation of high quality, mixed use retail, residential, hotel, café / restaurant and cultural floor space that will drive the regeneration and active use of this significant city centre location. The general appearance, the historic uses and associations are largely maintained, particularly along Henry Street and Moore Street. We refer the Board to the ACME Masterplan, Molloy & Associates Dublin Central Masterplan Area Conservation Plan and Site 3 Architectural Heritage Impact Assessment together with its appendices, and MOLA Architects design material for Site 3, submitted with the planning application in June 2021 and revisited at the appeal stages that followed.

At the time the June 2021 planning application for Site 3 and subsequent appeal were made, the ground floor facades of the former O'Brien's Mineral Water Building on Henry Place were not included on the Record of Protected Structures. The historic fabric and merit of this building was however assessed at the time and recorded in the Molloy & Associates Conservation Architects documents referred to above. It is however acknowledged that this fabric is now listed for protection. The decision to add these structures to the Record of Protected Structures remains the subject of pending legal proceedings, High Court 2023 3 JR. Pleadings have not yet closed, and no hearing date has been listed. The proposals within this response are made without prejudice to those proceedings, and the questions raised about the validity of the decision by the Council. We refer the Board to section 2.6 of our report below for further identification of the extent of the protected structure at Site 3 and discussion of proposed development in the context of the built heritage provisions of the current City Development Plan.

Taking account of the listing of built fabric at 4-8 Henry Place on the RPS, we take this opportunity to submit revised elevations to the Board (see MOLA Architects drawing nos. DC-MLA-3X-ZZ-M3-A-40-0401 and DC-MLA-3X-ZZ-M3-A-40-0402), which demonstrate a proposed design intent for the integration of the protected structure. Please note that these elevations do not yet reflect the implementation of Condition 6 of Dublin City Council's decision to grant permission in this case. In the proposed amendment design scenario, now before the Board for its consideration, the Protected Structure becomes an anchor for the project at the Henry Place corner, with the proposed contemporary hotel building rising vertically from it. Clerestory glazing and vertical breaks ensure that there is a distinct but sympathetic separation between the retained fabric and the contemporary architecture above. Minor amendments to the core arrangement and internal layouts will ensure that proposed door and window locations at ground floor work within the existing openings and will not disrupt or detract from its character but help re-establish the importance of the corner site by giving it a new purpose. We refer again to Section 2.6 of this report below for further discussion of this in the context of the built heritage policies of the current Development Plan.

2.1.2.2 Compact Growth

We submit that the Site 3 proposal remains representative of appropriate redevelopment of a highly accessible, underutilised, brownfield city centre site for a mix of uses including retail, food and beverage, cultural, hotel and residential uses, consistent with the compact growth policies of the current Development Plan.

The proposed mix of uses is consistent with strategic planning policy at national, regional and local level that promotes the consolidated compact growth of employment opportunities and housing at well connected, integrated city centre locations.

We refer the Board to section 2.9 of this report below for discussion on how the scheme and the Masterplan has had regard to the more specific Chapter 15 – Development Standards.

2.1.2.3 Building Height Strategy

As previously identified, Site 3 lies within SDRA 10 – North East Inner City (NEIC). Appendix 3 of the Development Plan – Achieving Sustainable Compact Growth of the Development Plan identifies this SDRA as being *“particularly appropriate for higher buildings and density”*. The design principles for the

O'Connell Street / Moore Street 'Key Opportunity Site', within the SDRA, are discussed further in Section 2.8 of this report below.

The building height strategy and policies of the current Development Plan have appropriate regard to and promote adherence to the Urban Development and Building Height Guidelines (2018). The Development Plan recognises the potential and need for increased height in appropriate locations including the city centre and Strategic Development Regeneration Areas (Site 3 is located in both such locations). Great care has been taken to ensure a reasonable balance has been struck with the reasonable protection of existing visual and heritage sensitivities, as demonstrated in the extensive plans and particulars submitted to Dublin City Council and An Bord Pleanála.

We refer the Board to Section 8.8.5 of the Site 3 Planning Report (prepared by this office) submitted at application stage and to the Further Information submission to Dublin City Council that addresses the height of the proposed hotel building in the context of the surrounding area. The Applicant has demonstrated in great detail how the proposed development is consistent with the Section 3.2 criteria and SPPR 3 of the Building Height Guidelines.

In deciding to permit the Site 3 development, the Planning Authority generally welcomed the modulation of massing and height across Site 3, which is articulated so as to respect surrounding historic building height, street edges and plot widths, whilst also accommodating a sustainable mix and density of uses appropriate to the improvement of this strategically important city centre location. It may be noted that the Applicant did not appeal the planning authority's decision to condition a reduction in the hotel building height from 9-storeys to 7-storeys at Site 3 (Condition 6(b) refers).

At a reduced height of max. 23.25m, the tallest building element in Site 3 is neither a 'Locally Higher Building' nor a 'Landmark/Tall Building', as described in Appendix 3 of the current Development Plan. As such, it can be considered a building of 'Prevailing Height'. The proposed development is not therefore significantly higher than the current prevailing height in this part of city centre of 6 to 7 storeys.

We refer the Board to the following assessments of the visual and townscape impact of the proposed building height submitted at Planning Application and Further Information stages, which demonstrate how the proposed development assimilates appropriately with the existing urban context:

- EIAR Chapter 12 - Landscape and Visual Impact Assessment, prepared by ARC.
- Verified Photomontages, prepared by ARC (at Application and revised at RFI Stages)
- CGI's contained in the MOLA Design Statement for Site 3 and in the ACME Masterplan Design Statement for the entire Dublin Central Site.

We also refer the Board to further discussion of building height and density standards in Section 2.9 below.

2.2 Chapter 5 – Quality Housing and Sustainable Neighbourhoods

2.2.1 Relevant Policies / Objectives

Policy QHSN1: National and Regional Policy

To accord with the provisions of the National Planning Framework 2018, the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 (including the Metropolitan Area Strategic Plan) and the Ministerial Circular relating to Structural Housing Demand in Ireland and Housing Supply Targets, and the associated Section 28 Guidelines: Housing Supply Target Methodology for Development Planning (2020) and make provision for the scale of population growth and housing supply targets outlined in these plans and guidelines.

Policy QHSN2: National Guidelines

To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Sustainable Urban Housing: Design

Standards for New Apartments' (2020), 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009), Housing Options for our Aging Population 2019, the Design Manual for Quality Housing (2022), the Design Manual for Urban Roads and Streets (DMURS) (2019), the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Affordable Housing Act 2021 including Part 2 Section 6 with regard to community land trusts and/or other appropriate mechanisms in the provision of dwellings.

Policy QHSN3: Housing Strategy and HNDA

- (i) *To secure the implementation of the Dublin City Council Housing Strategy (Appendix 1) in accordance with the provision of national legislation.*
- (ii) *(ii) To encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the city in accordance with the provisions of the Housing Need Demand Assessment and any future Regional HNDA.*

Policy QHSN4: Key Regeneration Areas

To promote the transformation of the key regeneration areas into successful socially integrated neighbourhoods and promote area regeneration in parts of the city which require physical improvement and enhancement in terms of quality of life, housing and employment opportunities and to ensure a balanced community is provided in regeneration areas.

Policy QHSN6: Urban Consolidation

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Policy QHSN7: Upper Floors

To resist and where the opportunity arises, to reverse the loss of residential use on upper floors and actively support proposals that retain or bring upper floors into residential use in order to revitalise the social and physical fabric of the city through measures such as the Living City Initiative.

Dublin City Council will actively engage with property owners and other stakeholders at a national level to investigate other alternative measures in addition to the Living City Initiative to expedite bringing upper floors into residential use, and will be actioned by the City Recovery Task Force and its successor.

Policy QHSN8: Reduction of Vacancy

To promote measures to reduce vacancy and underuse of existing building stock and to support the refurbishment and retrofitting of existing buildings, including Dublin City Council's Estate Renewal Programme.

Policy QHSN9: Active Land Management

To promote residential development addressing any shortfall in housing provision through active land management, which will include land acquisition to assist regeneration and meet public housing needs, and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and underutilised sites.

Policy QHSN10: Urban Density

To promote residential development at sustainable densities throughout the city in accordance with the Core Strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Objective QHSNO6: Upper Floor Building Design

To draft additional upper floor building re-design guidelines that are sufficiently innovative and flexible to promote the residential use of vacant upper floors.

Policy QHSN11: 15 Minute City

To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.

Policy QHSN12: Neighbourhood Development

To encourage neighbourhood development which protects and enhances the quality of our built environment and supports public health and community wellbeing. Promote developments which:

- *build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places;*
- *integrate active recreation and physical activity facilities including community centres and halls as part of the 15-minute city;*
- *encourage sustainable and low carbon transport modes through the promotion of alternative modes and 'walkable communities' whereby a range of facilities and services will be accessible within short walking or cycling distance;*
- *promote and implement low traffic neighbourhoods to ensure a high quality built environment and encourage active travel in delivering the 15 minute city model.*
- *promote sustainable design through energy efficiency, use of renewable energy and sustainable building materials and improved energy performance;*
- *promote the development of healthy, liveable and attractive places through public realm and environmental improvement projects;*
- *cater for all age groups and all levels of ability / mobility and ensuring that universal design is incorporated to maximise social inclusion;*
- *provide the necessary inclusive community facilities and design features to promote independence for older people and to maximise quality of life;*
- *have regard to the Guiding Principles for 'Healthy Placemaking' and 'Integration of Land Use and Transport' as set out in the Regional Spatial and Economic Strategy and national policy as set out in 'Sustainable Residential Development in Urban Areas' and the 'Design Manual for Urban Roads and Streets (DMURS)'*
- *are designed to promote safety and security and avoid anti-social behaviour.*

Policy QHSN14: High Quality Living Environment

To support the entitlement of all members of the community to enjoy a high quality living environment and to support local communities, healthcare authorities and other bodies involved in the provision of facilities for groups with specific design/ planning needs

Policy QHSN16: Accessible Built Environment

To promote built environments and outdoor shared spaces which are accessible to all. New developments must be in accordance with the seven principles of Universal Design as advocated by the National Disability Authority, Building For Everyone: A Universal Design Approach 2012 and consistent with obligations under Article 4 of the United Nations Convention on the Rights of People with Disabilities.

Policy QHSN17: Sustainable Neighbourhoods

To promote sustainable neighbourhoods which cater to the needs of persons in all stages of their lifecycle, e.g. children, people of working age, older people, people living with dementia and people with disabilities.

Policy QHSN18: Needs of an Ageing Population

To support the needs of an ageing population in the community with reference to housing, mobility and the public realm having regard to Age Friendly Ireland's 'Age Friendly Principles and Guidelines for the Planning Authority 2020', the Draft Dublin City Age Friendly Strategy 2020-2025 and Housing Options for our Aging Population 2019.

Policy QHSN22 Adaptable and Flexible Housing

To ensure that all new housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Heritage and Local Government's 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007) and the Universal Design Guidelines for Homes in Ireland 2015.

Policy QHSN34: Social, Affordable Purchase and Cost Rental Housing

To promote the provision of social, affordable purchase, cost rental and rental housing in accordance with the Council's Housing Strategy, Part V of the Planning and Development Act, as amended by the Affordable Housing Act 2021 and government policy as outlined in the DHLGH 'Social Housing Strategy 2020' and support the realisation of public housing.

Policy QHSN35: Diversity of Housing Type and Tenure

To support local authorities, approved housing bodies and other sectoral agencies in the provision of a greater diversity of housing type and tenure, including social and affordable housing, new models of cost rental and affordable homeownership and co-operative housing.

2.2.2 Applicant's Response

79no. BTR apartments units are proposed in Site 3. It may be noted that while the Apartment Guidelines were updated in 2023 to remove the application of more flexible design standards to BTR apartment proposals, the transitional arrangements applied under Section 5.10 of the Guidelines clarify that:

"All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that were subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8."

As such there is no change to be taken into account in respect of the BTR standards applicable to the proposed residential units at Site 3.

The proposed development at Site 3 achieves a net residential density of approximately 239no. units per hectare. This falls within the appropriate sustainable density range of 100-250 dwellings per hectare applied by the current Development Plan to City Centre and SDRA sites. We refer to section 2.9 of this report below for further discussion on the residential density standards of the Development Plan.

The proposed residential component at Site 3 will make a positive contribution to addressing the housing shortfall in the city, and in particular long term private rental accommodation. This is in line with the Housing Needs Demand Assessment for Dublin City Council. It is also consistent with the identification at strategic planning policy levels of the need for dwellings to meet the needs of smaller households in Dublin City.

The provision of good quality housing accommodation in the city is critical to attracting workers and sustaining employment, to drive the City's economy. The proposed residential development as part of the mix of uses at Site 3 will enhance the range of high quality accommodation options in the City Centre for the working population and reduce the need for unsustainable commuting.

The Planning Authority's assessment of the Site 3 proposal states that:

"The proposal will result in a mixed use development with residential, hotel and some commercial uses and a small cultural/gallery use. In addition, the wider masterplan site will further contribute to a variety of uses including office and residential, and as such the Planning Authority is satisfied with the proposed mix of units."

We refer the Board to Section 2.9 of this report below for further discussion on residential unit mix and the recommendations for the North Inner City as specified under the Development Plan.

The proposed development at Site 3, as a component of the wider Dublin Central Masterplan, aims to tackle the issue around vacancy within the city centre. It seeks to re-use or integrated existing building stock through refurbishment and retrofitting in so far as possible. It will deliver active residential use at upper floors and integrate existing built fabric in a manner that is supported by the planning authority.

Site 3 on its own and as a component of the Dublin Central Masterplan, within the centre of the city will enhance the realisation of the 15-minute city concept, where the resident community can avail of the range of proposed and existing city centre amenities and services on their doorstep.

2.3 Chapter 6 – City Economy and Enterprise

2.3.1 Relevant Policies / Objectives

Policy CEE1: Dublin's Role as the National Economic Engine

- (i) *To promote and enhance the role of Dublin as the national economic engine and driver of economic recovery and growth, with the city centre as its core economic generator.*
- (ii) *To promote and facilitate Dublin as a creative and innovative city that is globally competitive, internationally linked, attractive and open.*
- (iii) *To promote an internationalisation strategy building mutually-beneficial economic and other links with key cities globally to encourage investment and tourism in Dublin.*

Policy CEE2: Positive Approach to the Economic Impact of Applications

To take a positive and proactive approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high-quality outcomes.

Policy CEE7: Strategic and Targeted Employment Growth

To promote strategic and targeted growth of strategic development areas and corridors in accordance with the RSES and MASP with a focus on the city centre, the Docklands, the Outer City and Key Urban Villages and Neighbourhood Centres/Urban Villages.

Policy CEE8: The City Centre

To support the development a vibrant mix of office, retail, tourism related and cultural activities in the city centre and to facilitate the regeneration and development of key potential growth areas such as the Diageo lands, the St. James's Healthcare Campus and Environs and the TU Dublin campus at Grangegorman.

Policy CEE12: Transition to a Low Carbon, Climate Resilient City Economy

To support the transition to a low carbon, climate resilient city economy, as part of, and in tandem with, increased climate action mitigation and adaptation measures.

Policy CEE13: Towards a Green and Circular Economy

To support the growth of the 'green economy' including renewable energy, retrofitting, and electric vehicles and charging infrastructure and to support the transition towards a circular economy in line with national policy and legislation.

Policy CEE14: Quality of Place

To recognise that 'quality of place', 'clean, green and safe', is crucial to the economic success of the city, in attracting foreign and domestic investment, and in attracting and retaining key scarce talent, residents and tourists.

Policy CEE19: Regeneration Areas

To promote and facilitate the transformation of Strategic Development and Regeneration Areas (SDRAs) in the city, as a key policy priority and opportunity to improve the attractiveness and competitiveness of the city, including by promoting high-quality private and public investment and by seeking European Union funding to support regeneration initiatives, for the benefit of residents, employees and visitors.

Policy CEE28: Visitor Accommodation

To consider applications for additional hotel, tourist hostel and aparthotel development having regard to:

- *the existing character of the area in which the development is proposed including local amenities and facilities;*
- *the existing and proposed mix of uses (including existing levels of visitor accommodation i.e. existing and permitted hotel, aparthotel, Bed and Breakfast, short-term letting and student accommodation uses) in the vicinity of any proposed development;*
- *the existing and proposed type of existing visitor accommodation i.e. Hotel Classification/Rating, Hostel Accommodation, Family Accommodation, Alternative Accommodation etc., in the vicinity of any proposed development;*
- *the impact of additional visitor accommodation on the wider objective to provide a rich and vibrant range of uses in the city centre including residential, social, cultural and economic functions;*
- *the need to prevent an unacceptable intensification of activity, particularly in predominantly residential areas;*
- *the opportunity presented to provide high quality, designed for purpose spaces that can generate activity at street level and accommodate evening and night-time activities – see also Chapter 12, Objective CUO38.*

2.3.2 Applicants Response

2.3.2.1 Driving Economic Growth and Tackling City Centre Vacancy

Dublin City is regarded as an internationally competitive capital and the Development Plan aims to safeguard and enhance the said role as well as to: -

- Promote strategic and targeted employment growth.
- Support regeneration and tackle vacancy.
- Support the creation of high quality urban spaces and the transition to a low-carbon, green, circular economy.
- Support key economic sectors.
- Foster local economic development and social enterprise.

Site 3 forms part of a wider regeneration and development project, Dublin Central, planned for an area comprising almost three entire urban blocks located between O'Connell Street Upper, Parnell Street, Moore Street and Henry Street.

This area currently accommodates a range of existing buildings of varied form, quality and architectural and cultural heritage significance, which have accommodated a variety of uses as the development of the City evolved over time. There have been different periods of grandeur and vibrancy, destruction and replacement, boom and bust that have affected the character of this part of the city.

The Dublin Central area has in the more recent past experienced significant under-utilisation and decline. Notwithstanding that O'Connell Street is one of Ireland's primary thoroughfares and Henry Street is one of our busiest shopping streets, not all of the buildings or individual plots located within the adjacent project area are currently occupied or developed in a manner that is reflective of this context.

There is, however, significant potential to revitalise this central urban quarter of Dublin city centre through redevelopment that will enhance the competitive position of Dublin city centre. This will include the integration and adaptive reuse of existing built fabric that is important to our sense cultural identity. The Masterplan, including the Site 3 proposal, seeks to inject new life through the sustainable regeneration and revitalisation of this area at the heart of Dublin city centre. It seeks to create a world class city quarter, with a vibrant mix of uses, in new and historic buildings that sit respectfully within the existing open street structure. It recognises the status of O'Connell Street as one of Ireland's most important civic thoroughfares and the potential of the area to attract and engage visiting, working and residential communities.

The Masterplan seeks to optimise the regeneration opportunities presented by the central location, accessibility, architectural heritage features and cultural identity of O'Connell Street and environs, including Henry Street, Moore Street and Moore Lane. It envisages a mix of uses that will drive activity and vibrancy through the day and evening. It sets down the design principles for the integration of an ordered variety of new and historic buildings and a well-designed public realm, informed by the historic street structure and past events in this area. We refer to the Masterplan, prepared by ACME Architects and Gross Max Landscape Architects, that accompanies the application for further discussion of the urban regeneration and design principles that inform the development for each of the identified 'Sites'.

Considerable care has been taken in the identification of suitable uses and in the architectural design, expression and materiality of Site 3, to ensure the scheme is the correct fit for this site, in the context of its location within the O'Connell Street ACA and proximity to O'Connell Street.

Site 3 provides mixed use development including retail, food & beverage, cultural, residential and hotel uses. It seeks to retain active comparison retailing in individual units fronting Henry Street and Moore Street and to diversify retail uses in smaller units along the existing and proposed laneways (Henry Place and the New Passageway, to enhance the city centre experience. Retail use at this site is sequentially appropriate to the development of the retail core of the City Centre.

Site 3 seeks to integrate historic building fabric where possible and to maintain the retail streetscape character along Henry Street and Moore Street. The retention of the existing street and laneway

structure and creation of a new linkage, enhances the potential to drive the regeneration of the streets adjacent to Henry Street. The activation of these streets has the potential to create dwell zones and link to other cultural elements and points of interest within or adjoining the Masterplan.

Site 3 provides a variety of modern retail units, which will further enhance the retail provision within the general Henry Street and Moore Street areas. The retail units will cater for the expansion of the retail offer as well as provide greater street activation along Moore Street, Henry Street and the proposed new pedestrian passageway.

The mix of retail unit sizes is intended to compliment the primacy of Henry Street as a Category 1 Street and the recognised role of Moore Street as a retail street.

Site 3 provides for 11no. retail units (c. 1,954 sq. m). Retail uses are spread across a mix of retail typologies in the form of medium sized units and smaller shop units. These typologies are strategically placed to influence pedestrian movement routes through the streets, as well as creating a vibrant mixed-use environment with character and active frontages.

For the 7no. retail units fronting Henry Street and Moore Street, the intended use is 'shop'. For the ground level retail units located along the new lane separating Blocks 3A and 3B, we are seeking greater flexibility for the first occupant of each of these 4no. units. In order to enhance and evolve the city center experience and attract more customers and visitors, particularly in the wake of the Covid-19 pandemic, we are inviting the Planning Authority to grant permission for the range of uses stated on the planning notice (i.e. retail unit for use as 'shop' or 'licensed restaurant / café with take away / collection facilities) and to apply a reasonable condition to the effect that the details of the occupant / end user of any of these units would be agreed in writing with the Planning Authority prior to the first occupation of the unit. Thereafter, future changes of use, where not otherwise exempted, would require planning permission.

In addition, 2no. restaurant/café facilities ancillary to the proposed hotel are proposed to provide a variety of dining and leisure opportunities. This includes a ground floor unit fronting the new laneway and a rooftop restaurant at the 8th floor, both within the hotel building. Again, in the interests of flexibility in the wake of the Covid-19 experience, we are requesting that take out and collection facilities be a permitted part of these facilities.

Where the licensing of restaurant / café uses is now a planning function, we are also requesting planning permission for this aspect of the proposed use.

Increased connectivity is to be achieved by the inclusion of a new passageway through Site 3 that will improve pedestrian permeability. This will link Henry Street into the heart of the Masterplan in due course and will provide a direct connection toward the public plaza which is proposed as part of Site 4 & 5 (concurrent planning applications / appeals). The proposed new passageway is aligned along the route of historic Mulligan's Lane (Moore Place).

Street activation is proposed through smaller retail units, restaurant/café offering along the new passageway and the creation of a gallery and café space at the site of No.10 Henry Place. These uses and the location of the proposed hotel lobby at Henry Place, draws footfall into the laneways and heart of the scheme, rather than just along the primary perimeter streets. Site 3 delivers high quality tourist accommodation, complementary café / restaurant and cultural uses in a very accessible city centre location close to a wide variety of amenities and attractions. In addition, the reimagining of No. 10 Henry place (the so-called 'White Building') will provide a cultural space / gallery (with café use) and act as landmark structure or 'beacon'.

In terms of the local economy, hotels / tourism / business travel increases spend in adjacent retail outlets. Visitor accommodation also provides an important social and cultural function. The active ground floor use of a hotel, such as café / restaurant use, plays a vital role in the activation of streets, particularly outside the typical office and retail hours. Hotels in general help to create a more vibrant night-time economy through the entire week and into the evenings.

The Planning Authority's assessment of the Site 3 proposal highlights the following, which is of continued relevance to the realisation of the Chapter 6 policies of the current Development Plan: -

“The Planning Authority’s Conservation Officer (CO) has reviewed the particulars of the application and acknowledges that the site and the wider area has suffered from lack of investment, general deterioration and underuse over the years. The introduction of attractive residential units, retail units and a hotel and associated amenities is therefore welcomed and supported in principle by the Conservation Section.”

2.3.2.2 Visitor Accommodation (Hotel Development)

We refer the Board further to the ‘Commercial Rationale Report’ prepared by JLL and submitted at application stage, which provides a commercial rationale for the entire Dublin Central Masterplan, including the Site 3 proposal. In relation to hotel development it notes that Dublin will continue to be a global hub for business, culture, and history. Future hotel developments such as Dublin Central will be sustainable due to its centralised location along key transport routes, forecast growth in tourist numbers and continued supply issues of hotel rooms across the city. Dublin Central will be a flagship hotel development, in a buoyant operating market in Dublin City Centre. The scheme is ideally located in the heart of Dublin City Centre and on a main throughfare, O’Connell Street. The scheme is unrivalled from a location perspective: close to Connolly Station (Ireland’s busiest railway station) and Busáras (Dublin’s Central Bus Terminal), it is also directly on a LUAS Stop, a proposed airport link stop, and within walking distance of all of the city’s major tourist attractions. The property is superbly positioned to capitalise upon growing Dublin hotel demand over the next 5+ years. The property is also located in an established tourist accommodation district, with other nearby hotels including The Moxy, Motel One, Holiday Inn, , The Gresham, Leonardo and Point A. With significant regeneration underway within the environs, the property’s location is set to be even further enhanced.

2.3.2.3 Transition to a Low Carbon, Climate Resilient and Green Economy

The applicant has a strong track record of sensitive urban regeneration projects, including those in historic city centres, such as Bishopsgate development located in Spitalfields in London. In 2017 Hammerson became the first real estate company globally to launch a comprehensive Net Positive strategy covering both environmental and socio-economic impacts. The project team has worked hard to ensure resource efficiency, climate risk and health and wellbeing considerations were embedded at the outset of the Dublin Central design process.

The Site 3 planning application was accompanied by a comprehensive EIAR which assessed Site 3 on its own and in the cumulative context of the Dublin Central Masterplan.

Site 3 is considered in the context of the Dublin Central Landscape Masterplan, prepared by Gross Max Landscape Architects. The landscape masterplan is guided by an overall design vision, which includes the objective to create a sustainable public realm with increased biodiversity. This will be done using green roofs to increase biodiversity, to slow rainfall run-off and improve the microclimate. New tree planting to be climate adaptable and suitable for site conditions. The Site 3 proposal will be accessible to the enhanced network of existing and proposed public streets and spaces within the wider Dublin Central Masterplan area.

It is noted that a key climate mitigation action for all new development relates to the need to reduce energy demand, to increase energy efficiency and to provide renewable energy on-site if possible. We refer the Board to the Dublin Central – Site 3 Energy & Sustainability Statement, prepared by BDP M&E Consulting Engineers which accompanied the planning application. The proposal contained in the BDP Report aligns with the requirements set out above. It identifies that *“The Dublin Central Site 3 project is aspiring to be one of Ireland’s first Net Zero Carbon schemes offering residents, visitors and guests a low carbon footprint alternative for Dublin.”* There will also be zero fossil fuels used on site throughout construction.

Furthermore, the energy efficiency measures to be adapted in the proposed development will assist in achieving the target set out in the Climate Action Plan 2023 to reduce carbon emissions within the built environment.

The Site 3 planning application proposal and Dublin Central Masterplan are designed to be one of Ireland’s first Net Zero Carbon schemes. The proposed design maximises sustainable energy uses and materials, it incorporates appropriate SuDS measures and seeks to enhance biodiversity as a component part of the wider Dublin Central Masterplan area.

2.4 Chapter 7 – The City Centre, Urban Villages and Retail

2.4.1 Relevant Policies / Objectives

Policy CCUV2 Retail Hierarchy

To implement the retail hierarchy contained in the 'Retail Strategy' of this Development Plan and to support retail development at all settlement levels in the city. Retail development within the hierarchy of centres will be of a scale, type, and nature that reflects and enhances the role and function of the centre within which it is proposed as per the Retail Strategy, Appendix 2.

Policy CCUV3 Sequential Approach

To promote city centre and urban village vitality through the sequential approach to retail development, enable good quality development in appropriate locations, facilitate modal shift and to deliver quality design outcomes.

Policy CCUV4 The Role of Retail

To promote and support the major contribution of retail and retail services to the vitality and success of the city, as a significant source of employment, a focus of tourism, as an important recreational activity and as a link with other cultural, recreational and community activities.

Policy CCUV5 Retail Design Brief

To require that proposed retail developments for large-scale or sensitive sites are accompanied by a retail design brief guided by the key principles contained in the 'Retail Design Manual – DECLG, 2012'.

Policy CCUV6 Large Scale Retail / Mixed Use Developments

To ensure that large scale retail / mixed use development proposals match the capacity of existing and planned public transport; provide good quality street environments to provide safer and more attractive settings for people to shop / do business; and incorporate cycle and pedestrian friendly designs in line with the Retail Design Manual 2012.

Policy CCUV7 Variety in Shopping Offer

Development proposals for major new retail and complementary developments will be expected to provide a range of unit sizes to encourage variety in the shopping offer and support small business growth.

Policy CCUV8 Competition and Innovation

To promote and facilitate competition and innovation in the retail sector to the benefit of the consumer, as an integral part of the proper planning and sustainable development of the city.

Policy CCUV9 Independent Retailing

To support the independent retailing sector by continuing to provide financial support, skills training and education through the Local Enterprise Office and other means.

Policy CCUV10 Specialist Shops

To acknowledge the unique attraction/distinctiveness of specialist shops / independent / indigenous retail in the city centre and inner city which contribute to the character and attractiveness of the city centre.

Policy CCUV11 Omni-Channel Retail

To promote and support 'Click and Collect' services which can reduce ecommerce deliveries and bring footfall to the city centre.

Policy CCUV12 Shopfront Design

To require a high quality of design and finish for new and replacement shopfront signage and advertising. Dublin City Council will actively promote the principles of good shopfront design as set out in Dublin City Council's Shopfront Design Guidelines and Chapter 15

Policy CCUV13 Vacant Units

To promote the temporary use of vacant premises in order to reduce the level of vacancy on streets in the city's urban centres including Key Urban Villages as this can compromise the vitality of urban centres. Temporary uses which can contribute to the economic, social and cultural vitality of the city centre, Key Urban Villages and other centres and which allow public access will be encouraged (pending permanent occupancy).

Policy CCUV15 Premier Shopping Area

To affirm and maintain the status of the city centre retail core as the premier shopping area in the State, affording a variety of shopping, cultural and leisure attractions. In line with the Retail Planning Guidelines, 2012, the city centre should be the main focus for higher order comparison retail in the city to protect its retailing role and primacy.

Policy CCUV16 Category 1 and Category 2 Streets

To protect the primary retail function of Category 1 Streets in the city and to provide for a mix of retail and other complementary uses on Category 2 streets. To promote active uses at street level on the principal shopping streets in the city centre retail core having regard to the criteria for Category 1 and Category 2 streets (see Appendix 2 and Figure 7.2).

Policy CCUV17 Diversifying the City Centre

To ensure the resilience of Dublin City Centre to changing trends in retail demand, appropriate opportunities to further diversify the city centre as a place to live, work and socialise will be encouraged.

Policy CCUV18 Residential Development

To encourage, support and promote more residential apartments as part of mixed-use developments or through the reuse / retrofit of the upper floors of existing buildings. The use of upper floors for residential use is supported in principle on Category 1 and 2 Shopping Streets.

Policy CCUV19 Parking and the Retail Core

To support the re-use and replacement of multi storey car parks in the centre of the retail core and to safeguard short term car parking provision for shoppers and visitors at the periphery of the retail core. The redevelopment of central car parks will support public realm improvements and pedestrian priority

in the retail core and can support the retail core and night time economy by providing additional mobility hubs and other innovative transport solutions, see also Policy SMT28 (Chapter 8).

Objective CCUV05 Underutilised and Inactive City Centre Streets

To reactivate the underutilised and inactive city centre streets and lanes in the city centre through the inclusion of art, landscaping, street furniture, outdoor dining, activity spaces and residential uses.

Policy CCUV30 Cafés / Restaurants

To promote and facilitate the provision of cafés / restaurants in the city and support their role in making the city more attractive for residents, workers, and visitors and in creating employment.

Policy CCUV31 Food and Beverage Clusters

To support emerging food and beverage clusters around the city centre; see Figure 4, Appendix 2, particularly around the Henry Street and Westmoreland Street areas of the city to enhance the appeal of the north and south retail cores.

Policy CCUV32 Outdoor Dining

Proposals for outdoor dining / trading from premises extending into the street will be supported where they would not harm local amenity or compromise pedestrian movement, accessibility needs or traffic conditions.

Policy CCUV33 Support for Markets

To facilitate indoor and outdoor markets both in the city centre and throughout the city particularly where they support the existing retail offer and local produce/start up enterprise and the circular economy; and to realise their potential as a tourist attraction.

Policy CCUV34 Moore Street Market

To recognise the unique importance of Moore Street Market to the history and culture of the city and to ensure its protection, renewal and enhancement in cooperation with the traders, and taking account of the contents and relevant recommendations of the Moore Street Advisory Group Report, the OPW and other stakeholders including the response of the Minister for Heritage and Electoral Reform.

Policy CCUV35 Night Time Economy

To support and facilitate evening / night time economy uses that contribute to the vitality of the city centre and that support the creation of a safe, balanced and socially inclusive evening / night time economy.

Policy CCUV36 New Development

To support uses that would result in the diversification of the evening and night time economy where there is little impact on the amenity of adjoining or adjacent residential uses through noise disturbance and where there are no negative cumulative impacts in terms of other night-time economy uses in the area.

Policy CCUV37 Plan Active and Healthy Streets

To promote the development of a network of active, healthy, attractive, high quality, green, and safe streets and public spaces which are inviting, pedestrian friendly and easily navigable. The aspiration is to encourage walking as the preferred means of movement between buildings and activities in the city. In the case of pedestrian movement within major developments, the creation of a public street is preferable to an enclosed arcade or other passageway.

Policy CCUV38 High Quality Streets and Spaces

To promote the development of high-quality streets and public spaces which are accessible and inclusive in accordance with the principles of universal design, and which deliver vibrant, attractive, accessible and safe places and meet the needs of the city's diverse communities regardless of age, ability, disability or gender.

Policy CCUV39 Permeable, Legible and Connected Public Realm

To deliver a permeable, legible and connected public realm that contributes to the delivery of other key objectives of this development plan namely active travel and sustainable movement, quality urban design, healthy placemaking and green infrastructure.

Policy CCUV40 Public Safety

To promote the development of a built environment and public spaces which are designed to deter crime and anti-social behaviour and which promote safety, as set out in the 'Your City Your Space' Public Realm Strategy 2012.

Policy CCUV42 Public Realm – City Centre

To move to a low traffic environment generally and to increase the amount of traffic free spaces provided in the city centre over the lifetime of the Plan as well as create new high quality public realm areas where possible taking into account the objective to enhance access to and within the city centre by public transport, walking and cycling.

Policy CCUV44 New Development

That development proposals should deliver a high quality public realm which is well designed, clutter-free, with use of high quality and durable materials and green infrastructure. New development should create linkages and connections and improve accessibility

2.4.2 Applicant Response

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

The scheme is representative of plan-led, high-quality urban and architectural design, which seeks to achieve the sustainable regeneration of an underutilised brownfield site. It delivers an appropriate mix of uses, both vertically and horizontally, with street activating retail, café / restaurant and cultural uses at ground and first floor levels, complemented by residential and hotel use at upper floors.

Site 3 provides for 11no. retail units (c. 1,954 sq. m). Retail uses are spread across a mix of retail typologies in the form of medium sized units and smaller shop units. These typologies are strategically placed to influence pedestrian movement routes through the streets, as well as creating a vibrant mixed-use environment with character and active frontages.

For the 7no. retail units fronting Henry Street and Moore Street, the intended use is 'shop'. For the ground level retail units located along the new lane separating Blocks 3A and 3B, we are seeking greater

flexibility for the first occupant of each of these 4no. units. In order to enhance and evolve the city centre experience and attract more customers and visitors, particularly in the wake of the Covid-19 pandemic, we are inviting the Board to grant permission for the range of uses stated on the planning notice (i.e. retail unit for use as 'shop' or 'licensed restaurant / café with take away / collection facilities) and to apply a reasonable condition to the effect that the details of the occupant / end user of any of these units would be agreed in writing with the Planning Authority prior to the first occupation of the unit. Thereafter, future changes of use, where not otherwise exempted, would require planning permission.

2no. café / restaurant units are proposed to provide a variety of dining and leisure opportunities. This includes a ground floor unit fronting the New Street and a rooftop restaurant at the 8th floor of the hotel building. Again, in the interests of flexibility in the wake of the Covid-19 experience, we are requesting that take out and collection facilities be a permitted part of these facilities. Where the licensing of restaurant / café uses is now a planning function, we are also requesting planning permission for this aspect of the proposed use.

Site 3 includes proposals for a 150-bed hotel. We wish to note that the DCC decision to grant included Condition 6(b) that reduced the hotel to 139-bed only, where they requested the omission of 2no. floors to this block. This will further enhance the tourist and short stay visitor accommodation offering at a highly accessible, well serviced and attractive location within the city centre. It is close to a wide range of attractions and amenities in the vicinity and in the City Centre. It will also attract shoppers and visitors to the City Centre, to support retail and visitor attractions.

The proposed development at Site 3, as a component of the Dublin Central Masterplan, seeks to:

- Drive long term value provision of high quality commercial and retail space.
- Deliver a mix of uses that drives footfall and vibrancy 24/7 including a mix of uses, including retail and retail services, commercial office space, residential accommodation, hotel, food and beverage, and strategically located non-commercial / cultural uses.

Dublin City Council's laneway improvement strategy ('Reimagining Dublin One Laneways' – 2018) finds that Dublin 1 is underutilised in its core and in particular along its laneways which are characterised as in many cases as suffering from dilapidation, lack of frontage at ground floor and received unsafe character. The Site 3 development seeks to redress this by providing shop fronts and active uses to the new north-south passageway and to Henry Place. This is expected to renew activity and animate these laneways.

A Scenario Testing & Development Design Report on existing pedestrian movement patterns and pedestrian numbers, prepared by Space Syntax and submitted with the planning application for Site 3, underlines the inhibiting and impermeable nature of the existing environment for pedestrian movement within the Dublin Central Masterplan area, in its current format. This has informed the design process of the Masterplan as a whole.

The Site 3 proposal considers its relationship with Henry Street and Moore Street in providing new active frontage and connections to support the primary shopping street and traditional market area. The proposed hotel development will draw footfall through the quieter interior streets and laneways, including Henry Place and Moore Lane, enhancing the vibrancy and safety of the city centre.

In relation to Shopfront design we would highlight that individual shopfront signage cannot be determined until tenants are secured. Therefore, a general shopfront strategy has been devised by ACME Architects. We refer to the Masterplan Design Statement, prepared by ACME Architects for shopfront and signage design principles as submitted at application stage. Site 3 lies within an Architectural Conservation Area, all shop front designs are in line with the obligations of the Conservation Area.

It would be unduly onerous to require separate planning applications for all signage within the Site 3. We would request that the Board attaches a condition similar to the one in the decision to grant permission from Dublin City Council, Condition 18 which states the following:

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

We also refer the Board to Appendix A in the Site 3 Design Statement, prepared by MOLA Architects as submitted at Planning Application Stage. The architectural treatment of shopfronts in this scheme has been carefully considered, closely reflecting the character of adjoining shopfronts within the O’Connell Street Architectural Conservation Area; specifically around Henry Street and Moore Street.

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 manager and licensor of the street market. The Applicant requests a similar condition be attached by the Board to any grant of permission for the Site 3 proposal.

In respect of public realm we would refer the Board to discussions under Section 2.9 of this report.

2.5 Chapter 8 – Sustainable Movement & Transport

2.5.1 Relevant Policies / Objectives

Policy SMT1 Modal Shift and Compact Growth

To continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport, and to work with the National Transport Authority (NTA), Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives to achieve compact growth.

Policy SMT2 Decarbonising Transport

To support the decarbonising of motorised transport and facilitate the rollout of alternative low emission fuel infrastructure, prioritising electric vehicle (EV) infrastructure.

Objective SMT01 Transition to More Sustainable Travel Modes

To achieve and monitor a transition to more sustainable travel modes including walking, cycling and public transport over the lifetime of the development plan, in line with the city mode share targets of 26% walking/cycling/micro mobility; 57% public transport (bus/rail/Luas); and 17% private (car/van/HGV/motorcycle).

Policy SMT3 Integrated Transport Network

To support and promote the sustainability principles set out in National and Regional documents to ensure the creation of an integrated transport network that services the needs of communities and businesses of Dublin City and the region.

Policy SMT4 Integration of Public Transport Services and Development

To support and encourage intensification and mixed-use development along public transport corridors and to ensure the integration of high quality permeability links and public realm in tandem with the delivery of public transport services, to create attractive, liveable and high quality urban places.

Policy SMT5 Mobility Hubs

To support the development of mobility hubs at key public transport locations and local mobility hubs in tandem with new developments to include shared car and micro mobility initiatives, creating a vibrant, accessible and liveable place to support the transportation experience.

Policy SMT6 Mobility Management and Travel Planning

To promote best practice mobility management and travel planning through the requirement for proactive mobility strategies for new developments focussed on promoting and providing for active travel and public transport use while managing vehicular traffic and servicing activity.

Policy SMT7 Travel Plans for New and Existing Developments

To require the preparation and submission of travel plans for new and existing developments as part of the planning application process including residential, school, workplace etc.

Policy SMT11 Pedestrian Network

To protect, improve and expand on the pedestrian network, linking key public buildings, shopping streets, public transport points and tourist and recreational attractions whilst ensuring accessibility for all, including people with mobility impairment and/or disabilities, older persons and people with children.

Objective SMT02 Improving the Pedestrian Network

To improve the pedestrian network, and prioritise measures such as the removal of slip lanes, the introduction of tactile paving, ramps, raised tables and kerb dishing at appropriate locations, including pedestrian crossings, street junctions, taxi ranks, bus stops and rail platforms in order to optimise safe accessibility for all users.

Policy SMT16 Walking, Cycling and Active Travel

To prioritise the development of safe and connected walking and cycling facilities and prioritise a shift to active travel for people of all ages and abilities, in line with the city's mode share targets.

Policy SMT18 The Pedestrian Environment

To continue to maintain and improve the pedestrian environment and strengthen permeability by promoting the development of a network of pedestrian routes including laneway connections which link residential areas with recreational, educational and employment destinations to create a pedestrian environment that is safe, accessible to all in accordance with best accessibility practice.

Objective SMT012 Cycle Parking Spaces

To provide publicly accessible cycle parking spaces, both standard bicycle spaces and non-standard for adapted and cargo bikes, in the city centre and the urban villages, and near the entrance to all publicly accessible buildings such as schools, hotels, libraries, theatres, churches etc. as required.

Objective SMT014 Cycle Parking Facilities

To promote and facilitate, in co-operation with key agencies and stakeholders, the provision of high density cycle parking facilities, as well as parking for cargo and adapted bicycles at appropriate locations, taking into consideration the NTA's GDA Cycle Network Plan, and Dublin City Council's Public Realm Strategy.

Policy SMT34 Street and Road Design

To ensure that streets and roads within the city are designed to balance the needs and protect the safety of all road users and promote place making, sustainable movement and road safety providing a street environment that prioritises active travel and public transport whilst ensuring the needs of commercial servicing is accommodated.

Policy SMT35 Traffic Calming and Self-Regulation Street Environments

To ensure that all streets and street networks are designed to passively calm traffic through the creation of a self-regulating street environment that are suited to all users, including pedestrians and cyclists.

2.5.2 Applicant's Response

The Development Plan sets out that in order to maximise the use of public transport infrastructure and minimise car dependence, higher densities and interactive mixed uses will be encouraged within walking distance of public transport corridors and nodes (rail stations and interchanges) and at other key locations such as key district centres.

The proposed redevelopment of this brownfield city centre site (Site 3) would deliver mixed-use redevelopment as part of the wider Dublin Central Masterplan Area that is exceptionally well located in terms of accessibility by foot, by bicycle and to public transport, as generally described below: -

- Many of the streets in the immediate area have cycle lanes which provide direct access to the Dublin Strategic Cycle Network.
- There are several Dublin Bikes Stations in the vicinity at Jervis Street, Parnell Square North, Parnell Street, Princes Street and Cathal Brugha Street which are all within a 3 – 6 minute walk from the application site.
- The Luas Green line operates between Brides Glen at Cherrywood in Sandyford and Broombridge and the Luas Red Line operates between Saggart / Tallaght and the 3Arena / Connolly. The two lines intersect at the junction of O'Connell Street and Abbey Street adjacent to the south-east of the site due to the introduction of Luas Cross City. Red Luas and cross city Luas lines serve stops at Heuston Station, O'Connell Street and Parnell Square, which act as termini for numerous Dublin Bus services.
- Connolly Train Station is located c. 800 m (c. 10 – 12 minute walk) east of the site which allows interchange with DART services and Iarnród Éireann commuter services.
- Extensive bus services are available on O'Connell Street including Dublin Bus (31no. routes), private interurban routes and airport services. Aircoach operate a 24-hour service at 10-20 minute intervals through O'Connell Street from Sandyford, Greystones, Cork and Belfast. Citylink provides hourly services from Bachelor's Quay (c.200m) and Aston Quay (c. 400m) in each direction from Dublin Airport to Galway and Limerick. Wexford Bus operates frequent return services from Dublin Airport to Wexford via Custom House Quay (c. 700m) and George's Quay (c. 550m).
- O'Connell Street, Parnell Square East, Parnell Street and Parnell Square West to the north and east of the site are four of the essential primary links included in the proposed Bus Connects network.
- BusÁras is located c. 600m (c. 8 – 10 minute walk) east of the application site, which allows interchange with Dublin Bus services, Córas Iompair Éireann (CIÉ) regional bus services and private intercity bus services.
- A proposed Metrolink line (Metrolink Project – at railway order application stage) will provide for a high-capacity, high-frequency rail service between Dublin Airport and the LUAS Green Line at Charlemont, with stops proposed at both ends of O'Connell Street. Metrolink will have a stop

under Site 2AB and Site 2C, the design of which will allow Metrolink to be developed independently by TII. The future development of Site 2AB and Site 2C will include Metrolink Enabling Works (MEW) to facilitate the future implementation of the Metrolink Station. (We refer the Board to Section 6 of the Planning Application Report submitted with the original Site 3 planning application for further details).

This level of accessibility supports the development of a sustainable high density community in the North Inner City that is connected both locally and to the wider Dublin environs.

We refer the Board to the Traffic Assessment and Travel Plan, prepared by Waterman Moylan Consulting Engineers, as submitted at application stage, in respect of existing and future public transport, pedestrian and cycling links to the site.

A Scenario Testing & Development Design Report on existing pedestrian movement patterns and pedestrian numbers, prepared by Space Syntax and submitted with the planning application for Site 3, underlines the inhibiting and impermeable nature of the existing environment for pedestrian movement within the Dublin Central Masterplan area, in its current format. This has informed the design process of the Masterplan as a whole. A core principle of the Masterplan is the introduction of greater sub-division within the overall area, through the integration of additional new streets, laneways / passageways and public spaces. This includes the opening of a new laneway through Site 3. The resultant block pattern is intended to present a more permeable and finer urban grain, offering choice of movement and activity. This is set within the context also of a coherent and legible public realm strategy within the wider Masterplan area, composed of an accessible and attractive network of streets and open spaces.

It is noted that the SDRA 10 design principles for the O'Connell Street / Moore Street opportunity site, contained in the current Development Plan, are reflective of and provide a statutory footing for the Dublin Central Masterplan permeability and movement strategy, including Site 3. We refer the Board to Section 2.8 of this report below for further discussion of the SDRA Guiding Principles for the O'Connell Street / Moore Street hub.

2.6 Chapter 11 – Built Heritage and Archaeology

2.6.1 Relevant Policies / Objectives

Record of Protected Structures

The following properties within the overall Dublin Central Masterplan area are included in the Record of Protected Structures:

RPS Ref.	Address	Description
6022	42 O'Connell Street Upper, Dublin 1	Commercial premises
6023	43 O'Connell Street Upper, Dublin 1	Commercial premises: front façade
6024	44 O'Connell Street Upper, Dublin 1	Commercial premises: front façade
6025	52-54 O'Connell Street Upper, Dublin 1	Former Carlton Cinema: upper floor façade
6026	57 O'Connell Street Upper, Dublin 1	Commercial premises: front façade
6027	58 O'Connell Street Upper, Dublin 1	Commercial premises: front façade
6029	61 O'Connell Street Upper, Dublin 1	Commercial premises: front façade
6423	70 Parnell Street, Dublin 1	Licensed premises
8906	4-8 Henry Place, Dublin 1	Commercial premises (former O'Brien's Mineral Water Factory): 19 th century

		ground floor facades to Henry Place and Moore Lane.
8907	17-18 Henry Place, Dublin 1	Commercial Premises (former Bottling Stores) ground floor façades to Henry Place and Moore Lane
8908	10 Moore Street, Dublin 1	Two-storey, historic brick party wall (only) between 12 and 13 Moore Street, with evidence of 'creep holes' from 1916.
8909	12 Moore Street, Dublin 1	Two-storey, historic brick party wall (only) between 12 and 13 Moore Street, with evidence of 'creep holes' from 1916
8910	13 Moore Street, Dublin 1	Two-storey, historic brick party walls (only) between Nos. 13 and 12 and Nos. 13 and 14 Moore Street (RPS No. 5282) with evidence of infilled creep holes dating from 1916
8911	20-21 Moore Street, Dublin 1	Commercial premises

Table 1: Extract of Protected Structures listed in the Dublin City Development Plan 2022-2028 Record of Protected Structures, contained within the Dublin Central Masterplan area. (Note: Text in bold indicates new RPS entry as of November 2022. **RPS No.8906 (highlighted in grey)** is the only protected structure at Site 3)

Policy BHA2 Development of Protected Structures

That development will conserve and enhance protected structures and their curtilage and will:

- (a) Ensure that any development proposals to protected structures, their curtilage and setting shall have regard to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) published by the Department of Culture, Heritage and the Gaeltacht.*
- (b) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- (c) Ensure that works are carried out in line with best conservation practice as advised by a suitably qualified person with expertise in architectural conservation.*
- (d) Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout and materials.*
- (c) Ensure that the form and structural integrity of the protected structure is retained in any redevelopment and ensure that new development does not adversely impact the curtilage or the special character of the protected structure.*
- (d) Respect the historic fabric and the special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials.*
- (e) Ensure that new and adapted uses are compatible with the architectural character and special interest(s) of the protected structure.*
- (f) Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features.*
- (g) Ensure historic landscapes, gardens and trees (in good condition) associated with protected structures are protected from inappropriate development.*
- (h) Have regard to ecological considerations for example, protection of species such as bats.*

Policy BHA3 Loss of Protected Structures

That the City Council will resist the total or substantial loss of protected structures in all but exceptional circumstances.

Policy BHA4 Ministerial Recommendations

To have regard to the National Inventory of Architectural Heritage (NIAH) rating of a structure and any associated Ministerial Recommendation in the assessment of planning applications.

Policy BHA5 Demolition of Regional Rated Building on NIAH

That there is a presumption against the demolition or substantial loss of any building or other structure assigned a 'Regional' rating or higher by the National Inventory of Architectural Heritage (NIAH), unless it is clearly justified in a written conservation assessment that the building has no special interest and is not suitable for addition to the City Council's Record of Protected Structures (RPS); having regard to the provisions of Section 51, Part IV of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Policy BHA7 Architectural Conservation Areas

(a) To protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible. Development shall not harm buildings, spaces, original street patterns, archaeological sites, historic boundaries or features, which contribute positively to the ACA. Please refer to Appendix 6 for a full list of ACAs in Dublin City.

(b) Ensure that all development proposals within an ACA contribute positively to the character and distinctiveness of the area and have full regard to the guidance set out in the Character Appraisals and Framework for each ACA. (c) Ensure that any new development or alteration of a building within an ACA, or immediately adjoining an ACA, is complementary and/or sympathetic to their context, sensitively designed and appropriate in terms of scale, height, mass, density, building lines and materials, and that it protects and enhances the ACA. Contemporary design which is in harmony with the area will be encouraged.

(d) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

(e) Promote sensitive hard and soft landscaping works that contribute to the character and quality of the ACA.

(f) Promote best conservation practice and encourage the use of appropriately qualified professional advisors, tradesmen and craftsmen, with recognised conservation expertise, for works to buildings of historic significance within ACAs.

All trees which contribute to the character and appearance of an Architectural Conservation Area, in the public realm, will be safeguarded, except where the tree is a threat to public safety, prevents universal access, or requires removal to protect other specimens from disease.

Policy BHA8 Demolition in an ACA

There is a presumption against the demolition or substantial loss of a structure that positively contributes to the character of the ACA except in exceptional circumstances where such loss would also contribute to a significant public benefit.

Policy BHA11 Rehabilitation and Reuse of Existing Older Buildings

(a) To retain, where appropriate, and encourage the rehabilitation and suitable adaptive reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape, in preference to their demolition and redevelopment.

(b) Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts (including signage and associated features), pub fronts and other significant features.

(c) Ensure that appropriate materials are used to carry out any repairs to the historic fabric.

Policy BHA24 Reuse and Refurbishment of Historic Buildings

Dublin City Council will positively encourage and facilitate the careful refurbishment of the historic built environment for sustainable and economically viable uses and support the implementation of the National Policy on Architecture as it relates to historic buildings, streetscapes, towns and villages, by ensuring the delivery of high quality architecture and quality place-making, and by demonstrating best practice in the care and maintenance of historic properties in public ownership.

2.6.2 Applicant's Response

Site 3 has association with the events of the 1916 Easter Rising, during which most of the buildings that stood at that time were destroyed. The Site lies within the O'Connell Street Architectural Heritage Area.

Since the submission of the Site 3 planning application to Dublin City Council and subsequent appeal to the Board, the 19th century ground floor facades of the commercial premises (former O'Brien's Mineral Water Factory), at RPS Ref 8908 at 4-8 Henry Place, have been formally added to the Record of Protected Structures.

In respect of this recent addition of RPS ref 8906, with listed address of 4-8 Henry Place, we would refer the Board to Dublin City Council Chief Executive's Report dated 27 October 2022 (enclosed with this submission).

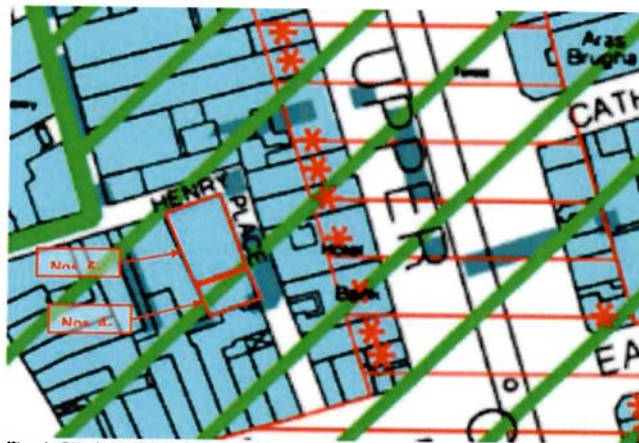


Fig. 1: Site Location and Land Use Zoning

Figure 1: Extract from DCC CE Report October 2022 of Fig.1 identifying the location and extent of 6-8 Henry Place and 4-5 Henry Place.

The Chief Executive's Report, 27 October 2022, makes a clear distinction between 4-5 Henry Place and 6-8 Henry Place. Nos. 6-8 Henry Place is located on the north eastern, and 4-5 Henry Place is situated immediately south of this.


RPS Ref.	Address	Description	Extent of Protected Structure Status
8906	4-8 Henry Place, Dublin 1	Commercial premises (former O'Brien's Mineral Water Factory): 19 th century ground floor facades to Henry Place and Moore Lane.	 Fig. 2: 4-8 Henry Place, Dublin 1: extent of Protected Structure

Table 2: Description of RPS Ref 8906 and Extract of Fig 2 from DCC CE Report October 2022 clarifying the extent of the protected ground floor facades at Henry Place at 6-8 Henry Place.

For avoidance of doubt, therefore, we would clarify that the protected structure with address listed at 4-8 Henry Place, Commercial Premises (former O'Brien's Mineral Water Factory) comprises: "19th Century ground floor facades to Henry Place", where the extent of the protected structure and curtilage is defined by reference to Fig. 2 of the Chief Executive's Report to Dublin City Council, made on 27 October 2022. It is therefore limited to ground floor only, façade only and what is now known as 6-8 Henry Place only.

For convenience, any reference to this protected structure at Site 3 shall be understood to be limited in this same way, i.e., the ground floor façade of what is now known as 6-8 Henry Place.

The decision to add these structures to the Record of Protected Structures remains the subject of pending legal proceedings, High Court 2023 3 JR. Pleadings have not yet closed, and no hearing date has been listed. The proposals within this response are made without prejudice to those proceedings, and the questions raised about the validity of the decision by the Council

Thereafter, we refer the Board to the Architectural Heritage Impact Assessment and its appendices, prepared by Molloy & Associates Conservation Architects, submitted with the planning application for Site 3. In particular to sections 2.2.17 and 2.2.18 and Appendix A3.18 of this report, which provides a detailed description of the building.

As this building was not listed on RPS at the time of application, it was proposed to be demolished. It is however now acknowledged that the historic 19th century fabric at ground floor facades are now listed for protection. As noted previously, our interpretation of the Dublin City Council Chief Executive's Report, October 2022, is that the protection is limited to ground floor only, façade only and what is now known as 6-8 Henry Place only.

On this basis we take this opportunity to submit proposed revised elevations to the Board, prepared by MOLA Architects, drawing nos. DC-MLA-3X-ZZ-M3-A-40-0401 and DC-MLA-3X-ZZ-M3-A-40-0402 which demonstrate a design intent for the integration of the protected structure. Note these elevations have not been amended to reflect Condition 6 imposed by Dublin City Council in its decision to grant permission in this case. In this design scenario, the Protected Structure becomes an anchor for the project at the Henry Place corner, with the proposed contemporary hotel building rising vertically from it. Clerestory glazing and vertical breaks ensure that there is a distinct but sympathetic separation between the retained fabric and the contemporary architecture above. Minor amendments to the core arrangement and internal layouts will ensure that proposed door and window locations at ground floor work within the existing openings and will not disrupt or detract from its character but help re-establish the importance of the corner site by giving it a new purpose.

We would invite a reasonable condition from the Board that seeks to amend the proposed design in order to retain the protected ground floor facades at RPS Ref. 8909 (4-8 Henry Place). The detail of the proposal can be agreed with Dublin City Council prior to commencement of works.

Thereafter, the Board will be aware that a number of other non-protected structures and façades on Henry Street, all of which post-date 1916, are considered significant collectively and in their representation of retail / residential development typologies dating from the early 20th century in Ireland. A number of buildings on Moore Street and Henry Place are also significant from a heritage perspective. The scheme therefore proposes to retain and integrate the building fabric of No. 36 and No.37 Henry Street, in addition to Nos. 8 - 9 Moore Street and Nos. 11 - 13 Henry Place, into the Site 3 development in a manner which seeks their meaningful, purposeful and adaptive re-use. The façades of No. 39 and No. 40 Henry Street are also retained and integrated into the proposed scheme.

In summary, conservation, refurbishment, repair and adaptive reuse of the existing structures include: -

- **4-8 Henry Place:** Protected Structure - Integration of the 19th Century ground floor facades of the commercial premises (former O'Brien's Mineral Water Factory), into the proposed hotel building element. The altered scheme, as designed by MOLA in the attached drawings no. DC-MLA-3X-ZZ-M3-A-40-0401 and DC-MLA-3X-ZZ-M3-A-40-0402, demonstrates a successful approach to the integration of the retained façade section.
- **Nos. 36 and 37 Henry Street:** Block 3A incorporates the existing buildings at Nos. 36 and 37 Henry Street, where the existing basement and four floors above are to be retained and upgraded. A new set-back level at 4th floor allows the original buildings to be read beneath. The hotel is then significantly set back at the northern end of Block 3B, where it steps up from 6 to 8 storeys before rising to 9 storeys (30m to parapet) at the north east corner.
- **Nos. 39 and 40 Henry Street:** Within Block 3B the facades of Nos. 39 & 40 Henry Street are retained and restored at upper levels from 1st to 3rd floor. The new residential building is set back at 4th and 5th floor levels to allow the original facades to be read beneath.
- **Nos. 8 and 9 Moore Street:** At the north western corner of Block 3B it is proposed to incorporate the existing basement and 3 storey 18th century buildings at Nos. 8 – 9 Moore Street. Although much modified, certain features such as floor/walls and sections of original plasterwork survive within this structure. An existing staircase to the rear of 8-9 Moore Street, currently serving ground and 1st floors will be extended to provide access to the upper floors. It is proposed to safeguard and integrate surviving fabric, including restoration of external walls thus improving their presentation onto Moore Street, within the scheme. Whilst not included in the recent additions to the RPS, this building is considered highly significant as an 18th century relic of Moore Street, complimenting the setting of other protected structures to the north of the street. All works are proposed in alignment with architectural heritage policies set out in Chapter 11 of the Dublin City Development Plan 2022-2028, irrespective of its statutory status.
- **Nos. 11 – 13 Henry Place:** Immediately adjoining Nos. 8 – 9 Moore Street, it is proposed to retain and restore the existing ground and 1st floor facades and the floor area at 1st floor level. Whilst not included in the recent additions to the RPS, this building is considered highly significant, both in terms of its contribution to the 1916 battlefield and the historic streetscape of Henry Place. All works are proposed in alignment with architectural heritage policies set out in Chapter 11 of the Dublin City Development Plan 2022-2028, irrespective of its statutory status.

This conservation approach seeks to ensure that protected structures and other buildings of historic significance are brought into viable re-use, instilling new life and activity into what was hitherto unusable floor space notwithstanding its location overlooking one of Dublin's shopping streets. It seeks to strike an appropriate balance between the conservation of a representative collection of 18th, 19th and 20th century buildings and the provision of high quality retail, residential, hotel, café / restaurant and cultural floor space that will drive the regeneration and active use of this significant city centre location. The general appearance, the historic uses and associations are largely maintained, particularly along Henry Street and Moore Street.

The proposals are based on detailed 3-dimensional structural surveys and conservation assessment of the significance and condition of all of the buildings within the application site. Recent design integration by MOLA of a protected structure RPS reference 8906 at the corner of Henry Place has resulted in the careful presentation of this retained portion of façade, ensuring its enhanced contribution to the legibility of the 1916 evacuation route. It is accepted that further communication

with Dublin City Council will be required prior to commencement of the development, to agree particular strategies for the treatment of external and internal wall finishes; window and door treatments together with its internal presentation within the hotel lobby. The Board is respectfully requested to apply a condition to their decision to enable typical engagement to resolve such design approaches.

Thereafter, for the non-protected buildings of historic interest, we refer to the Conservation Report prepared by Molloy & Associates Conservation Architects as submitted at application stage. Full details of the conservation works proposed can then be found in the planning drawings and Section 5.2 of the Architects Design Statement prepared by MOLA as submitted at application stage. The Architectural Heritage Impact Assessment report prepared by Molloy and Associates provides a comprehensive assessment of the evolution of the conservation approach to the development of Site 3 and wider Masterplan. Chapter 15 of the EIAR as submitted at application stage also addresses the impact of the proposed development on Cultural Heritage.

Where practicable, existing façades and selected buildings have been integrated into Site 3 to preserve the subdivision of the individual shopfronts and maintain the rhythm of the streetscape. With regard to proposed scale and height, this is comparable with the recent pattern of development within the ACA. In terms of materiality the proposed new buildings complement the existing material palette and propose similar high-quality and self-finished materials to preserve the character of the ACA. New buildings and extensions are predominantly in brick, in a complementary and intentionally contrasting tone to the existing red brick on Henry Street. Rooftop elements clad in corten steel present a contemporary take on the traditional metal seamed roofs, to preserve the character of the highly modulated roofscape.

It is further submitted that the diverse range of uses will act as a catalyst for the regeneration of the area and that residential use will have a positive impact on the area and ensure the long-term occupancy of the ACA.

2.7 Chapter 12 – Culture

2.7.1 Relevant Policies / Objectives

Policy CU7 Cultural Clusters and Hubs

To support existing, and encourage the growth of, emerging cultural clusters and hubs within the city, which bring together cultural activities interlinked with supporting uses (such as restaurants, retail, galleries and venues) to create vibrant, defined cultural quarters and communities within the city that give a variety of cultural experiences to all.

Policy CU12 Cultural Spaces and Facilities

To grow the range of cultural spaces and facilities in tandem with all new developments and across existing developments such as in basement or rooftop spaces where suitable to meet the needs of an increased population within the city.

Policy CU15 Cultural Uses in the Design and Uses of Side Streets

To encourage the rejuvenation of quieter urban streets by the inclusion of cultural uses both in the design and uses of side streets.

Objective CU025

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site*

immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

**Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.*

2.7.2 Applicant's Response

The overall Dublin Central Masterplan, including Site 3, will bring together cultural activities interlinked with supporting uses, such as a Hotels, Residential use, Café/Restaurant units and Office Spaces to create vibrant, defined a cultural quarter and community within this urban block.

The Dublin Central Masterplan rejuvenates quieter urban streets by introducing new pathways and the inclusion of cultural uses both in the design and uses of side streets. Site 3 specifically provides a Cultural / Gallery / Café space in a building know as 'The White Building' which fronts on to the new North-South Lane to encourage activity through the site, please refer to the image below (See Figure 2 below).

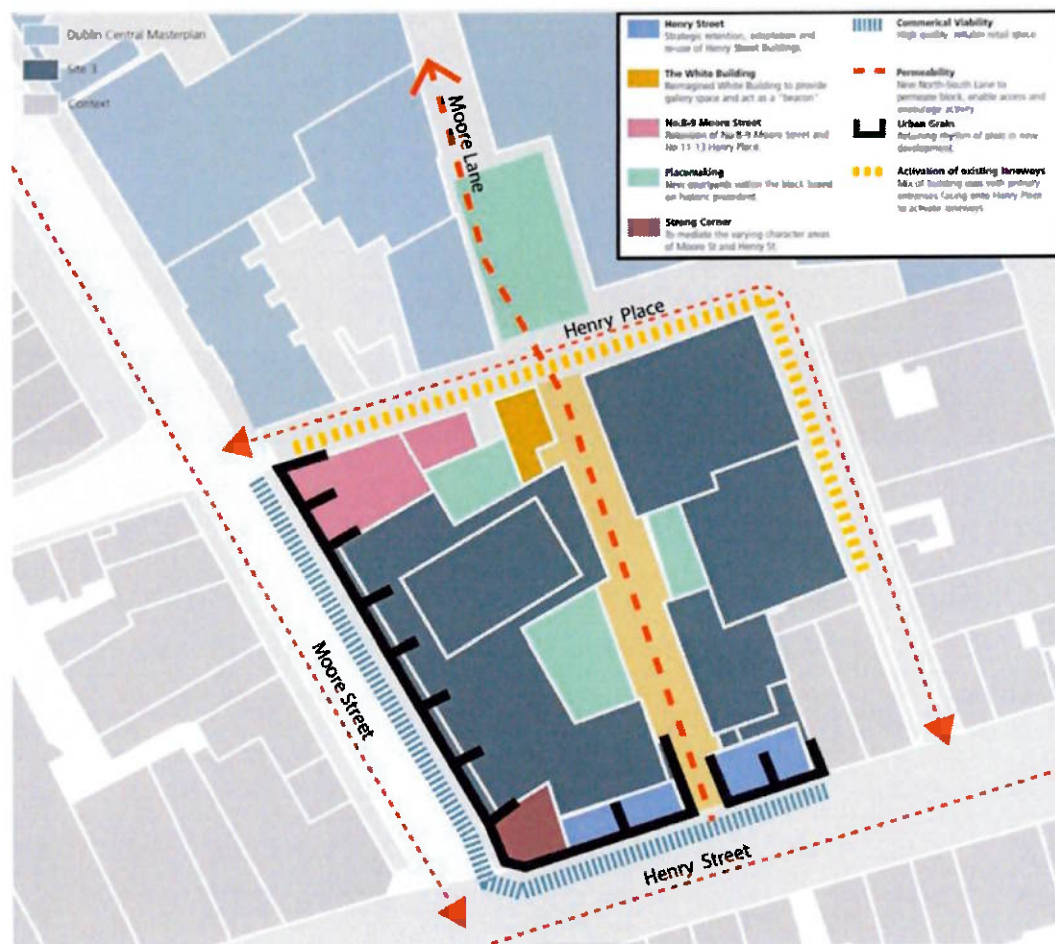


Figure 2: Extract from the Architectural Design Statement, prepared by MOLA Architects as submitted with the Site 3 Planning Application, setting out the Site 3 strategy.



Figure 3: Proposed view from Henry Place showing the 'White Building', extracted from the Architectural Design Statement, prepared by MOLA Architects as submitted at planning application stage

It is noted that Objective CUO25 refers to *"all new regeneration areas (SDRAs)"* in the context of providing community, arts and culture spaces. Site 3 forms a component part of the wider Dublin Central Masterplan area, located within SDRA 10 – Northeast Inner City and identified as a 'Key Opportunity Site'.

While the Site 3 planning application/appeal is currently being assessed in isolation, it is also considered reasonable that the provision of community, arts and culture spaces should be assessed in the context of the wider Dublin Central Masterplan, the majority of which is now subject of live planning applications/appeals sitting with the Board for determination.

Having regard to the Development Plan requirements, the proposed provision of community, arts and culture spaces for Site 3 is c.533 sq m. This should be considered in the context also of the additional wider Dublin Central Masterplan provision of c.3,394 sq m, as follows:

Use	Site 1	No. 61	Site 2	Site 3	Site 4	Site 5	Total
Proposed Culture / Community Space – RFI			553 sq. m				553 sq. m
Pocket Square at the Reading Room			120 sq. m				120 sq. m
Public Square					1,085 sq. m	168 sq. m	1,253 sq. m
Cultural / Gallery / Café – The White Building				123 sq. m			123 sq. m
Extension to National Monument – A Cultural Facility					60 sq. m		60 sq. m

Historic Paving – Across Masterplan							690 sq. m
New streets / passageway		68 sq. m	650 sq. m	410 sq. m			1,128 sq. m
Total Cultural / Social Space	TBC	68 sq. m	1,323 sq. m	533 sq. m	1,145 sq. m	168 sq. m	3,927 sq. m
Metrolink Public Areas							9,812 sq. m

Table 2: Quantification of Cultural/Social Spaces across the Masterplan.

% of total Cultural Space in Site 2 in respect of the GFA of Site 3	
Total GFA of Site 3	15,409 sq. m
Total Site 3 Cultural GFA	533 sq. m
% of Cultural / Social Space of Site 2 GFA	3.5 %
% of total Cultural Space across Dublin Central in respect of the GFA of Site 3	
Total GFA of Site 3	15,409 sq. m
Total Cultural / Social Space (Including outdoor spaces)	3,927 sq. m
% of Cultural / Social Space of Site 3 GFA	25.5 %
% of Cultural Space Across the Dublin Central Site (2-5)	
Total DCP GFA (excluding Site Enabling Works)	75,916 sq. m
Total Cultural / Social Space	3,927 sq. m
% of Cultural / Social Space of total GFA	5.2 %
% of total Cultural Space in Site 3 and Metro Link Public Areas in respect of the GFA of Site 3	
Total GFA of Site 3 Inc. MEW Site Enabling works	15,409 sq. m (No MEW Site Enabling Works included on site)
Total Site 3 Cultural GFA and Metro Link Public Areas	10,345 sq. m
% of Cultural / Social Space of Site 3 GFA	67%
% of Cultural Space including MEW Site Enabling Works Across the Dublin Central Site (2-5)	
Total GFA (Including Site Enabling Works)	85,728 sq. m
Total Cultural GFA and Metro Link Public Areas	13,739 sq. m
% of Cultural / Social Space of Site 3 GFA	16%

Table 3: Quantification of Cultural/Social Spaces as percentages

As can be seen in Table 2 above there are a number of indoor and outdoor cultural and community spaces proposed at Site 3 and across the Dublin Central Masterplan that meet the Objective CU025 requirement.

Cultural and community spaces include: -

- The White Building (Site 3) – The proposed use envisages a cultural / gallery venue, with the café at ground floor and exhibition space extending to 1st floor. This would create a destination, interpretative and exhibition center, and place of interest for the general public, visitors and local residents. The proposed gallery exhibition space may host exhibitions and other events of contemporary social and cultural significance.
- In the Public Square (Site 4 & 5) there is possibility for public artwork, a range of events (theatre, cinema, performances etc.) and informal gatherings.
- An additional 553 sq. m of cultural / community space was added to the Site 2 proposal at Further Information stage.
- In the Pocket Square at the Reading Room (Site 2) there is possibility for public artwork, informal gathering and possible seating for associated licensed restaurant / café units with takeaway / collection facility' at ground floor level of the Reading Room.
- The proposal seeks to retain and consolidate historic paving across the Masterplan site which will support the possibility of introducing a historic trail in cooperation with a Third Parties.

In addition, having regard to *Section 12.5.7 – Culture in the Public Domain*, the Development Plan states that “*public spaces play a highly significant role in the public expression and cultural value of the city.*” It is envisioned that the public plaza (Site 4 & 5) would be capable of hosting open air events once implemented as noted above.

In respect of *Objective CU037 – Street Art* of the Development Plan, there is an opportunity to use the proposed wall to the rear of No. 61 O’Connell Street Upper (i.e. along the new passageway) for art installations. Any future artistic installation would be subject to agreement with DCC.

In summary, 3.5% of the Site 3 GFA is dedicated to community, arts and cultural spaces.

In the context of the Dublin Central Masterplan, 5.2% of the area (including Site 3) is dedicated to community, arts and cultural spaces, just above the minimum requirement set out under Objective CU025.

Furthermore, we note that the MetroLink public areas comprise 11% of the total Dublin Central GFA (including site enabling works) before the other community, arts and cultural spaces are even considered. We respectfully submit that these public areas should be considered as part of the community space provided as part of this Development. The community, arts and culture space together with the MetroLink public areas accounts for 16% of the Dublin Central Masterplan, which is significantly in excess of the 5% noted under Objective CU025.

Thereafter, Site 3 / Dublin Central Masterplan lands are located on one of Ireland’s premier streets at the heart of the city centre, with access to an abundance of community, arts and cultural spaces. The list below (not intended to be exhaustive) identifies some of the cultural attractions (a number of which are world renowned) within a short walk of the application site / Dublin Central lands: -

- The GPO (Landmark & Museum).
- Moore Street Market.
- Gate Theatre.
- James Joyce Centre.
- Dublin Writers Museum.
- Abbey Theatre.
- 14 Henrietta Street (Museum).
- Garden of Remembrance.
- The Academy.
- Ambassador Theatre.
- Hugh Lane Gallery (Charlemont House).

- The Spire.

Under the Urban Regeneration and Development Fund (URDF), the 'North Inner City Concept Area 1' is to receive €121.3 million in URDF funding for projects including: -

- The allocation of €12.7m towards the regeneration of the National Monument at Nos. 14 – 17 Moore Street, including the structural and restoration works on the four houses **to facilitate the creation of a 1916 Commemorative Centre** and associated museum building to the rear of the historic buildings.
- Moore Street Public Realm Renewal works to include lighting, **public art**, paving, stalls, signage, to reactivate one of the City's most important trading streets.
- Parnell Square Public Realm works to create a **civic space linking within the Parnell Square Cultural Quarter buildings, including new city library** (work have commenced on the new library).

The first phase of construction on the Dublin City Library commenced in November 2022. Furthermore, works on the 1916 Commemorative Centre are due to commence imminently and due to be completed by 2026 (as reported in the media May 2023). The proposed public plaza (Site 4 & 5) as part of the Dublin Central Masterplan will link directly to the rear of the 1916 Commemorative Centre, providing direct access to this cultural amenity.

As such, given the provision of community, arts and cultural spaces at Site 3 and across the Dublin Central Masterplan, and having regard to the significant extent of existing cultural facilities within this immediate city centre location, it is respectfully submitted that that the proposed development is consistent with Objective CUO25 and the other Chapter 12 policies identified above.

2.8 Chapter 13 – Strategic Development Regeneration Area

2.8.1 Relevant Policies / Objectives

O'Connell Street/Moore Street Civic/Cultural Hub

*In recognition of the historic built form and history of the area and the potential for public interaction given its key location in the north retail core. With proximity to the emerging cultural quarter around Parnell Square, and its associated range of arts and literary attractions, this hub would act as a natural extension to the existing cultural quarter extending its reach, blending with a new mix of uses. With excellent transport access, this precinct will become even more accessible to the wider public when planned public transport improvements are delivered over time. The Moore Street market will become a re-energised market street, with a significantly improved public realm and act as a gateway, and through route, to the historical assets of the area, to create synergies to benefit the entire city block, breathing new life to the area. (*The historical assets are not limited to Moore Street/Moore Lane, but include O'Connell Street & the GPO)*

Housing

- To promote an increased residential population and the successful integration of new and established residents and communities.
- To ensure that new residential developments accord with the indicative layout illustrated in the framework, supporting social, community and amenity infrastructure/services in the local area.
- To promote a variety of house types and tenures, avoiding an over-concentration of specialist accommodation such as tourist and student accommodation, thereby, ensuring capacity for the growth of balanced residential communities.
- To promote the development of high quality residential mews dwellings at appropriate locations and in accordance with relevant standards, thereby, unlocking the residential potential of laneways, improving public realm, and increasing pedestrian permeability where possible.

Education and Employment

- To encourage local employment, where the appropriate skills are available, on construction projects in the area.
- To support the use of educational buildings within the area for evening and weekend use in the provision of education related services and recreational use.
- In association with relevant agencies, to encourage the development of Social Enterprise in the area by promoting the development of new enterprise space / starter units in appropriate locations.
- To support the development of a heritage/tourist/ literary trail (as identified in the Mulvey Report) in association with relevant agencies such as Tourism Ireland, Waterways Ireland, the NTA, and in consultation with key stakeholders.

Guiding Principles for Key Opportunity Sites

O'Connell Street/Moore Street Civic/Cultural Hub

1 – O'Connell Street to Moore Lane incorporating Carlton Site

This 2.2 ha site incorporates buildings extending from O'Connell Street, Ireland's premier street, to Moore Street, including Moore Lane, O' Rahilly Parade, Henry Street North and Henry Place. It is identified within the Guiding Principles Map as a civic/cultural hub because of both its historical/cultural importance and because of its potential as a focus for quality retail and mixed-use development. The site is of significant historical importance given its association with the 1916 Easter Rising, and Moore Street is also well known for its open-air fruit and vegetable market. The area has the potential to be transformed through heritage led, mixed-use regeneration that acknowledges and responds creatively to the cultural roles and historical significance of this centrally located site.

Scheme design shall be based on a comprehensive masterplan that incorporates a convenient access route to the planned Metrolink stop, quality connections across the site, and a cultural interpretative element.

Any final proposal must incorporate at least one new east-west pedestrian route interlinking to at least two new civic spaces within the block, utilising the existing lane structure for cross connections.

Masterplan proposals should hence incorporate the following:

- *New pedestrian connections linking both O'Connell St. to Moore St. via a new public square, and also Henry Street to Henry Place/Moore Lane.*
- *Exceptional architectural design to match the importance of this city block that will effectively interlink the historic GPO with the emerging cultural quarter at Parnell Square.*
- *A new civic square, open to the public, and quality pedestrian access to the proposed Metrolink station.*
- *An appropriate mix of uses to ensure activity both day and night. Active ground floors should front public routes.*
- *The restoration of a significant element of the Upper O'Connell Street streetscape, including the former Carlton Cinema façade, No 42 O'Connell Street, and Conway's Pub on Parnell Street.*
- *Heritage –led retention and restoration of all pre-1916 buildings and fabric along Moore Street.*
- *Acknowledge the urban architectural and historical context and complement the scale and design of the National Monument at Nos. 14 -17 Moore Street and its reuse as a commemorative visitor centre (URDF Government funding relates).*
- *Moore Street Public Realm Renewal works to include lighting, public art, paving, stalls, signage (URDF Government funding relates).*
- *Promote a high quality street market that firstly offers a diverse food range, speciality food with outdoor seating serving same that knits with the proposed Public Realm Renewal works proposed for the area and secondly a high quality urban environment that promotes a mix of uses, including residential at upper levels to ensure passive supervision and continual activity.*
- *A detailed phasing plan to address different stages of construction, co-ordinated as necessary with other planned works that may take place during the planned construction period.*

Proposals for this area must also have regard to:

- The policies and provisions of the O'Connell Street Architectural Conservation Area (ACA), 2001, and the Scheme of Special Planning Control for O'Connell Street & Environs 2016, including any amendments thereto, along with those of the proposed Draft Moore Street Architectural Conservation Area or similar where adopted.
- Protected Structures (as provided on the City Council's Record of Protected Structures (RPS)) and the policies and objectives of this development plan for such structures, together with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Ministerial Recommendations for the proposed addition of buildings and other structures to the City Council's RPS, provided under Section 53 of the Planning and Development Act, 2000 (as amended), together with the relevant policies and objectives for same in this development plan.
- The content of the Moore Street Advisory Group's 2021 report to the Minister.
- Proposals for this area must also have regard to:
- The policies and provisions of the O'Connell Street Architectural Conservation Area (ACA), 2001, and the Scheme of Special Planning Control for O'Connell Street & Environs 2016, including any amendments thereto, along with those of the proposed Draft Moore Street Architectural Conservation Area or similar where adopted.
- Protected Structures (as provided on the City Council's Record of Protected Structures (RPS)) and the policies and objectives of this development plan for such structures, together with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Ministerial Recommendations for the proposed addition of buildings and other structures to the City Council's RPS, provided under Section 53 of the Planning and Development Act, 2000 (as amended), together with the relevant policies and objectives for same in this development plan.
- The content of the Moore Street Advisory Group's 2021 report to the Minister.

2.8.2 Applicant's Response

The application site falls within the Strategic Development Regeneration Areas (SDRA) 10 – Northeast Inner City (NEIC) of the current Development Plan, which states that: -

"Given the significance of this area and its regeneration potential, Dublin City Council is committed to preparing a Local Area Plan for this SDRA during the lifetime of this development plan, and, therefore, this SDRA forms an interim strategy and sets guiding principles for the LAP."

We understand that no steps have been taken as yet by Dublin City Council to commence the preparation of an LAP for SDRA 10 for the NEIC.

In the absence of a LAP, a Masterplan for the entirety of the Dublin Central site has been prepared. We refer the Board to the Masterplan Design Statement, prepared by ACME Architects which sets out the frameworks for the redevelopment of the overall land holding. Further detail with regard the Masterplan is set out in Section 6 of the Planning Application Report, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.

It is noted that the Dublin Central lands are identified as a 'Key Opportunity Site' within the SDRA, whose principles. We set out below how the proposed development (and the wider Dublin Central Masterplan) closely align with the aspirations set out in the SDRA.

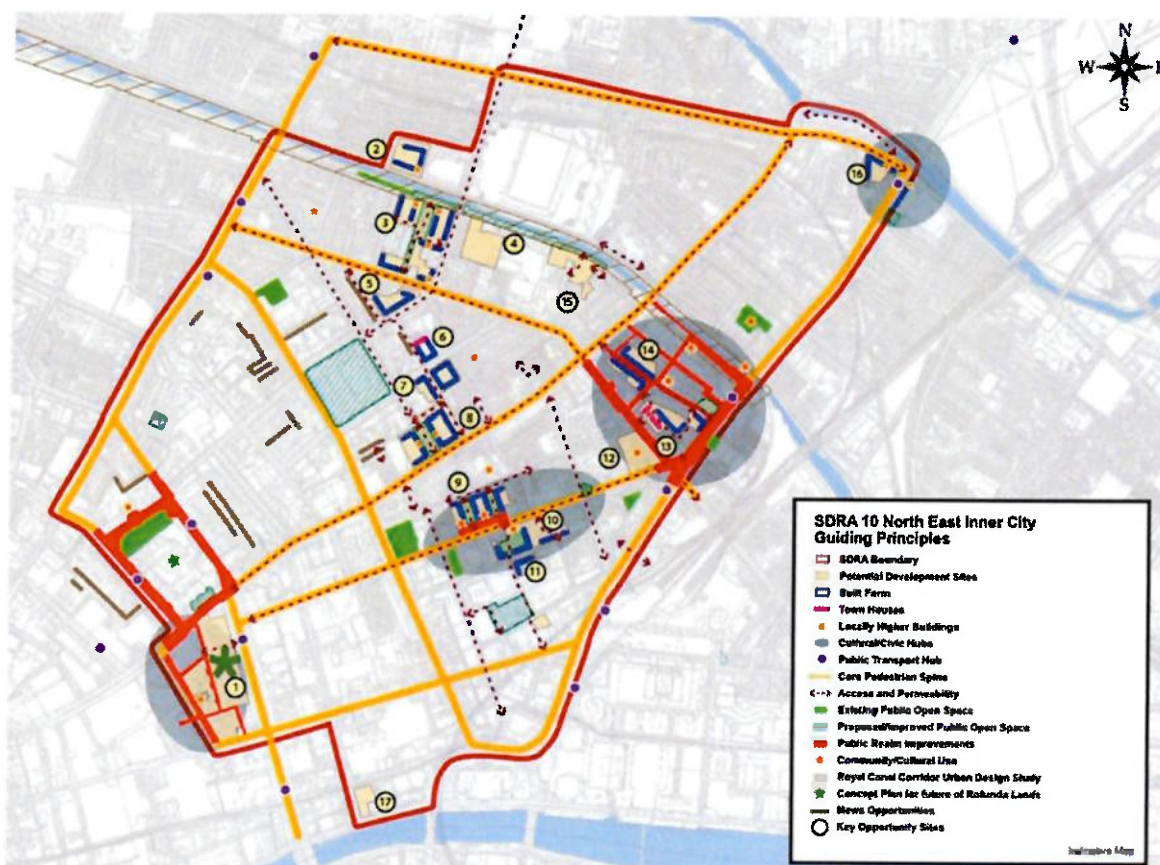


Figure 4: Extract from Figure 13-12 of the Dublin City Development Plan 2022 – 2028 with Dublin Central marked indicatively with a green star, identifying the Dublin Central lands as a 'Key Opportunity Site 1' within SDRA 10.

Guiding Principles for Key Opportunity Sites

With Regard SDRA 10, the Development Plan states that: -

"The area has the potential to be transformed through heritage-led, mixed-use regeneration that acknowledges and responds creatively to the cultural roles and historical significance of this centrally located site.

Scheme design shall be based on a comprehensive masterplan that incorporates a convenient access route to the planned Metrolink stop, quality connections across the site, and a cultural interpretative element.

Any final proposal must incorporate at least one new east-west pedestrian route interlinking to at least two new civic spaces within the block, utilising the existing lane structure for cross connections."

We refer the Board to the Masterplan Design Statement, prepared by ACME Architects submitted at application stage which sets out the frameworks for the redevelopment of the overall land holding. Further detail with regard the Masterplan is set out in Section 6 of the Planning Application Report, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants as submitted at application stage. This discusses the masterplan strategy in full detail.

It is noted that the 'Guiding Principles' for Opportunity Site 1 – O'Connell Street to Moore Lane incorporating Carlton Site – are broadly reflective of the Dublin Central Masterplan principles, with which the proposal for Site 3 is consistent.

In relation to new pedestrian connections, a new connection to Henry Street from Henry Place is provided for in the Site 3 proposal.

Within the wider Dublin Central Masterplan, subject of other concurrent applications / appeals:

- A public plaza in Site 4 (ABP-312642-22) is located within the heart of the Dublin Central Masterplan and will be highly accessible and is situated directly opposite the future O’Connell Street MetroLink entrance on Moore Lane
- Site 2 (ABP-318316-23) contains a new street between O’Connell Street Upper and Moore Lane. This links to the public plaza in Sites 4 (ABP-312642-22) and Site 5 (ABP-313947-22) through to Moore Street.
- A new connection is proposed between Henry Place to O’Connell Street Upper as part of the proposal for No. 61 O’Connell Street Upper (ABP-318268-23).

In relation to quality architectural design, the Planning Authority generally welcomes the modulation of massing and height across Site 3, 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 Authority assessment of the Site 3 proposal states that it *“incorporate exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city’s environment and heritage”*.

The proposed Site 3 development provides a ranges of active uses at ground floor to encourage activity throughout the day and into the night. This approach has been replicated across the wider Masterplan area.

As discussed in Section 2.6 of this report above, the Site 3 proposal has had appropriate regard to the historical context of the site and integration of historic fabric. It can also accommodate the integration of the protected structure at 4-8 Henry Place, added to the RPS since the application/appeal was made. We refer to MOLA drawing nos. DC-MLA-3X-ZZ-M3-A-40-0401 and DC-MLA-3X-ZZ-M3-A-40-0402 drawings submitted with this s.137 response. These drawings demonstrate a design intent for the integration of the protected structure. These elevations have not been amended to reflect Condition 6 imposed by DCC in its decision to grant of permission in this case.

We refer the Planning Authority to the Outline Construction & Demolition Management Plan and Preliminary Construction Traffic Management Plans, prepared by Waterman Moylan Consulting Engineers submitted with the planning application for Site 3 for further details on different stages of construction, co-ordinated as necessary with other planned works that may take place during the planned construction period.

It is evident from the above that the Site 3 proposal, on its own and/or as a component part of the wider Dublin Central Masterplan (including proposals for Sites 2, 4 & 5 now also with the Board), is consistent with the guiding principles of SDRA 10 for Key Opportunity Site No.1 in the O’Connell Street/Moore Street/Cultural Hub.

2.9 Chapter 15 – Development Standards

2.9.1 Relevant Policies / Objectives

2.9.1.1 Section 15.4.1 - Healthy Place Making

All developments will be encouraged to support the creation and nurturing of sustainable neighbourhoods and health communities, which are designed to facilitate active travel including walking and cycling, close to public transport insofar as possible, and a range of community infrastructure, in quality, more intensive mixed-use environments in line with the principles of the 15 minute city as set out in Chapters 4 and 5.

Key principles to consider are:

- *The contribution to the public realm for the benefit and / or enjoyment of the locality.*
- *The ability to create a sense of place and community using existing site features, tree coverage and landscaping to support green infrastructure and healthy streets.*
- *The use of high quality materials and finishes including hard and soft landscaping.*
- *The orientation of open space and the accessibility to daylight and sunlight.*

- *Quality of proposed public, private, and communal open spaces and recreational facilities and the relationship of proposed open spaces with any existing public open space including linkages and permeability to adjacent neighbourhood, facilities and streets.*
- *The accessibility of the development and the traffic calming measures in place in accordance with DMURS.*
- *The attractiveness of the development for various activities such as walking, cycling, sitting, dining etc.*
- *Inter-relationship of buildings / dwellings, roads, pedestrian ways, neighbourhood centre facilities and local parks and green areas – active frontages and passive surveillance will be encouraged.*

2.9.1.2 Section 15.4.2 Architectural Design Quality

Imaginative, innovative and contemporary architecture is encouraged in all development proposals, provided that it respects Dublin's heritage and local distinctiveness and enriches the city environment. Through its design, use of materials and finishes, development will make a positive contribution to the townscape and urban realm, and to its environmental performance.

Through the use of high quality materials and finishes and the appropriate building form, the architectural quality of development should positively contribute to the urban design and streetscape, enhancing the overall quality of the urban environment

Key principles:

- *The character of both the immediately adjacent buildings, and the wider scale of development and spaces surrounding the site.*
- *The existing context and the relationship to the established pattern, form(s), density and scale of surrounding townscape, taking account of existing rhythms, proportion, symmetries, solid to void relationships, degree of uniformity and the composition of elevations, roofs and building lines. The scale and pattern of existing streets, squares, lanes and spaces should be considered.*
- *The existing palette of materials and finishes, architectural detailing and landscaping including walls, gates, street furniture, paving and planting.*
- *The suitability of the proposed design to its intended landuse and the wider land-use character of the area, along with its relationship with and contribution to the public realm.*
- *The design of new development should respect and enhance the Dublin's natural assets such as river and canal frontages, the River Liffey and many quality open spaces that contribute positively to the cityscape and urban realm, the settings of protected structures, areas of special interest and important views and that the design incorporates high quality detail, materials and craftsmanship.*
- *The need to protect and enhance natural features of the site, including trees and any landscape setting.*
- *The context and orientation in relation to daylight, sunlight and overshadowing and environmental performance including climate impacts such as downdraft or wind tunnelling.*
- *The main routes which should be distinguished by exploiting vistas, key buildings and landmarks with the activities and functions of the places made visible, thus bringing a sense of liveliness to spaces.*
- *Landmark features which can be used to give treatment to main entrances to a development, complement open spaces and assist in place-making and identity.*

2.9.1.3 Section 15.4.3 Sustainable and Climate Action

Development proposals will be expected to minimise energy use and emissions that contribute to climate change during the lifecycle of the development with an aspiration towards zero carbon, and ensure the reduction, re-use or recycling of resources and materials, including water, waste and aggregates.

To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new build.

Key sustainable design principles:

- *Buildings should be designed to minimise resource consumption, reduce waste, conserve water, promote efficient energy use and use appropriate renewable technologies.*
- *Design should optimise natural or heat recovery ventilation, minimise overshadowing and minimise glare and excessive solar gain.*
- *Materials should be selected which are sustainably sourced and existing materials reused and recycled wherever possible. The use of green building materials and low embodied energy products such as low carbon cement and recycled materials is encouraged.*
- *Design should enhance biodiversity and provide for accessible open space and landscaping which enhances the ecological value of a site. Greening measures should be included such as the incorporation of green roofs and walls, planting and trees. See also policies as detailed in Chapter 10.*
- *Developments should incorporate a Surface Water Management Plan in accordance with the requirements of Appendix 13 – the Council’s Surface Water Management Guidance – see policy SI25.*
- *New public and private spaces must incorporate proposals for Sustainable Drainage Systems (SuDS) in their design, where appropriate, in accordance with the Council’s Guidance Document for implementing SuDS Solutions (2021). See also Appendix 12 and policy SI22 and SI23.*
- *For larger schemes, consideration should be given to district heating schemes and combined heat and power (CHP) – see policy CA11, CA15, CA16, CA17, CA18 and Section 15.7.2 below.*

2.9.1.4 Section 15.4.4 Inclusivity and Accessibility

Development proposals, including all new large scale developments, whether they relate to new buildings, public realm works, changes of use or alterations to existing buildings, must be designed to meet the mobility needs and convenience of all, and incorporate inclusive design principles particularly for vulnerable groups such as the elderly and persons with disabilities.

Within new buildings and spaces, this will include consideration of issues such as provision of level circulation, lifts, doors widths, surface finishes, signs and information.

The historic environment poses particular challenges for fully delivering all-inclusive access, however, there will almost always be scope to improve access for all without compromising the character of an existing structure of special interest.

2.9.1.5 Section 15.5.1 Brownfield, Regeneration Sites and Large Scale Development

These sites often contain derelict or vacant buildings which are underutilised and in need of redevelopment. Brownfield lands have the ability to regenerate and rejuvenate large portions of the city through redevelopment.

Dublin City Council will seek to ensure the following considerations are incorporated in proposals for large-scale, regeneration and brownfield development:

- *To encourage innovative, high quality urban design and architectural detail in all new development proposals.*
- *To analyse and review the surrounding built environment to ensure the new development is consistent with the character of the area.*
- *To respect and enhance existing natural features of interest.*
- *To contribute to the streetscape creating active and vibrant public realm.*
- *To create animation and create activity at street level and vertically throughout the building.*
- *To provide for appropriate materials and finishes in the context of the surrounding buildings.*
- *To ensure land contamination is appropriately dealt with and mitigated against.*

- To provide high-quality new streets and open spaces connecting into the surrounding street pattern/ open space network.
- To create new compositions and points of interest.
- To provide an appropriate mix of uses comprising retail, residential, recreational, cultural, community- and/or employment generating uses to improve the existing range of uses and facilities in the area.
- To carefully integrate appropriate landscape planting and trees and retain and ecological features on the site.
- To prioritise pedestrian and cycle movements in connection with public transport infrastructure.
- To retain existing and create new features to make an easily navigational urban environment, including active building frontages with clearly defined edges and safe public routes.
- To build in capacity to incorporate services to meet changing demands including pipe subways and infrastructure to allow future connection to district energy networks.
- Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts on users of highways in the surrounding neighbourhood.

2.9.1.6 Section 15.5.4 Height

Appendix 3 identifies the height strategy for the city and the criteria in which all higher buildings should be assessed.

The following criteria are noted from Appendix 3:

Dublin Context

There are considered to be three general categories of height in the Dublin Context.

- **Prevailing Height:** This is the most commonly occurring height in any given area. It relates the scale, character and existing pattern of development in an area. Within such areas, there may be amplified height. This is where existing buildings within the streetscape deviate from the prevailing height context, albeit not to a significant extent, such as local pop up features. Such amplified height can provide visual interest, allow for architectural innovation and contribute to a schemes legibility.
- **Locally Higher Buildings:** These are buildings that are significantly higher than their surroundings and are typically up to 50 metres in height. Higher buildings can act as Local or District landmarks.
- **Landmark/Tall Buildings:** A landmark or tall building is one that is a significant intervention in the cityscape and skyline. They are typically located in an area that denotes a specific function such as a public transport interchange or a key urban quarter/ regeneration site. Landmark/tall buildings are typically in excess of 50 metres in height, of exceptional architectural quality, can help people navigate through the City and form memorable reference points.

At a strategic level, Dublin City has an intrinsic quality as a predominantly low rise city. There is a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. In particular, development proposals must be sensitive to the historic city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic squares and the canals. It is important to protect the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city and create opportunities for place making and identity. Opportunities for height will be promoted on sites identified in section 4 below and in accordance with the performance criteria set out in Tables 3 and 4.

Identification of Areas for Increased Height and Density

The general principle is to support increased height and higher density schemes in the **city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public**

transport and some other areas (as identified) considered as suitable for increased intensity of development.

The Building Height Guidelines note that general building heights of at least three to four storeys, coupled with appropriate density in locations outside what is defined as city centre, and which would include suburban areas, must be supported in principle at development plan level. The guidance also states that within the canal ring in Dublin, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of certain criteria.

In considering locations for greater height and density, all schemes must have regard to the local prevailing context within which they are situated. This is particularly important in the lower scaled areas of the city where broader consideration must be given to potential impacts such as overshadowing and overlooking, as well as the visual, functional, environmental and cumulative impacts of increased building height.

As a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in the key areas identified below. Greater heights may be considered in certain circumstances depending on the site's location and context and subject to assessment against the performance based criteria set out in Table 3.

Key criteria which all proposals for increased urban scale and height must demonstrate include:

The potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the NPF and Project Ireland 2040.

- *Proximity to high quality public transport connectivity, including key public transport interchanges or nodes.*
- *Proximity to a range of employment, services and facilities.*
- *Provision of adequate social and community infrastructure.*
- *The availability of good walking, cycling and public transport infrastructure.*
- *Appropriate mix of uses, housing typologies and tenures.*
- *The provision of high quality public open space and public amenities.*
- *The resilience of the location from a public access and egress perspective in the event of a major weather or emergency or other incidents.*
- *That the ecological and environmental sensitivities of the receiving environments have been adequately assessed and addressed.*
- *Appropriate design response that considers the characteristics of the site, any development constraints and prevailing character.*
- *Adequate infrastructural capacity.*

In accordance with SPPR 1, the following locations are identified as generally suitable and appropriate for accommodating a more intensive form of development, including increased height.

City Centre and within the Canal Ring (inner suburbs)

In general, and in accordance with the Guidelines, a default position of 6 storeys will be promoted in the city centre and within the canal ring subject to site specific characteristics, heritage/environmental considerations, and social considerations in respect of sustaining existing inner city residential communities. Where a development site abuts a lower density development, appropriate transition of scale and separation distances must be provided in order to protect existing amenities.

Proposals for increased height within key sensitive areas of the city including the city centre, the River Liffey and quays, Trinity College, Dublin Castle and medieval quarter, the historic Georgian core and squares and the canals etc. must demonstrate that they do not have an adverse impact on these sensitive environments and that they make a positive contribution to the historic context. Heights greater than 6 storeys within the Canal Ring will be considered on a case by case basis subject to the performance criteria set out in Table 3.

Masterplan

A design-led approach to optimise density and height is advocated and this should be based on an evaluation of the site's attributes, its surrounding context and capacity for growth and the most appropriate development form. In considering higher density proposals including buildings of enhanced height, international best practice indicates that it is possible to create successful places based around streets and a variety of urban typologies, including houses and medium-rise apartment blocks, as well as some carefully integrated taller buildings. Schemes that use urban typologies of 4 – 8 storeys can create better homes and neighbourhoods at surprisingly high densities, and are more cost-effective than other solutions.

There will be a requirement that for any significant scheme (on sites greater than 0.5ha) seeking to increase densities and height that a masterplan is prepared. The masterplan should provide a vision for the development of the entire site area, including how new buildings, streets, blocks, pedestrian and cycling routes, parks, and publically accessible and private open spaces will fit within the existing and planned context. It should include urban design studies to inform the architectural approach and to allow for the early testing of open space quantum, sunlight, daylight, visual impact and wind effects. Proposals seeking to optimise densities need to demonstrate how they assist in delivering a vibrant and equitable neighbourhood - walkable, compact, green, accessible, mixed and balanced - responding positively to the existing or emerging context. Where extensive development is proposed, clear phasing and sequencing of development should be set out to ensure the appropriate delivery of social and physical infrastructure in tandem with the development. Such masterplans should also incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place to service new development – see Appendices 11, 12 and 13 of the plan.

Higher density proposals including enhanced building height should be accompanied by a landscape and visual impact assessment with appropriate computer generated images (CGI's) and photomontages to demonstrate how the development will assimilate appropriately with the existing urban context.

2.9.1.7 Section 15.5.5 Density

New development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity.

Density is further discussed in Appendix 3.

As a general rule, the following density ranges will be supported in the city.

Table 1: Density Ranges

Location	Net Density Range (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

2.9.1.8 Section 15.5.6 Plot Ratio and Site Coverage**Table 2: Indicative Plot Ratio and Site Coverage**

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	60-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

2.9.1.9 Section 15.5.8 Architectural Design Statement

Applications for 50+ residential units should be accompanied by an Architectural Design Statement or any application below the threshold where the planning authority consider it necessary. Statements may also be required for large scale commercial development. An Architectural Design Statement is an informative, illustrative document that clearly describes the development proposal, the context in which the development is set and the design rationale for the scheme. Design statements should analyse the site context, planning context, opportunities and constraints of the site and the conceptual and detailed design of the development including the building massing, material and finishes and building articulation, (see also Policy SC23).

2.9.1.10 Section 15.5.9 Models and Photomontages

In the case of certain large or complex planning proposals, models and photomontages of a proposed scheme to an appropriate scale will be required by the planning authority. All photo-montages submitted with a planning application or Environmental Impact Statement must include details of the type of camera and the lens used to create the image. The development should be clearly depicted. The inclusion of excessive sunshine, blue sky and any other detailing or colouring which may distort the reliability of the photomontages should be avoided.

2.9.1.11 Section 15.6 Green Infrastructure and Landscaping

Planning applications will be required to address climate action as part of the overall design of the development and incorporate green infrastructure techniques. All new developments in the city are encouraged to incorporate an ecosystem services approach as a key instrument in achieving sustainable climate change action in accordance with Policy GI5 and GI6.

The proposal should indicate how existing natural features of the site will inform sustainable urban form and should include the following:

- Analysis of the potential for the retention and integration of existing natural features, such as watercourses, mature planting and topography; this approach, in accordance with the National Landscape Strategy 2015–2025, ensures the landscape character of the area is retained and informs the proposed design.*
- The connectivity of proposed open spaces to adjoining existing open space or natural assets should also be considered with reference to the city's green infrastructure in this development plan (Chapter 10) and any relevant local area plan(s); for sites which provide or adjoin habitats for species designated under the European Union Habitats Directive, Article 10 of the directive shall apply in regard to the need to provide connectivity and 'stepping stones' to ensure biodiversity protection.*
- Potential applicants should refer to the Dublin City Biodiversity Action Plan 2021 – 2025 or subsequent plans and consult the City Council's Parks, Biodiversity and Landscape Services*

Division to ascertain the significance of any ecologically sensitive areas which it may be appropriate to retain or integrate into a landscape plan. In such cases, the ecological attributes of the site and the impact of any development should be considered prior to final design.

2.9.1.12 Section 15.7.3 Climate Action and Energy Statement

In order to comply with the policies set out in Section 3.5.2 ‘The Built Environment’ and Section 3.5.3 ‘Energy’ of Chapter 3, proposals for all new developments in excess of 30 or more residential units or 1,000 sq. m. or more of commercial floor space, or as or as otherwise required by the Planning Authority, will be required to include a Climate Action Energy Statement.

The purpose of this statement is to demonstrate how low carbon energy and heating solutions have been considered as part of the overall design and planning of the proposed development. Having regard to the above, the statement, which shall be prepared by a certified engineer, shall address:

- *the technical, environmental and economic feasibility of on-site renewable energy generation including solar PV and small scale wind power*
- *the technical, environmental and economic feasibility of at a minimum, the following high-efficiency alternative energy supply and heating systems:*
 - *decentralised energy supply systems based on energy from renewable and waste heat sources;*
 - *co-generation (combined heat and power);*
 - *district or block heating or cooling, particularly where it is based entirely or partially on energy from renewable and waste heat sources;*
 - *heat pumps;*
 - *include an assessment of embodied energy impacts.*

2.9.1.13 Section 15.9.1 Unit Mix

The following requirement for unit mix are, therefore, required in these two sub-city areas; (i) the Liberties and (ii) the North Inner City.

To require planning applications that include residential accommodation of 15 residential units or more in the North Inner City and Liberties Sub-City Areas (as per Figure 1.2 as part of Appendix 01, Annex 3) include the following mix of units:

- *A minimum of 15% three or more bedroom units.*
- *A maximum of 25%-30% one bedroom / studio units.*

Council Part 8 or Part 10 residential schemes may propose a different mix having regard to the specific needs of the Housing & Community Services Department.

Standards may be relaxed for other social housing needs and/or where there is a verified need for a particular form of housing, for example for older people, subject to the adjudication of the Housing & Community Services Department.

SPPR 2 provides some flexibility in terms of unit mix for building refurbishment schemes on sites of any size, urban infill schemes on sites up to 0.25 ha, schemes up to 9 units and for schemes between 10 and 49 units. The planning authority will assess each application having regard to SPPR 2 on a case by case basis. For further details, please refer to The Sustainable Urban Housing: Design Standards for New Apartments (December 2020) guidelines. For clarity, in accordance with SPPR 8, the unit mix requirement for the North Inner City and Liberties Sub-City Areas does not apply to units that are designed to a BTR standard.

2.9.1.14 Section 15.17.5 Shopfront and Façade Design

Shopfront design plays a key part in contribution to the quality of the public realm. Attractive facades and shopfronts have the ability to rejuvenate the streetscape and create an attractive public realm environment.

Shopfront signage should:

- Be located at fascia level.
- In the case of shop blinds, comprise traditional retractable canvas awning signs of Shopfronts and Other Business Premises.
- The signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront.
- The lettering employed should be either on the fascia, or consist of individually mounted solid letters mounted on the fascia. The size of the lettering used should be in proportion to the depth of the fascia board.
- Signage internal to the premises, including interior suspended advertising panels, which obscure views into the shop or business and create dead frontage onto the street shall not normally be permitted.
- Corporate signs will only be permitted where they are compatible with the character of the building, its materials and colour scheme and those of adjoining buildings.
- Advertisements and signs relating to uses above ground floor level should generally be provided at the entrance to the upper floors, in a form and design which does not detract from or impinge upon the integrity of the ground floor shopfronts, or other elevation features of the building.
- Shopfronts sponsored by commercial brands will generally not be permitted. Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual, 2012, Dublin City Council's Shopfront Design Guide, 2001 and the O'Connell Street Area Shopfront Design Guidelines, 2003,

2.9.1.15 Car Parking Standards

The application site falls under Zone 1 (Map J of the Development Plan). Policy SMT2 seeks to: -

*"...continue to **promote modal shift** from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport..."*

Land Use	Car Parking Spaces
Hotel	None
Restaurants and Cafes	None
Other Retail and Main Street	1 per 350 sq.m GFA
Apartments	0.5 per dwelling

2.9.1.16 Bike Parking Standards

The subject site falls under Zone 1 (Map J of the Development Plan). The table below sets out the bicycle parking standards for various uses envisioned as part of a future development proposal (note: this is not an exhaustive list).

Land Use	Long Term Spaces	Short Term Spaces
Hotel	1 per 5 staff	To be determined by the planning authority on case by case basis
Restaurants and Cafes	1 per 5 staff	1 per 10 seats
Retail	1 per 5 staff	1 per 100 sq. m GFA
Apartments	1 per bedroom	1 per two apartments

2.9.2 Applicant's Response

2.9.2.1 Land Use and Healthy Place Making

Under the Dublin City Development Plan 2022 – 2028, Site 3 and the Dublin Central Masterplan area remain zoned “Z5 – City Centre”. The land use objective for the Z5 zoning continues to seek: -

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

The proposed development is consistent with the further guidance on Z5 zoned lands and the achievement of healthy place making, in that it will make a positive contribution to: -

- Sustaining life within the centre of the city through intensive mixed-use development.
- Providing a dynamic mix of uses, all permissible in principle, which interact with each other, help create a sense of community, and which will sustain the vitality of the inner city both by day and night.
- Accommodating a mix of retail, commercial and residential uses both vertically through the buildings and horizontally along the street frontage, to sustain a vibrant city centre. Retail is the predominant ground floor use at Henry Street as a retail street.

The following uses are considered ‘Permissible’ and ‘Open for Consideration’ under the Z5 zoning.

Permissible Uses
Amusement / leisure complex, beauty / grooming services, bed and breakfast, buildings for the health, safety and welfare of the public, café / tearoom, childcare facility, civic offices, community facility, conference centre, craft centre / craft shop, creative, artistic, recreational building and uses, cultural / recreational building and uses, cultural , delicatessen, education, embassy office, enterprise centre, financial institution, funeral home, guesthouse, home-based economic activity, hostel (tourist), hotel , industry (light), internet café / call centre, live-work units, media-associated uses, medical and related consultants, mobility hub, nightclub, office, off-licence, off-licence (part), open space, place of public worship, primary health care centre, public house, public service installation, recycling facility, residential, restaurant , science and technology-based industry, shop (district), shop (local) , shop (major comparison), shop (neighbourhood) , sports facility and recreational uses, student accommodation, take-away , training centre, veterinary surgery, warehousing (retail/non-food) / retail park.
Open for Consideration Uses
Advertisement and advertising structures, betting office, Build to Rent residential , car park, car trading, civic and amenity / recycling centre, household fuel depot, laundromat, motor sales showroom, outdoor poster advertising, petrol station, postal hotel / motel, transport depot.
SLA Emphasis added.

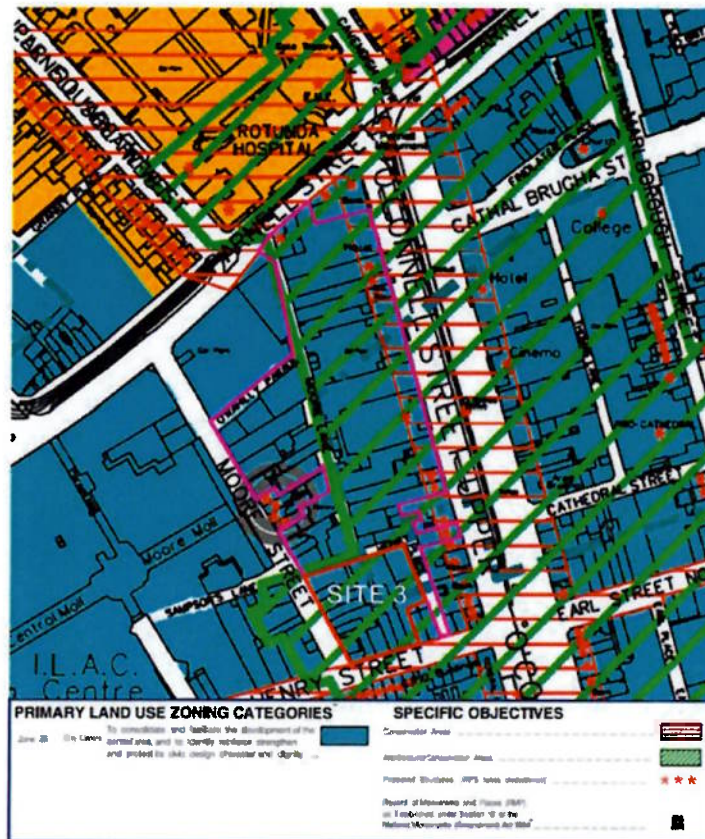


Figure 5: Extract from Map E of the Dublin City Development Plan 2022 – 2028 with Site 3 marked with a red star and the masterplan in purple. Please refer to Architects Drawings for definitive site outlines including offsite work for facilitate construction activities and infrastructural works.

The Site 3 proposal, on its own and as a component of the Dublin Central Masterplan, is representative of plan-led, high-quality urban and architectural design, which seeks to achieve the sustainable regeneration of an underutilised brownfield site.

The range, balance and configuration of uses as part of Site 3 can serve to attract and sustain desirable activity during the day and night, to create a City Centre destination that is commercially competitive and attractive, inclusive and vibrant.

Site permeability and connectivity to the wider Masterplan area that includes well-designed public realm will drive footfall, increase dwell time and activate the interior of this urban block, in addition to sustaining active uses at Henry Street and Moore Street.

The scale and massing of Site 3, broken down into defined blocks with familiar street frontages, will accommodate the viable mix of uses required to drive the regeneration and dynamic placemaking within this area of the north inner city. Figure 2 above highlights the placemaking strategy through Site 3. We refer also the Board to the Design Statement prepared by MOLA as well as the Landscape Report and associated drawings, prepared by GrossMax Landscape Architects as submitted at application stage for design details of the blocks and courtyards within Site 3.

In the wider context, Site 3 is set within the context of the Dublin Central Masterplan, which benefits from design input by several architectural practices to ensure appropriately varied design and visual appearance across this urban quarter. At the same time, the design of each site will adhere to the common principles set down in the Masterplan to ensure an overall coherence and coordinated placemaking in the regeneration at this prominent and visually sensitive city centre location. New street connections and public spaces are introduced to breakdown block scale, encourage through movement and enable a higher level of access across the Masterplan area. The resultant more intimate individual block pattern has fewer unrelieved or unrelenting façades, avoiding “uninterrupted walls of building”.

The objective is create a visually stimulating city environment full of interest and building detail. We refer the Board to The Masterplan Design Statement, prepared by ACME as submitted at application stage for further details in relation to placemaking across the Dublin Central Masterplan.

The Planning Authority assessment of the Site 3 proposal, in the context of the overall Masterplan vision, was positive in respect to placemaking, stating that –

*“The scale and extent of the overall masterplan site invites opportunities for **meaningful placemaking** within these neglected laneways and back streets. The enhancement of pedestrian links including the introduction of a new passageway bisecting the subject site will filter pedestrians into these laneways and in doing so, **activate the laneways bringing vitality and vibrancy to the area**. In addition, **improvements to the public realm, including the provision of new public spaces within the wider masterplan site, will further contribute towards placemaking and creating the potential for a destination**. The proposal for a mixture of façade retention, new development with a significant transition in scale to the 9 storey hotel building will create visual interest within this defined masterplan site and the use of the passageway to facilitate access to the wider masterplan site will enhance permeability, create intrigue and provides for an inviting entrance to the development.”*

[SLA Emphasis in Bold]

2.9.2.2 Architectural Design Quality

It is an ambition of the Dublin Central Masterplan, including Site 3, to deliver a world class city quarter that sits respectfully within its context, utilising its location and heritage features. It will drive long term provision of high quality commercial, retail, residential and cultural uses and accommodation in a prime city centre location that is in urgent need of regeneration.

The Site 3 proposal incorporates high quality, contemporary design and the integration of historical elements, within the plan-led context of a wider architecturally designed masterplan.

The Planning Authority has generally welcomed the quality design approach to the Site 3 proposal, identifying it as incorporating “... *exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city’s environment and heritage*”.

2.9.2.3 Climate Action

We refer the Board to earlier discussion in Section 2.3.2.3 of this report above on the contribution of the proposed development to achieving a transition to low carbon, energy efficient and climate resilient city centre development.

Where necessary, the Applicant would be happy for the Board to attach a condition of permission requiring a more detailed Climate Action Energy Statement be submitted for agreement with the Planning Authority, in respect of detailed design and the incorporation of renewable energy technologies, heating and water management, etc . We note an Energy & Sustainability statement, prepared by BDP was submitted at application stage we refer the Board to review same.

2.9.2.4 Inclusivity

Site 3 as a component of the wider Dublin Central masterplan has been designed to meet the mobility needs and convenience of all. The scheme delivers good permeability throughout allowing all-inclusive access without compromising the existing historical character. All of the buildings are Part M compliant, we refer the Board to Appendix B of the Design Statement prepared by MOLA Architects which includes a Universal Access Statement.

2.9.2.5 Urban Regeneration

We refer the Board to previous Section 2.8 of this response which discusses the proposed regeneration of Site 3 and the wider Dublin Central Masterplan area.

2.9.2.6 Residential Density

Site 3 seeks to provide 79no. units on a net site area of c.0.33 ha, resulting in a net density of 236no. units per Ha. This amounts to a net density of approximately 239no. units per hectare (on a net site area of 0.33 Ha).

According to the Dublin Development Plan (as above) the density range for the SDRA is 100-250 units per hectare. The proposed development of Site 3 falls within this density range.

This density is in accordance with the National Planning Framework – Ireland 2040 and 'Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 2009', which promotes higher densities in proximity to existing and planned transportation hubs at a minimum rate of 50no. units per ha.

2.9.2.7 Plot Ratio & Site Coverage

Site 3 is considered to be consistent with the indicative plot ratio and site coverage standards for this site. The plot ratio of Site 3 is 4.31. The site coverage of Site 3 is c. 0.83%.

The indicative plot ratio and site coverage standards are not however stand-alone requirements. Flexibility may be applied having regard to proximity to public transport and the achievement of other objectives of the Development Plan relevant to development of Site 3.

We would highlight again the regenerative, mixed use nature of Site 3 at this brownfield city centre site, which is proximate to high quality public transport, as circumstances that the planning authority may consider where the indicative density standards are exceeded.

Thereafter we refer the Planning Authority to the other standards of residential design and amenity that Site 3 achieves, as highlighted in this Report and the plans and particulars that accompanied the application.

2.9.2.8 Residential Unit Mix

Block 3A accommodates 79no. 'BTR' apartments (14no. studios, 56no. 1-beds and 9no. 2-Beds) located from 1st to 5th floor level.

The studio and 1-bedroom units range in size from c. 37.5 sq. m to 66.4 sq. m and the 2-bedroom (3-person and 4-person) units range in size from c. 67.97 sq. m to 92.18 sq. m. The overall gross floor area of residential accommodation proposed amounts to c. 6,451.5 sq. m.

Type	No. of Units	%
Studio	14	18
1-Bed	56	71
2-Bed (3P)	2	2.5
2-Bed (4P)	7	9
Total	79	100

The proposed unit mix does not fall within the prescribed unit mix for the North Inner City. However in accordance with SPPR 8, the unit mix requirement for the North Inner City and Liberties Sub-City Areas does not apply to units that are designed to a BTR standard. We refer to the discussion on BTR below, noting how SPPR 7 and SPPR 8 remain applicable under the transitional arrangements of the Apartment Design Guidelines (2023).

Section 5.10 of the Guidelines clarify that:

“All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that were subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8.”

Specific Planning Policy Requirement 7 of the Apartment Guidelines, states that: -

‘Build-to-Rent’ development must be: -

(a) Described in the public notices associated with a planning application specifically as a ‘Build-To-Rent’ housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period.

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as: -

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.”

In accordance with SPPR 7(a), the public planning notice for the Site 3 application explicitly declared the proposal as including 79no. ‘Build-to-Rent’ apartments. The proposed BTR apartments will be subject of a long-term covenant or legal agreement that the BTR status will be in place for a period of not less than 15 years and that no individual units will be sold or rented separately within that period. The terms of a such a covenant, which the Applicant is prepared to enter into with Dublin City Council, have been drafted and enclosed with this Planning Application.

A BTR Management Plan, prepared by the Applicant was submitted at application stage. This report sets out the long-term outline management plan of the proposed ‘Build to Rent’ residential scheme at Site 3.

In accordance with SPPR 7(b) and Section 5.5 of the Guidelines, the proposed BTR units are being appropriately provided with both Resident Support Facilities and Resident Services and Amenities.



Figure 6: Extract from the Architectural Design Statement, prepared by MOLA Architects showing a 3D rendering of the 'Pavilion'.

In Block 3B, residents' communal amenity and ancillary support facilities are provided at Ground Floor Level in the form of a residential lobby accessed from Henry Place with adjacent residential support facilities including a post room, changing facilities and an office. A reception area, also at this level, is accessed through a landscaped external courtyard. Storage areas are provided at Level 01, Level 02 and Level 03. In addition to this, the roof level of Block 3B (Level 06) has been entirely designated to providing high quality generous communal amenity space with views over the city. The proposed rooftop pavilion (c. 142.3 sq. m) provides an internal amenity space which opens out on to extensive landscaped external communal amenity space (c. 517.7 sq. m).

We refer also to the Operational Waste Management Plan (enclosed in Appendix 14.2 of the accompanying EIAR), prepared by AWN Consulting Ltd. As submitted at application stage, in respect of operational waste management facilities which are located at basement level and provide for segregation and compaction of domestic waste and recyclables.

Specific Planning Policy Requirement 8 of the Apartment Guidelines, states that: -

"For proposals that qualify as specific BTR development in accordance with SPPR 7: -

(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise.

(ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity.

(iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.

(iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes.

(v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations."

(i) Dwelling Mix

The proposed BTR units provides for a mix of unit types with 14no. 1-bed studios (18%), 56no. 1-bed units (71%), 2no. 2-bed (3 Person – 2.5%) and 7no. 2-bed (4 Person – 9%).

It is considered that this is an appropriate mix for the proposed BTR units, being in accordance with the Guidelines and national strategic planning policy to address the shortage of smaller residential dwellings for 1-3 person households.

(ii) Storage & Private Amenity

Notwithstanding the flexibility applied under SPPR8, all of the proposed BTR units in Site 3 have been provided with storage in meeting the minimum requirements. Additional ancillary storage (c. 42 sq. m) areas are also provided at Level 01, 02 and 03 of Block 3B.

Minimum Floor Areas for Private Amenity Space	
Studio	4 sq. m
One bedroom	5 sq. m
Two bedroom (3 person)	6 sq. m
Two bedroom (4 person)	7 sq. m
Three bedroom	9 sq. m

In relying on the flexibility identified in the Guidelines in respect of the provision of private open space, we can confirm that 47no. of 79no. units (59.5%) of the proposed BTR units are provided with private amenity space in the form of balconies and/or terraces / patios meeting or exceeding the minimum floor areas set out in Appendix 1 of the Guidelines.

The residential building (Block 3B) has its two principal elevations facing on the busy shopping streets of Henry Street and Moore Street, which also comprise frontages onto the ACA. The Henry Street (and Henry Place) facades include retained fabric on all but the uppermost levels. From a master-planning perspective it was felt that, due to the sensitive conservation context, the provision of balconies was not desirable on such important facades.

As a result, and following the extensive pre-planning discussions with Dublin City Council, it is proposed that the apartments facing out onto Henry Street and Moore Street, with southern and western orientation respectively, will not be provided with dedicated private amenity space in the form of balconies. These units will be provided with "French" doors and "Juliet" type balcony railings on the three street facades. The associated private amenity space area will be added to the internal apartment area resulting in generous living spaces. (e.g. 1-bedroom apartment without a balcony will have a minimum floor area of 50 sq. m as opposed to 45 sq. m internal area with 5 sq. m external space).

There is however private residential amenity terraces provided within the set back areas to the upper floors facing Henry Street and Moore Street. Also, private spaces for the residential units facing into the internal courtyard are in the form of wintergarden spaces, which will provide extended use of the balcony area throughout the year.

All residents will have access to dedicated internal amenity spaces and facilities (c. 324.99 sq. m in total) which are split between ground level reception and lounge facilities accessed off Henry

Place and a further internal common amenity space ('Pavilion') provided at sixth floor level opening out on to an extensive communal open space in the form of a landscaped roof garden.

Communal residential amenity open space is provided in accordance with the Guidelines standards.

Based on the Appendix 1 standards of the Guidelines, the 79no. BTR apartments proposed require c. 397 sq. m of communal amenity space. The proposed communal residential amenity open space is provided in the form of a roof level garden terrace at 6th floor. The total communal open space proposed amounts to c. 518 sq. m, which significantly exceeds (+30%) the minimum standards set out in the Guidelines and provides an exceptional level of residential amenity for future residents.

Please refer to the Design Statement, Housing Quality Assessment and detailed Schedule of Accommodation prepared by MOLA Architects which accompanies this application for further demonstration.

(iii) Car and Bicycle Parking

The Guidelines set out the following broad proximity and accessibility considerations for Apartments are generally defined under the following categories: -

- Central and/or Accessible Urban Locations.
- Intermediate Urban Locations.
- Peripheral and/or Less Accessible Urban Locations.

The Guidelines state the following with regard central locations: -

"In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services."

[SLA bold font emphasis]

The site is at a 'Central and / or Accessible' location as defined in the Apartment Guidelines. Site 3 is located directly adjacent to O'Connell Street, which is exceptionally well served by both existing high frequency LUAS and urban bus services. The Masterplan will be integrated with a future stop for Metrolink (being designed and delivered by TII).

SPPR 8 confirms that it is a default position that 'Build to Rent' schemes would provide minimal or significantly reduced car parking provision. No car parking provision is proposed as part of the Site 3 scheme given the site is exceptionally well served by existing public transport and being located within the city centre.

In relation to bicycle parking requirements, the Guidelines state that it must be ensured that new development proposals in close proximity to public transport, and which otherwise feature appropriate reductions in car parking provision, are at the same time comprehensively equipped with high quality cycle parking and storage facilities for prospective residents.

Block 3B includes provision for attractive, secure cycle storage at basement level. The bicycle storage area is accessible by lift from the shared private courtyard located off Henry Place. A bicycle ramp adjacent to the stairs will be provided to act as a second means of access to the bicycle storage area at peak times. 126no. spaces are provided (87no. resident spaces and 39no. visitor spaces) which includes 1 no. cycles space per bedroom and 1 no. space per 2 no. residential units for visitors. In addition, 24no. bicycle basement bicycle parking spaces are

provided within Block 3A and 10no. spaces are provided in the public realm within the new north-south street.

The proposed provision of bicycle parking will assist in facilitating a modal shift to alternative, sustainable modes of transport in the City.

We refer to the Transport Assessment, prepared by Waterman Moylan Consulting Engineers for further discussion in relation to site connectivity, modal split, car and bicycle parking strategy and the promotion of sustainable land use and transportation.

(iv) Apartment Sizes

Specific Planning Policy Requirement 3 that the following minimum floor areas are achieved for apartments: -

Minimum Apartment Floor Areas	
Studio	37 sq. m
One bedroom	45 sq. m
Two bedroom (3 Person)	63 sq. m
Two bedroom (4 Person)	73 sq. m
Three bedroom	90 sq. m

For BTR schemes, the Guidelines state that it is not a requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10%. Notwithstanding, 38% (30no.) of the proposed residential units are oversized.

In Site 3 the apartments proposed are generously sized and thoughtfully laid out, to provide a high standard of residential amenity overall.

In relying on the flexibility identified in the Guidelines in respect of aggregate floor area of living/dining/kitchen area where a 'variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas', we can confirm that 2no. apartment units (1.6%) fall marginally below the minimum standards. All proposed units meet and exceed the requirements for apartment sizes, as set out in Appendix 1 of the Guidelines.

The Table below highlights the difference in size of the units when compared to the minimum standards.

Unit Type	No. of Units	GFA (m ²) / Unit	Min. Size – Guidelines 2018
1 Bed Studio	14	37.58 – 48.2 sq. m	37
1 Bed Apartment	56	46.6 – 66.42 sq. m	45
2 Bed Apartment (3P)	2	67.97 – 72.7 sq. m	63
2 Bed Apartment (4P)	8	76.52 – 92.18 sq. m	73
Total	79		

Please refer to the proposed floor plans and Housing Quality Assessment, prepared by MOLA Architects which accompanies this application for further demonstration.

(v) Lifts / Stair Cores

Notwithstanding the flexibility provided under SPPR8. The proposed BTR units do not exceed the '12 units per core' standard of the Guidelines, in compliance with **Specific Planning Policy Requirement 6.**

Site 3 provides 2no. cores which serve the residential component in Block 3B which are laid out in less than 12no. units per floor core. We refer to the architectural drawings submitted with this application..

Car and Bike Parking

No car parking is proposed as part of Site 3. As noted above the site is exceptionally well located adjacent a number of modes of public transport. DCC Transportation Department as part of Pre-Planning dialogue that the provision of no parking was acceptable given the location of the site.

We refer the Board to the enclosed Transport Assessment – Vol. 3: Overall Development and Travel Plan, prepared by Waterman Moylan Consulting Engineers as submitted at application stage, in respect of existing and future public transport, pedestrian and cycling links to the site.

160no. no bicycle spaces in total are proposed in Site 3. 126no. bicycle parking spaces are provided for Block B (87no. resident spaces and 39no. visitor spaces including 10no. spaces within the residential courtyard at surface level). This equates to 1 no. cycle space per bedroom and 1 no. space per 2 no. residential units for visitors which meets the minimum standards as set out under the Apartment Guidelines (revised 2020).

The bicycle storage area in Block 3B is accessible by lift from the shared private courtyard located off Henry Place. A bicycle ramp adjacent to the stairs will be provided to act as a second means of access to the bicycle storage area at peak times. There are a further 10no. public spaces within the passageway and 26no. staff parking spaces are provided at basement level in Block 3A associated with the proposed hotel.

We refer the Board to the enclosed Traffic Assessment and Travel Plan, prepared by Waterman Moylan Consulting Engineers, as submitted at application stage, in respect bicycle parking provision.

We refer the Board to the Masterplan Design Statement, prepared by ACME at application stage which details the overall cycle and car parking provision for the entire masterplan.

A small basement car park with approximately 33 spaces is located in Site 2 accessed from the north end of Moore Lane, where the road is 24 hour use, this will be for buildings within site 2 of the Masterplan. An additional accessible parking bay is located on O'Rahilly Parade. Several locations of short-term on-street cycle parking are proposed throughout the masterplan area. These will provide a limited number of spaces on the public square as well as in the southern part of the Masterplan area towards Henry Street. The cycle stands have been positioned to be easily accessible while reducing clutter and avoiding pedestrian desire lines. Each building provides cycle parking for the residents or workers, in discrete secure locations which will operate independently of each other and of the public cycle parking.

Design Statement

We refer the Board to the Design Statement for Site 3 prepared by MOLA Architecture and to the Dublin Central Masterplan Design Statement prepared by ACME for the entire Dublin Central Site.

Model and Photomontages

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. The model has been submitted to the Board at appeal stage.

Photomontages of the proposed scheme were enclosed as part of the EIAR submitted at planning application stage for Site 3. These have since been reconsidered at Site 3 RFI stage and in the context

of the more recent Site 2 (ABP-318316-23) and No.61 (ABP-318268-23) proposals, now also with the Board.

2.9.2.9 Green Infrastructure

We refer the board to the response on Climate Action response above. The landscape of the Dublin Central site has informed the overall landscaping plans for the area. The scheme provides good connectivity and enhances biodiversity.

2.9.2.10 Shopfront Design

We would highlight that individual shopfront signage cannot be determined until tenants are secured. Therefore, a general shopfront strategy has been devised by ACME Architects. We refer to the Masterplan Design Statement, prepared by ACME Architects for shopfront and signage design principles as submitted at application stage.

It would be unduly onerous to require separate planning applications for all signage within the Site 3.. We would request that the Board attaches a condition similar to the one in the decision to grant permission from Dublin City Council, Condition 18 which states the following:

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

We also refer the Board to Appendix A in the Site 3 Design Statement, prepared by MOLA as submitted at Planning Application Stage. The architectural treatment of shopfronts in this scheme has been carefully considered to closely reflect the character of adjoining shopfronts within the O’Connell Street Architectural Conservation Area; specifically around Henry Street and Moore Street.

3 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.

This submission is made in response to the s.137 request for further information, in respect of the policies and objectives of the current Dublin City Development Plan 2022-2028, of relevance to the Board’s assessment and determination of the Site 3 proposal. This report identifies the relevant policies and objectives of the specific Development Plan chapters identified by the Board, and provides an assessment of how the proposed development is consistent with same.

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. The proposed development is consistent with 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 at this site location, as provided by the Dublin City Development Plan 2022-2028.

We trust that the Board will see fit to uphold Dublin City Council’s decision to grant permission for the proposed development, in the context also of the new Development Plan. 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, for which appropriate transitional arrangements have been made in the Apartment Design Guidelines 2023. 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 current Dublin City Development Plan.

4 ENCLOSURES

Enclosed with this Section 137 response are the following documents:

- Response to Section 137 Report, Prepared by Stephen Little and Associates;
- Response to Addition of Buildings to RPS, Prepared by MOLA Architecture;
- Drawing no. DC-MLA-3X-ZZ-M3-A-40-0401, Prepared by MOLA Architecture;
- Drawing no. DC-MLA-3X-ZZ-M3-A-40-0402, Prepared by MOLA Architecture;
- 4-8 Henry Place, Report from DCC Chief Executive, 27th October 2022.

STEPHEN LITTLE & ASSOCIATES

11 January 2024

MOLA
Architecture

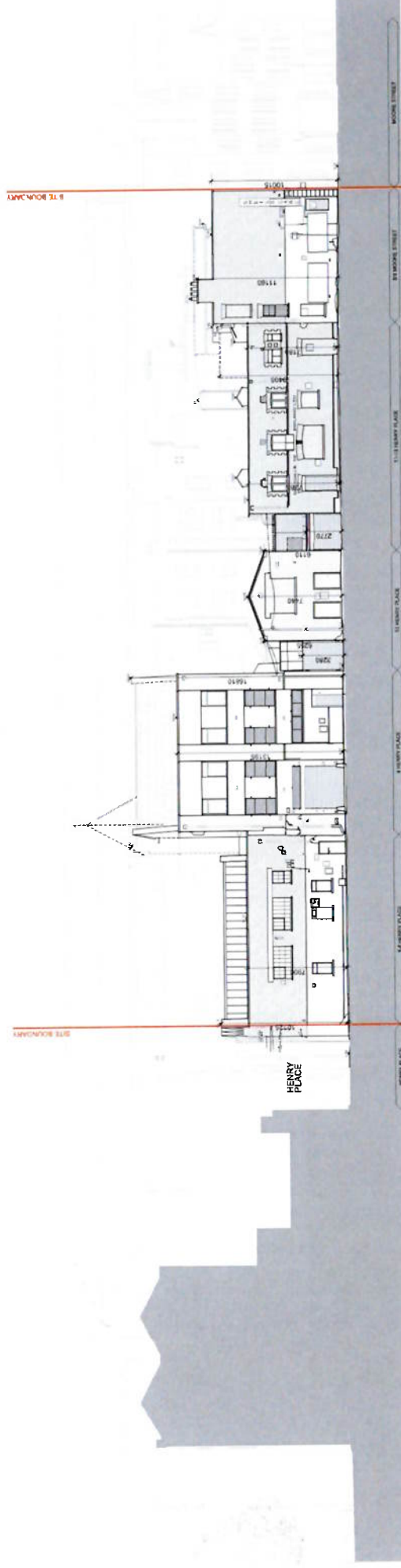
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Dublin Central Site 3A

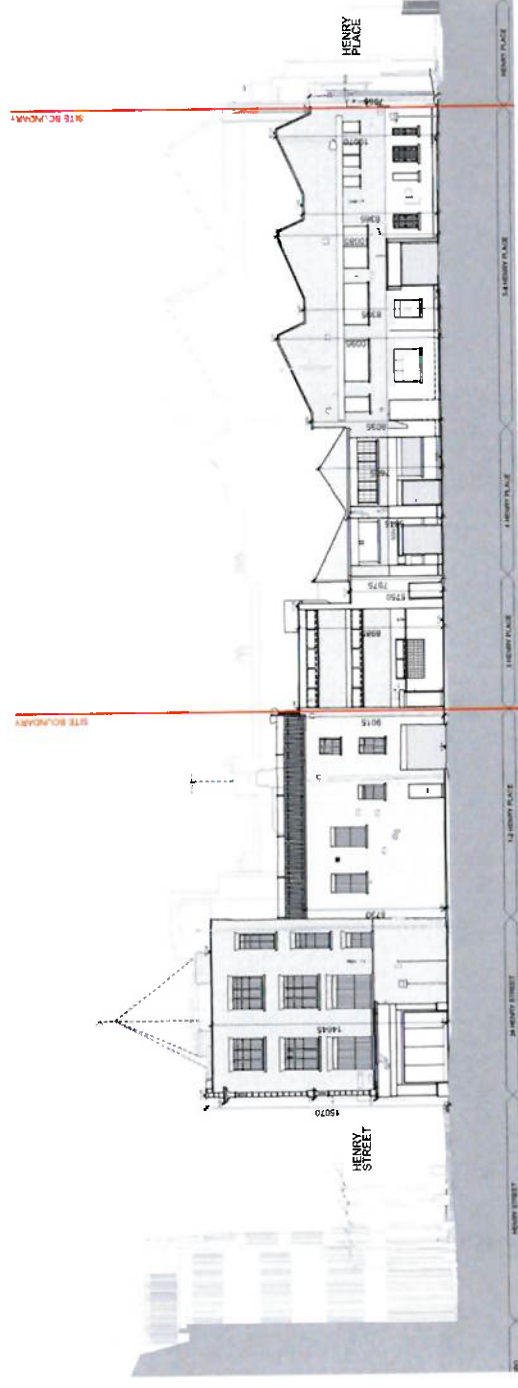
Response to Addition of buildings to RPS
(RPS Ref No. 8906)

Additions to the Record of Protected Structures

Existing Condition of Protected Structure (RPS Ref No: 89006)



Henry Place North - Elevation (NTS)

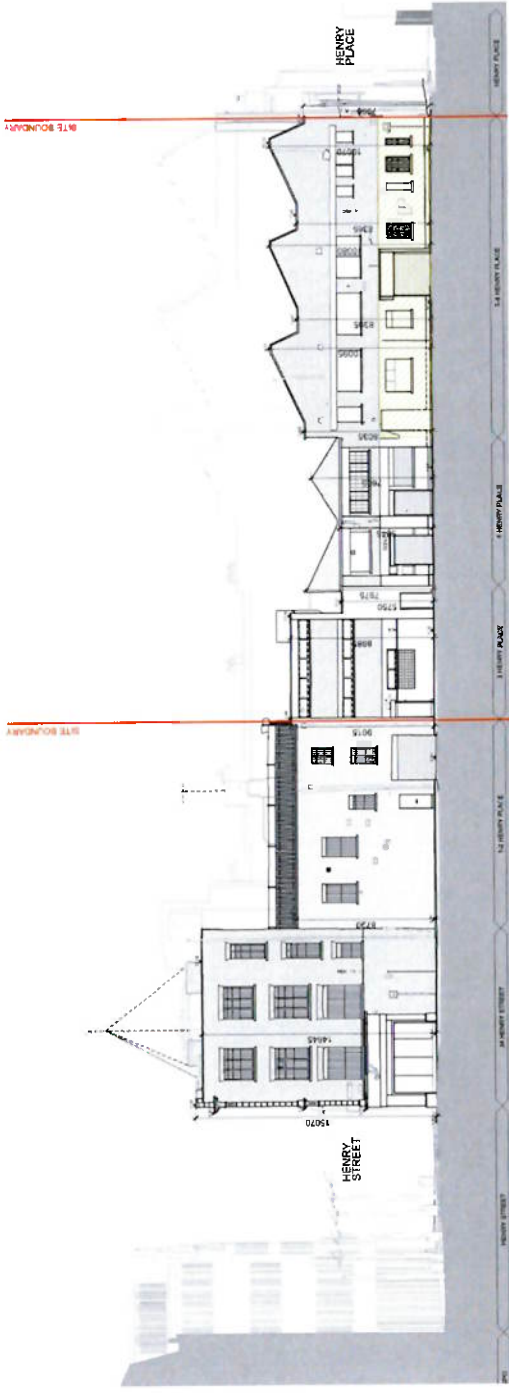


Henry Place East - Elevation (NTS)

Additions to the Record of Protected Structures Extent of Protected Structure (RPS Ref No: 8906)



Henry Place North - Elevation (NTS)



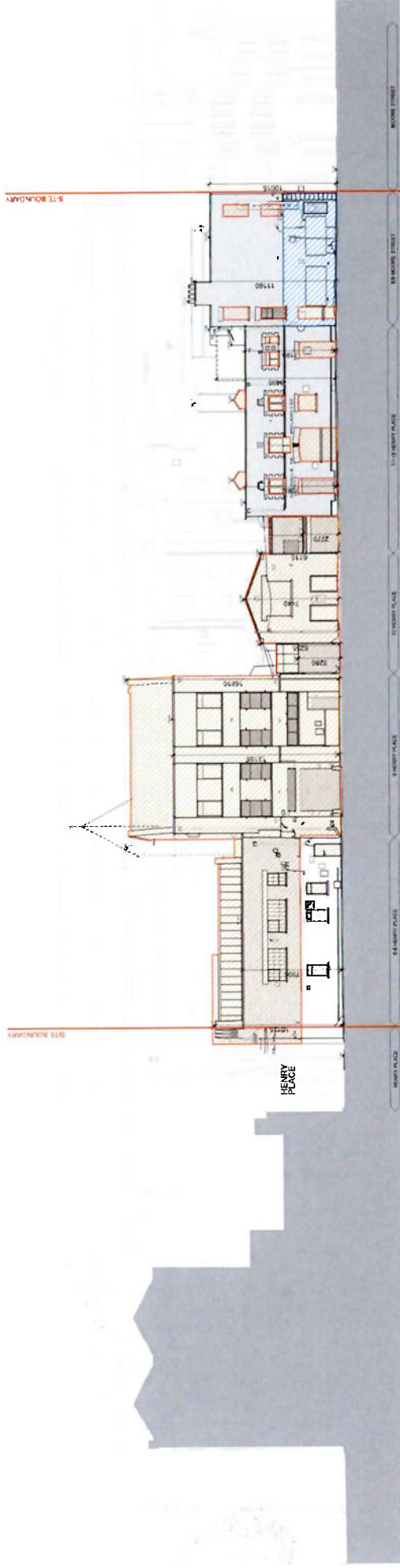
Henry Place East - Elevation (NTS)

KEY:

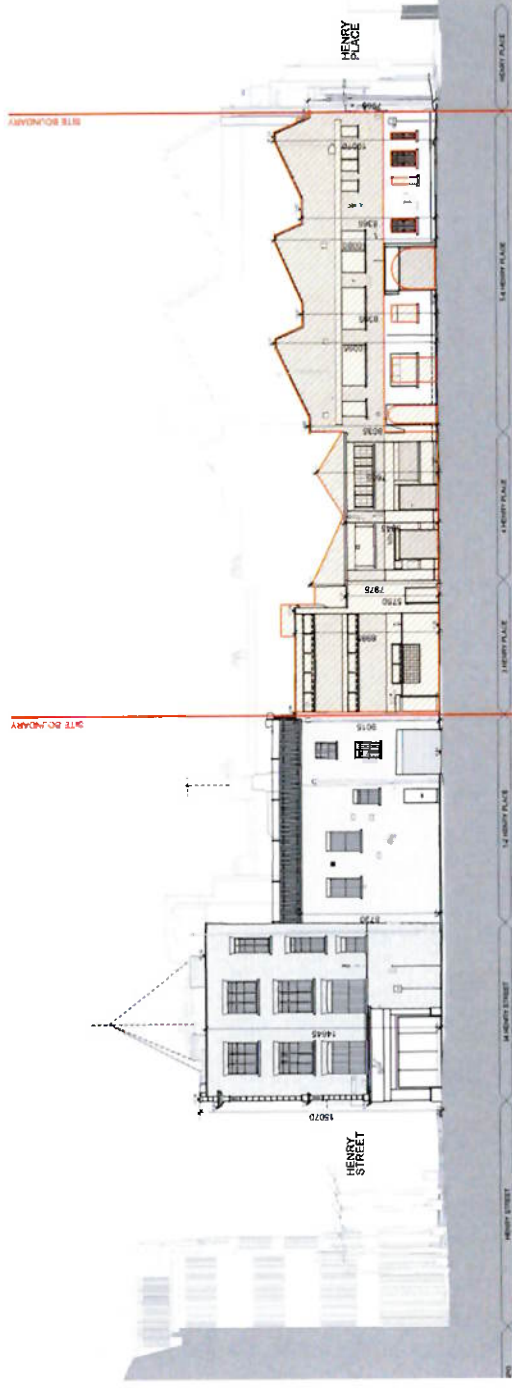


Indicates Extent of Protected Structure
(Ref No: 8906)

Additions to the Record of Protected Structures Extent of Demolition at Henry Place



Henry Place North - Elevation (NTS)



Henry Place East - Elevation (NTS)

KEY:



Indicates Extent of Demolition

Additions to the Record of Protected Structures

Proposed Elevation- Henry Street North



Henry Place North - Proposed Elevation (NTS)

Design Intent for the integration of the ground floor facades of the former O'Brien's Mineral Water Building on Henry Place following it's inclusion on the Record of Protected Structures (RPS Ref No: 8906)

Additions to the Record of Protected Structures

Proposed Elevation- Henry Street East



Henry Place East - Proposed Elevation (NTS)

Design Intent for the Integration of the ground floor facades of the former O'Brien's Mineral Water Building on Henry Place following it's inclusion on the Record of Protected Structures (RPS Ref. No: 8906).

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Addition of the 19th century ground floor façades of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, to the Record of Protected Structures in accordance with Sections 54 and 55 of the Planning and Development Act, 2000 (as amended).

Photograph of Structure



Procedure Followed

In accordance with the procedures set out in Section 54 and 55 of the Planning and Development Act, 2000 (as amended), Dublin City Council indicated its intention to add the 19th century ground floor façades of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, to the Record of Protected Structures (RPS), as follows:

- A report on the proposed addition of the structure was brought to the Central Area Committee on 12th April 2022 where the elected members noted the proposal to initiate the procedure to add it to the RPS.
- The proposed addition was advertised in the Irish Independent on Thursday, 7th July 2022 and on the Dublin City Council website. The public display period was from Thursday 7th July to Friday 19th August 2022 inclusive.

Request and Reason for Addition

- The Elected Members of Dublin City Council at the monthly council meeting held on 8th June 2015, passed a motion put forward by Councillor John Lyons (Motion 44): *"That the following 1916 Buildings, identified in the Franc Myles Battlefield Report, commissioned by Shaffrey Associates on behalf of Chartered Land, be added to the list of protected structures as buildings of National historical importance. 1 .O'Brien's Mineral Water Building, Henry Place - Occupied by volunteers. 2 .The White House, Henry Place - Occupied and held by Michael Collins. 3. No.10 Moore Street - Point of entry -The First Council of War - Overnight stay. 4. The Bottling Stores rear. 10 Moore*

Street and Moore Lane - Occupied by Frank Henderson. 5. Hanlons, 20/21 Moore Street - Surrender order accepted by volunteers after consultation with Thomas Clarke, Joseph Plunkett, Michael Collins and Sean Mac Diarmada”.

Location and Land Use Zoning

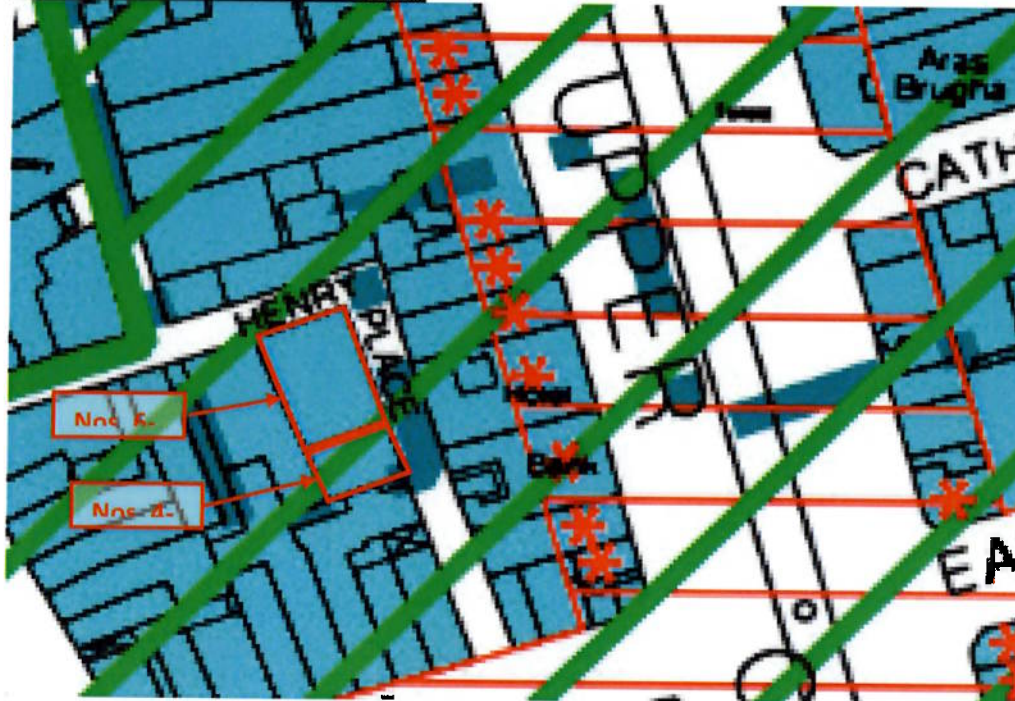


Fig. 1: Site Location and Land Use Zoning

4-8 Henry Place is zoned Z5: *“To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity”*, in the Dublin City Development Plan 2016-2022.

This premises comprises two structures; Nos. 6-8 Henry Place, located on the corner where Henry Place changes direction from south-to-north to an east-west direction, and Nos. 4-5 Henry Place situated immediately to the south of Nos. 6-8 on the south-north axis, closer to Henry Street (see Fig. 1).

Architectural Conservation Area

4-8 Henry Place is located within the O’Connell Street Architectural Conservation Area (2001); shown in diagonal green-coloured cross hatch on Fig. 1, above.

Relevant Planning History

Ref No.	Description	Decision
6271/05	Planning Permission is being sought by Seoul Tofu Ltd., for retention of change of use of part ground floor (289sqm) from theatre to ethnic retail outlet, including retention of signage and proposed erection of wall mounted hanging sign, all at Han Yang Asian Market, 6-8 Henry Place, Dublin 1.	Grant Permission: 22/02/2006
2479/08	Description has been abbreviated 7 year permission for development at an overall site of c 2.17 hectares, at nos 40-41, 42 (a protected structure), 43 (a protected structure), 44 (a protected structure), 45-51, 52-54 (protected structures), 55-56, 57 (a protected	Grant Permission on appeal per PL29N.232347: 24/03/2010

Ref No.	Description	Decision
	<p>structure), 58 (a protected structure), 59, 60 (a protected structure) and 61 (a protected structure) and 60a (otherwise 5 Henry Place) O'Connell Street Upper, Nos 37-41a Henry Street, nos 1-13, 14-17 (protected structures and a national monument) and 18-25 Moore Street, nos 71 and 71a Parnell Street, nos 1-8 O'Rahilly Parade, nos 1-15 Moore Lane, Nos 4-13 (including 3 Moore Lane) and 15-18 Henry Place, nos 6-8 at the junction of Henry Place and Moore Lane and including Clarkes Court off Moore Street, Moore Place off Henry Place, Murphys Court off Moore Lane, part of Moore Lane from the junction of Henry Place and Moore Lane to the junction of Moore Lane and O'Rahilly Parade and part of Henry Place from the junction of Moore Street and Henry Place to the rear of no. 61 O'Connell Street Upper (a protected structure), Dublin 1.</p> <p>The proposed development has a gross floor area (GFA) of 158,026sqm; including 109 no. retail units and an anchor store, 110 no. retail units in total (c 56,155sqm); 17 no. cafe/restaurant/bar units (c 5,372sqm); 108 no. residential units; office space (c. 2,893sqm); a gallery (c. 903sqm); a visitor attraction or 'Sky Lift', viewing deck and ticketing area (c. 435sqm); a drop in facility (c. 157sqm); a commemorative centre (c. 268sqm), an assembly hall (c. 320sqm); 2no. new public streets, 3 no. public spaces at street level, a roof garden (c1258sqm); an outdoor performance space (c263sqm); communal residential open space, (c2554sqm); 1115 no. car parking spaces, 560 no. bicycle parking spaces, a c30m high 'green wall' or hydroponic vertical garden with feature lift on the Henry Street frontage, and ancillary uses, with a minimum height above ground of 3 no. storeys, a maximum height of 13 no. storeys and 5 no. basement levels.</p>	<p>Note: permission granted for demolition of 4-8 Henry Place under Reg. Ref: 2479/08.</p>
2479/08X1	As above – Extension of Duration of Planning Permission granted per PL29N.232347.	Extension of Duration granted: 21/07/2016
2861/21	<p>Description has been abbreviated</p> <p>PROTECTED STRUCTURE: Dublin Central GP Limited intends to apply for Permission for a period of 7 years at a site, 'Dublin Central – Site 3' (c. 0.37 Ha), at Nos. 36 – 41 Henry Street, Nos. 1 – 9 Moore Street, Nos. 3 – 13 Henry Place (formerly known as Nos. 2 – 13 Henry Place), Clarke's Court and Mulligan's Lane, Dublin 1. Also, the site includes the rear of Nos. 50 – 51 and Nos. 52 – 54 Upper O'Connell Street, No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 – 3 O'Rahilly Parade and Nos. 14 – 15 Moore Lane or Nos. 1 – 8 O'Rahilly Parade and Nos. 14 – 15 Moore Lane), Dublin 1. The site is otherwise bounded by Henry Street to the south, Moore Street to the west and Henry Place to the north and east. The proposed development comprises a mixed-use scheme accommodated in 2no. blocks, ranging in height from 1 – 9</p>	<p>Decision to Grant Permission 12/01/2022; now on appeal to An Bord Pleanála</p>

Ref No.	Description	Decision
	<p>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), 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 3B (Western Block), 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.</p> <p>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; Demolition of all other existing buildings and structures on site, including No. 38 Henry Street to form new passageway linking Henry Street to Henry Place; etc.</p> <p>Note: 4-8 Henry Place is proposed to be demolished as part of the proposed development above. The decision of Dublin City Council to grant planning permission per Decision Order No. P2086 includes Condition 7c: <i>A drawn and photographic record identifying the surviving 18th and 19thC fabric across Site 3 shall be provided. The applicant should seek to retain as far as practically possible, these historic fragments within the proposal for the site, particularly the external facades of the Hotel at Block 3A (at No. 5-8 Henry Place).</i> The decision is on appeal to An Bord Pleanála.</p>	

Recent Enforcement History

None; last E0705/05.

Description

This description is based on an internal and external inspection by the Conservation Section on the 5th August 2021, consideration of available research and documentation, together with the architectural heritage documents submitted as part of planning application Reg. Ref: 2861/21.

Nos. 6-8 Henry Place

Exterior:

Corner-sited, multiple-bay, two-storey commercial building, largely replacing a c.1870 factory for O'Brien & Co. Extensively rebuilt above ground floor following fire damage in 1956, with further works in the early 1980s. Tripartite, asbestos-covered, saw-tooth roof with north lights having metal windows. Painted cement-rendered walls to ground floor with nineteenth-century brick visible beneath in patches. First floor rebuilt c.1960 with red brick laid to English Garden wall bond. Square-headed windows to ground floor with timber casement windows and some

stone sills. Square-headed windows to first floor with continuous concrete lintels, concrete sills and multi-pane metal windows with pivot openings. Windows to north end of east elevation have red brick mullions. Square-headed door openings to east and north elevations with recent metal doors. Square-headed vehicular opening to east elevation with recent timber shopfront and steel roller shutter, and flanked by tapered cast-iron joggle stones. Curved brick specials visible where render has failed at entrance.

Interior:

Open-plan space to ground floor formed by internal rectangular beams supporting precast plank ceiling forming floor above, concealed at ground floor level by suspended ceiling tiles. Concrete floor and cement-based render to walls. Square-headed door opening to south wall leading to No.4 Henry Place. Windows blocked up internally with concrete blocks. Western party wall is shared with No.9 Henry Place, which appears to be Calp limestone. Stair hall to southeast corner providing access to first floor with concrete dogleg stairs having steel balustrade. Raised-and-fielded panelled door to east elevation, formerly an external access door with fanlight visible to half-landing level. Second stairs to first floor in northwest corner comprising straight concrete flight having tiled contrast edge strips supported on flanking walls.

First floor comprises central open plan room with a further three rooms, W.C.s and stairs to north and two rooms to south with stairs to second floor and stair hall from ground floor to southeast corner. Cementitious plaster to walls with stud partitions forming internal walls between spaces. Plasterboard ceilings throughout fixed to timber joists supported on external walls with secondary timber joists set perpendicular to main structure. Some timber flooring identified. All joinery is of late twentieth-century date. Straight timber stairs to second floor (attic space) flanked by timber stringers rising slightly above the steps.

The second floor is located within the attic space with plywood finish to floors, painted timber decking forming ceiling applied directly to roof structure, some recent timber rooflights to south pitch.

Nos. 4-5 Henry Place

Exterior

Attached two-bay, two-storey commercial premises, built c.1870, in connection with the former O'Brien's Mineral Water Factory to the north and later divided into two separate units. The building is currently disused. Double-pile, hipped corrugated roof with ridges running perpendicular to street and rooflights to north pitches. Painted cement-rendered walls to ground floor with raised render plinth and buff-coloured brick walls laid in English Garden wall bond to first floor and full-height projecting piers delineating bays. Wet dash render to rear elevation with random rubble stone visible beneath failed area at ground floor level. The rear elevation steps in at first floor level. Square-headed window openings to first floor with granite sills, lintels covered behind fascia panels and multi-pane metal windows with six-pane pivot opening sections. Square-headed window opening to north unit at ground floor level with concrete sill and roller shutter. Surviving sections of granite sills to south unit indicate historic window opening. Square-headed door openings with roller shutters.

Interior

The ground floor comprises three rooms – two to the north and one running along the entire length of the building on its south flank, which may have historically been two rooms based on a nib of wall situated perpendicular to the north wall of the room. This room is accessed from the southern door opening to the east elevation and has a concrete floor finish and plasterboard ceilings. Walls are plastered with painted brick to the east wall. Part glazed timber double doors to the east elevation with square headed openings set in the north wall giving access to the other rooms. A later twentieth century metal spiral staircase provides access to the first floor. The room to the northeast corner is also accessed via part glazed timber double doors set in its east wall. The floor is concrete and walls are rendered, though rubble stone

construction is visible to the north party wall. The remains of door opening to Nos.6-8, now blocked, is visible to the north wall. Timber ceiling joists are exposed with downstand timber bressummer on a north-south axis. The room to the northwest corner has a concrete floor, with modern plaster and some plasterboard to the walls. Exposed timber ceiling joists are visible, with no ceiling surviving. A square-headed opening to the north wall links the structure with Nos. 6-8.

The first floor comprises four rooms with two rooms to the east side of the floor and two to the west. Access to the space to the southeast corner is solely from the ground floor via the stairs; this space was not accessed. Survey drawings indicate a WC along the east side of the space. A downstand beam marks the boundary between the two rooms to the west, with access from Nos.6-8 to the north via a square-headed opening. Plasterboard to ceilings with hardboard to floor and some timber floorboards. Walls are plastered with some areas having a plasterboard finish and later twentieth-century rectangular-section skirtings. A large recess was noted to the west wall of these two spaces. A square-headed door opening with flat architrave and flush door provides access to room to northeast corner, formed by timber stud partitions. Plasterboard to ceiling and timber floorboards. Plastered walls with later twentieth-century rectangular-section skirtings.

Historical Background

The former O'Brien's Mineral Water Factory was located across a number of plots encompassing Nos. 4-8 Henry Place, forming a corner-sited grouping wrapping around the change in axis of Henry Place from a south-north to an east-west direction. The 1847 Ordnance Survey map shows buildings on all the plots, with the laneway referred to as *Off Lane* (Fig. 9). Nos. 6 and 7, located at the northern end of the street have railed basement areas to their front elevations, indicating they may have been constructed as dwellings originally. The numbering of buildings along the lane appear to have changed since then, as No. 5 is shown on what is now Nos. 6-8. Street directories from 1850's indicate residential uses for all the structures, though there had been a variety of uses prior to this.

4 Henry Place is described as a *wretched hovel* in the 1860s records of the Valuation Office; being subsequently described as *in ruins*. The 1864 Ordnance Survey revision shows both No.4 and No.6 as empty plots with no structures (Fig. 10). By the early 1870s, the structures occupying the plots of Nos. 5-8 were described as ruins. However, the Valuation Office records disclose that by 1873 a new factory had been constructed across the plots for Michael O'Brien & Co., making mineral waters. The Goad Insurance Map of 1893 (Fig. 11) depicts this as a two-storey structure with a slated roof, with some metal roofing at the northern end and two rooflights also indicated towards the northern end. Stables are indicated to the west of the factory, on what had previously been a yard, and occupying the site marked 8 Henry Place. This map also shows connectivity between Nos. 6-8 and Nos. 4-5, with an opening in the party wall. The entire group of structures is labelled as *O'Brien & Co, Mineral Water Fac.*

1916 Historical Association

Henry Place, together with Moore Street and their environs, bore witness to the urban conflict of Easter 1916 (Myles, 2012, p. 25). On Friday 28th April 1916, the Irish Volunteers garrison in the GPO commenced evacuation of the building as it became engulfed in fire. Following an initial, failed attempt by a group led by 'The O'Rahilly' to reach the William & Woods factory on Great Britain Street (now Parnell Street), the remainder of the garrison exited the GPO by a side entrance on Henry Street directly opposite the southern end of Henry Place. They made their way along Henry Place before breaking into No.10 Moore Street, located at the junction of Moore Street and the western end of Henry Place. From there, they broke openings through party walls in buildings along Moore Street.

Henry Place travels north before turning at a right angle and running west to Moore Street. It is on this angle that the structures at Nos. 4-8 (the former O'Brien's Mineral Water Factory)

are situated. This corner on Henry Place is referred to in witness statements as a particular reference point in the challenge faced crossing the southern end of Moore Lane, providing shelter from British firing positions at the northern end of Moore Lane. The witness statement from Diarmuid Lynch describes how he was ordered by Pádraig Pearse to break into O'Brien's and move across from it along roofs towards Moore Street to avoid the gunfire coming down Moore Lane. However, the advance along the roofs on the southern side of Henry Place to the west of O'Brien's was interrupted by another narrow laneway at Moore Place (on contemporary maps; see Fig. 11). With no implements to bore a hole out into the laneway, the Volunteers were forced to exit back out onto Henry Place.

The Volunteers broke into the O'Brien Mineral Water factory and took a van to place it across the southern end of Moore Lane as cover from British fire. They may also have been seeking drinking water from the factory. According to witness statements, at least one volunteer died in the attempts to gain access to the premises.

The records of the Property Losses (Ireland) Committee, 1916, held in the National Archives, contain three claims relating to the premises of O'Brien's Mineral Water factory. These claims do not record significant damage to the structure of the factory as a result of its occupation, beyond the damage to windows and doors, or any other damage (such as fire) as a result of the Rising.

Henry Place was also part of the route of surrender on April 29th, as the Irish Volunteers moved along it from Moore Street, onto Henry Street, O'Connell Street and on to the Rotunda Hospital where they were held overnight.

Post-1916

Goad's Insurance Plan of 1926 shows continued occupancy of the premises by O'Brien's, with some changes to the west side of the lands, following removal of the stables and the incorporation of this plot into the factory. A photograph dating to the 1950s from the Military Archives shows 4-5 Henry Place with a front façade much as it is today.

The premises continued to be occupied by O'Brien's into the 1930s, when Nos.6-8 were taken over by N. McLoone & Co., who were tea and wine merchants. No.4 Henry Place was occupied by another tea merchant from the 1930s. In the 1950s, Nos. 6-8 were occupied by J.J. Roche & Co, with a number of businesses operating from the premises including Roche's clothing factory, Roche's chemists and Atlas Cine Company.

The building was seriously damaged by fire in January 1956; the Valuation Records subsequently deeming it to be in ruins. It is not clear if much damage occurred to Nos. 4-5 at this time. In any event, 6-8 Henry Place was rebuilt to the designs of Robinson, Keefe and Devane, an architectural practice formed in Dublin in 1946 and was again occupied by J.J. Roche & Co and the Atlas Cine Company. The Goad Insurance Plan of 1961 (Fig.12) shows the new premises with a tripartite roof and north lights, along with a stone stairs to the southeast corner. The roof as shown reflects the current roof on the building and is described as being of steel girders with asbestos covering. The building is clearly numbered as 6, 7 & 8 Henry Place with Nos. 4 & 5 identified as a separate structure to the south. The openings previously in place between Nos. 6-8 and Nos. 4-5 are no longer shown.

Later the premises was converted into use as a snooker club, pool room and audio-visual centre during the late-1970s. It was again badly damaged by fire in 1982 and subsequently converted to an amusement centre. It is now in use for storage.

References

- (Digital records accessed 07/12/2021)

- *City of Dublin*, held by Ordnance Survey Ireland. © Public domain. Digital content: © Ordnance Survey Ireland, published by UCD Library, University College Dublin, 1847, Sheet 14 <http://digital.ucd.ie/view/ucdlib:40835>
- *City of Dublin*, held by Ordnance Survey Ireland. © Public domain. Digital content: © Ordnance Survey Ireland, published by UCD Library, University College Dublin, 1864, Sheet 14 <http://digital.ucd.ie/view/ucdlib:40836>
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- Chas E. Goad Limited *Insurance Plan of the City of Dublin Vol.1: Sheet 4, 1893* <http://www.bl.uk/onlinegallery/onlineex/firemaps/ireland/mapsu145ubu4u2uf004r.html>
- (Digital records accessed 16/12/2021)
 - **Morgan Aerial Photographic Collection - St. Patrick's Day, O'Connell Street and surrounding area, Co. Dublin, March 1955** <https://catalogue.nli.ie/Record/vtls000733345>
 - Records of the Property Losses (Ireland) Committee, National Archives of Ireland <http://centenaries.nationalarchives.ie/centenaries/plic/index.jsp>
- DHLGH (2011), *Architectural Heritage Protection Guidelines for Planning Authorities*
- Molloy & Associates, *Appendices A3.17; A3.18; A3.22; A4 and A5* submitted with planning application Reg. Ref: 2861/21
- Shaffrey Associates Architects & Franc Myles, Archaeology & Built Heritage (06 February 2012). *Application for Ministerial Consent to carry out Works at 14 – 17 Moore Street, Dublin 1, a National Monument*. Unpublished Report submitted to Department of Arts, Heritage and Gaeltacht in response to a Request for Additional Information. * Note this report includes the Battlefield Archaeological Assessment for Moore Street & Environs by Franc Myles.

NIAH Significance/Rating

The NIAH uses eight categories of special interest (architectural, historical, archaeological, artistic, cultural, scientific, technical & social) and identifies five categories of rating in seeking to rank buildings. The NIAH rating values are International, National, Regional, Local and Record Only (I, N, R, L, O). Structures which are considered of International, National, and Regional significance are deemed worthy of inclusion on the RPS.

The National Inventory of Architectural Heritage (NIAH) survey has been carried out for the area under Stage 1 of the Dublin Survey. However, 4-8 Henry Place was not recorded.

Assessment of Special Interest under the Planning and Development Act 2000

The Conservation Section considers the structures at 4-8 Henry Place, Dublin 1, to be of historical, cultural and social interest, as follows:

HISTORICAL

4-8 Henry Place is of historical significance due to its direct connection with the events of the 1916 Rising and its occupation following the evacuation from the GPO. Its position on the corner of Henry Place made it an important landmark along the evacuation route. The *Architectural Heritage Protection Guidelines for Planning Authorities* state that the '...level of importance of the historical connection and its relationship to the existing fabric of the structure should be assessed.' (2011, p. 25). The former O'Brien's Mineral Water Factory has been substantially altered since 1916, with just the external ground floor walls surviving from this period. The Guidelines note that '...some events or associations may be so important that the place retains its significance regardless of subsequent alteration.' (ibid). Therefore, while the level of surviving physical fabric pre-dating 1916 is diminished, the survival of the external walls at street level, along with openings that would have been used by the Volunteers to enter

the premises, adds significant historical interest to the structure given its association with this seminal event in Ireland's history.

The former O'Brien's Mineral Water factory provides a tangible link to Henry Place's commercial and industrial past and the historic uses that previously occupied the laneways off O'Connell Street and Henry Street. The surviving jostle stone to the vehicular entrance arch is a noteworthy memento of the building's industrial origins from a time when carts would have been used to transport goods to and from the premises.

CULTURAL

The street level elevations of 4-8 Henry Place that survived in part since the 1916 Rising, and the references to this premises in witness statements from volunteers involved at that time, has given these structures a cultural significance over the course of the past century. The *Architectural Heritage Protection Guidelines for Planning Authorities* state that special interest can be assigned to '*...more modest works of the past that have acquired cultural significance with the passing of time.*' (2011, 28). The 1916 Rising was a seminal event in Irish history that has understandably taken on cultural importance, and this, naturally, includes those surviving elements of our architectural heritage that played an important role in the events of that week.

SOCIAL

4-8 Henry Place is considered to be of social significance due to its association with the Easter Rising evacuation route. The *Architectural Heritage Protection Guidelines for Planning Authorities* (2011) state that '*the characteristic of special social interest embraces those qualities for which a structure, a complex or an area has become a focus of ... political, symbolic or other sentiment to any group of people*'. The 1916 Easter Rising was a defining moment in Ireland's struggle for independence.

ARCHITECTURAL

Constructed over a number of phases, the ground floor elevations retain nineteenth-century fabric, while the floors above date from the mid-to-late twentieth-century. The survival of the elements of the external form of the nineteenth-century factory is noteworthy within a streetscape that has lost much of its earlier fabric. The modest exterior of 4-5 Henry Place is enhanced by the simple use of full-height pilasters to articulate the bays of the building, indicating a level of architectural design in its construction.

The reconstruction of the upper section of the former factory in the 1950s was designed by the architectural practice of Robinson Keefe & Devane, a notable Irish architectural practice. The building's saw-tooth roof profile provides an interesting element to the streetscape of Henry Place, reflecting the premises' former industrial use.

Having regard to the addition request (Motion 44 of the City Council 08/05/2015) and the substantial loss of architectural fabric relevant to the 1916 period, it is considered that the architectural character and significance of 4-8 Henry Place is diminished, with the exception of the remaining 19th century fabric to the ground floor elevations to the laneway (Henry Place).

The 19th century facades to Henry Place of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, would be considered of 'Regional' significance, on the basis of the NIAH significance/ratings above.

CONCLUSION

The Conservation Section concludes that the 19th century, ground floor façades along Henry Place (only) of 4-8 Henry Place, Dublin 1, merit inclusion on the Record of Protected Structures primarily on the basis of their historical, cultural and social significance.

It is also concluded that the architectural character and significance of 4-8 Henry Place is diminished, with the exception of the remaining 19th century fabric to the ground floor elevations to the laneway (Henry Place). This is based on the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982.

Meeting of the Area Committee

A report on the proposed addition of the structure was brought to the Central Area Committee on 12th April 2022 where the elected members noted the proposal to initiate the procedure to add it to the RPS.

Submissions/Observation Received

The proposed addition was advertised in the Irish Independent on Thursday, 7th July 2022 and on the Dublin City Council website. The public display period was from Thursday 7th July to Friday 19th August 2022 inclusive. 10 submissions/observations were received in relation to 4-8 Henry Place, Dublin 1.

Summary of Submission from Shirley Nako

- a) Fully support adding this structure to the RPS arising from its excellent, architectural, historical, cultural & social significance due to its association with the 1916 Rising etc.

Response:

a): Noted.

Summary of Submission from Rory O'Callaghan, Moore Street Campaign

- a) All buildings along Moore Street should be added to the RPS in line with the agreed recommendations of the Advisory Group to the Minister.
- b) All 1916 buildings and their curtilage should be added to the RPS.
- c) All locations directly associated with the evacuation from the GPO should be added to the RPS as locations of historic significance.
- d) Concern voiced regarding allegations to undermine and interfere with the deliberations of The Advisory Group to the Minister to be investigated by the appropriate authorities.

Response:

a) & b): The most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5th May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 4-8 Henry Place, Dublin 1, to the City Council's RPS has been carried out in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.

Nos. 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8th June 2015.

The building at 4-8 Henry Place covers the entire of its site. However, the architectural character and significance of the building is diminished, with the exception of the remaining 19th century fabric to the ground floor elevations to the laneway (Henry Place). This is due to the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982. Therefore, it is recommended that only the surviving 19th century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

c): 4-8 Henry Place is associated with the evacuation from the GPO in 1916.

d): This is not a matter for consideration under the RPS addition process.

Summary of Submission from James Connolly Heron, Relatives of The Signatories to The 1916 Proclamation

- a) The recommendations for listing are strikingly similar to those highlighted in the Hammerson applications.
- b) No reference to ancillary buildings, yards, basements or cellars nor to survey of same.
- c) The recommendations while welcome do not go far enough, representing cherry-picking, rather than a careful attempt to rebuild/recreate the area under the agreed recommendations of the Advisory Group to the Minister in the Securing History report.
- d) Crucial survey reports not considered by city planners prior to planning consent to Hammerson.
- e) The call for listing the terrace is based on historic grounds as the location of the last refuge of the volunteers and headquarters of the Provisional Government.
- f) The reports confirm existence of 1916 buildings, structures and fabric within the terrace at 10 to 25 Moore Street.
- g) The call by the elected members for listing on historic grounds is not dependent on the contents of the reports. This call for listing 1916 buildings and the terrace in its entirety to the RPS must be heeded once the public consultation process is concluded.
- h) Submissions made re: individual buildings/addresses on Nos. 10 to 24/25 Moore Street; including the properties: 10 Moore Street: pre-1916; 12 Moore Street: party wall to No. 11 is pre-1916; original yard to rear; 12/13 Moore Street: original party wall; 13/14 Moore Street: party wall National Monument; 20/21 Moore Street: original buildings. Also Nos. 18, 19, 22/23 and 24/25 Moore Street and Nos. 14-17 Moore Street as the declared National Monument.
- i) Curtilage does not feature in the reports; protection should be extended to include curtilage.
- j) City Council planners have granted permission for destruction of 'most important site in modern Irish history' (National Museum of Ireland), contrary to call for listing of terrace by elected representative, prior to finalised survey reports, request for redesign of proposed developments by the Department Housing, Local Government & Heritage, the provisions of the Moore Street Area Renewal and Development Bill 2015 and as presented in Seanad Éireann, the Green Party Vision for the Moore Street Area, the support for the listing of the terrace by the 1916 relatives, the Advisory Group to the Minister, the recommendations of the City Council's Moore Street Advisory Committee, the objectives of the Dublin city Development Plan, the Lord Mayor's Forum Report on the Lanes of History and international charters on the protection of history and heritage.
- k) Concern raised regarding allegations of interference in the planning process.

Response:

a): This building at 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8th June 2015.

b): 4-8 Henry Place covers the entire of its site; it has no basement or cellars.

The architectural character and significance of the building at 4-8 Henry Place is diminished, with the exception of the remaining 19th century fabric to the ground floor elevations to the laneway (Henry Place). This is due to the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982. Therefore, it is recommended that the only the surviving 19th century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

c): The most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5th May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 4-8 Henry Place, Dublin 1, to the City Council's RPS has been carried out in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.

d): The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

e): Noted. The request for the listing of the entire terrace (10 to 25 Moore Street) relates to Emergency Motion No. 1 passed by the Council's Elected Members at the monthly meeting on 14th June 2021. It is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001.

f): Noted.

g): The proposed addition of a structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), except during the Development Plan review, with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

The request for the listing of the entire terrace (10 to 25 Moore Street) refers to Emergency Motion No. 1 passed by the Council's Elected Members at the monthly meeting on 14th June 2021. It is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

h): The proposed addition in this instance is the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant. The reference to Nos. 14-17 Moore Street as the declared National Monument is noted.

i): The building at 4-8 Henry Place covers the entire of its site. As a result of serious fire damage to the rest of the building, it is recommended that the only the surviving 19th century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures; as per Fig. 2 illustrating the extent of the protected structure status and curtilage is shown in

j): The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

k): This is not a matter for consideration under the RPS addition process.

Summary of Submission from Patrick Connolly

a) Vital to remembering our history.

Response:

a): Noted.

Summary of Submission from Michael Mac Donncha, Secretary Moore Street Preservation Trust

- a) Welcome the proposed addition of each of the six buildings given their importance in relation to the 1916 Rising is documented and acknowledged.
- b) The Architectural Heritage Protection Guidelines (2011) state that "some events or associations may be so important that the place retains its significance regardless of subsequent alteration". It is submitted that the authors of the report have not fully adhered to this important principle. The structure recommended for protection is essentially limited to pre-1916 fabric and the curtilage of buildings is not included. The 'place' as referred to in the Guidelines is the evacuation route from the GPO and the buildings occupied, including 10-25 Moore Street, which retain their significance regardless of alteration and retain their pre-1916 form as a coherent terrace with rear yards opening onto lanes. Therefore, the extent of proposed protection is unduly limited.
- c) Process delayed since 2015 through denial of access.
- d) Assessments carried out in the context of 'live' planning applications.
- e) Extent of protection tailored to suit applications. Extent/curtilage of proposed protected structures to be expanded in line with the Architectural Heritage protection Guidelines for Planning Authorities (2011).

Response:

a): Noted.

b): The reference to 'place' under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

a) A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some events or associations may be so important that the place retains its significance regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group."

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

The building at 4-8 Henry Place covers the entire of its site; it has no basement or cellars.

4-8 Henry Place, known as the former O'Brien's Mineral Water Building, Henry Place, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8th June 2015.

The curtilage of the building is included in the assessment, though in this instance, due to serious fire damage to the rest of the building, it is recommended that the only the surviving 19th century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

c): Noted.

d): The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

e): 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, Henry Place, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8th June 2015. The extent of protection proposed is in accordance with the Architectural Heritage Protection Guidelines 2011.

Summary of Submission from Patrick Cooney

- a) Reference to January 2011 City Council Motion ... calling for extension of national monument to the Moore Street terrace in its entirety. Reference to 2021 City Council Motion to add the 1916 terrace 10 to 25 Moore Street to the RPS due to its historic significance etc. and that under the process the terrace must be surveyed and reports presented to councillors for a final decision.
- b) Reports presented to Area Committee were not available for consideration of the planning applications.
- c) Reports are incomplete, but confirm 1916 buildings throughout the terrace supporting the case for the protection of the terrace as a site of national importance.
- d) The National Monument at 14-17 Moore Street makes the case for preservation of the terrace in which it stands under European charters and guidelines for heritage conservation.
- e) Reference to a schedule of reports including various reports by Shaffrey Associates (also with Frank Myles), Dublin City Council, the Moore Street Advisory Committee and its recommendations, the Lord Mayors Forum Report – The Lanes of History, the MSCG Moore Street Report – Securing History and the Dublin (City) Development Plan. References to information provided in Shaffrey Reports (2005, 2011 and 2012) – re Nos. 10, 20/21 and 24/25 Moore Street, re: 18 Moore Street with 19th century façade up to and including first floor.; re: 1916 elements visible from the public realm: O'Brien's Mineral Water Works Henry Place, The White House Henry Place, 10 Moore Street, 20/21 Moore Street, 24/25 Moore Street.
- f) Reference to 'Other Reports' including those already included above along with the High Court Judgement of Justice Max Barrett. Submission that the High Court judgement on the status of Moore Street as a 1916 Battlefield National Monument must stand. Issue of Ministerial Consent and associated requirements arising from the 'Barrett Judgement'. Reference to Minister's Bill to Seanad Éireann for the protection of the entire battlefield site.
- g) Concern raised regarding allegations of interference in the planning process.

Response:

a): The proposed addition of a structure to the City Council's RPS is subject only to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), except during the Development Plan review, with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

b): The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

c): The reports are complete and in accordance with the requirements of the Planning and Development Act, 2000 (as amended); in particular with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the guidance provided by the Architectural Heritage Protection Guidelines (2011) under Section 52 of the Act.

d): The context of the proposed protected structures, including that of the National Monument at 14-17 Moore Street (Protected Structures RPS Refs: 5282-5285), informed the assessment of the special historical interest as provided in the various reports, including those on 4-8 Henry Place and the other five buildings, now recommended to the City Council for addition to the RPS.

e): The report published for public display on the proposed addition of parts of the subject building to the city's Record of Protected Structures, includes a detailed description and assessment of the special interest of the building in accordance with the requirements of the Planning and Development Act, 2000 (as amended), as per the response to item c) above. The report provided a schedule of appropriate references relevant to both the description and assessment, including the Shaffrey and Myles reports.

The proposed addition in this instance is the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant.

However, it is noted that the most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5th May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

The proposed addition of 4-8 Henry Place, Dublin 1, to the City Council's RPS has been carried out in accordance with Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), and the Architectural Heritage Protection Guidelines, 2011.

f): It is noted that the High Court judgement referred to was overturned by a decision of the Court of Appeal in February 2018. The issue of Ministerial Consent is an entirely separate process under National Monuments legislation. The provisions of a Bill to Seanad Éireann are not of material relevance as they have not been passed by the Oireachtas. .

g): This is not a matter for consideration under the RPS addition process.

Summary of Submission from Councillor Janice Boylan, Sinn Féin

- a) Welcome this proposed addition to the RPS. The building is historically important in relation to the 1916 Rising.
- b) Submission to retain the form, layout and as much of the fabric as possible to enable the story of the Rising, evacuation, occupation, battle and surrender to be told. Also, concern regarding limited extent of the structures to be protected. The City Council was clear that the buildings were to be protected, rather than just parts, and that the integrity of the terrace 10-25 Moore Street is maintained.
- c) Concern regarding the length of time it has taken for the structures to be proposed for addition due to access not being afforded.
- d) The Architectural Heritage Protection Guidelines (2011) state that "some events or associations may be so important that the place retains its significance regardless of subsequent alteration"; - it is submitted that this is the case in relation to the Moore Street battlefield site.
- e) The protection voted by motion of the Councillors should not be curtailed to fit the planning applications.
- f) The extent of protection to be expanded in line with the Architectural Heritage Protection Guidelines (2011).

Response:

a): Noted.

b): Nos. 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Elected Members on the 8th June 2015.

While the building at 4-8 Henry Place covers the entire of its site, its architectural character and significance is diminished, with the exception of the remaining 19th century fabric to the ground floor elevations to the laneway (Henry Place). This is due to the substantial loss of historic fabric dating from the 1916 period as a result of a fire in 1956 that seriously damaged the much of the premises, followed by another fire in 1982. Therefore, it is recommended that only the surviving 19th century, ground floor façades of the building along Henry Place be added to the Record of Protected Structures.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of those six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

c): Noted.

d): The reference to 'place' under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

- a) *A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some events or associations may be so important that the place retains its significance*

regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group."

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

e): Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

f): The extent of protection proposed is in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities (2011).

Summary of Observation from Stephen Troy, Moore Street Business Alliance

- a) The Moore Street Business Alliance supports the call by the City Council to add all 1916 buildings including the Moore Street terrace to the RPS on historic grounds. It should not be a cherry picking exercise of remaining 1916 elements; - where a building contains such features it must be preserved in its entirety to place it in its context. Thousands of protected structures in the city and all warrant full protection (of the building).
- b) The area should be as near as possible to how it appeared (in 1916) during the volunteers last stand.
- c) The proposed additions do not include the Bottling Stores on the O'Connell Street side of Moore Lane identified as pre-1916 in the Myles/Shaffrey Battlefield Report; a hugely significant location in the story of the evacuation.
- d) Submits the following for noting: Minister O'Brien's comment on the High Court judgement and Eamon O'Cuiv's comments of 18 March 2016.
- e) References to structures: No. 10: pre-1916; 11/12: party wall is pre-1916 and original yard to rear. 12/13: original party wall; 13/14: party wall to National Monument; 14-17: National Monument; No 18: "... was described as derelict in 1916 although a portion of its 19th century façade remains to the first floor at the front". No. 19 – party wall to No. 18. 20/21: original buildings; 22/23: original basements. 24/25: original party wall to rear yards. Submit that all be added to RPS including curtilage; where altered to be rebuilt in context and keeping with the National Monument. Note: Cassells on Battlefields of Europe: Moore Street as last extant 1916 battlefield in city and National Museum of Ireland: "most important historic site in modern Irish history".

Response:

a): 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by Elected Members on the 8th June 2015.

Having regard to the addition request and the substantial loss of architectural fabric relevant to the 1916 period, it is considered that the architectural character and significance of 4-8 Henry Place is diminished, with the exception of the remaining 19th century fabric to the ground floor elevations to the laneway (Henry Place).

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

b): It is noted that a number of buildings on Moore Street and in its environs were demolished and replaced with new buildings in the decades after 1916, while the evidence also shows that two others were in ruins in 1916 and were developed thereafter.

c): The O'Brien's Bottling Stores to the rear of 10 Moore Street and Moore Lane (at 17-18 Henry Place on the west side of Moore Lane) is among the five named 1916 buildings, along with 4-8 Henry Place, known as O'Brien's Mineral Water Building, requested for addition to the RPS in Motion 44 by the Council's Elected Members on 8th June 2015.

d): It is noted that the High Court judgement referred to was overturned by a decision of the Court of Appeal in February 2018.

e): The Conservation Reports on the 12 buildings have been clear in establishing the special interest of those six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

The report published for public display on the proposed addition of parts of the subject building to the city's Record of Protected Structures, includes a detailed description and assessment of the special interest of the building in accordance with the requirements of the Planning and Development Act, 2000 (as amended). The report provided a schedule of appropriate references relevant to both the description and assessment.

The proposed addition in this instance is the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1. Submissions relating to other buildings are not relevant.

However, regarding the provenance of buildings on Moore Street, the most recent report of the Moore Street Advisory Group to the Minister for Heritage and Electoral Reform, The Moore Street Report Securing History 3 (5th May 2021), states on page 13, *"The investigations conducted by Hammerson which have already confirmed the findings of the Dooley Hall report, conducted for the second MSAG concerning the pre-1916 provenance of the party wall between No's 12 and 13,, the front façade of No's 20 and 21 and the post-1916 provenance of No's 18 and 19."*

The Dooley Hall report commissioned on behalf of the MSAG ('Historical survey of the provenance of 10-25 Moore Street, Dublin, c.1901-1970', Dooley Hall, April 2019), provides that Nos. 11, 12 and 13 Moore Street are all post 1916 new builds (with the exception of the party wall between Nos. 12 and 13), that all the evidence points to No. 18 having been in ruins in 1916, that No. 19 was also in ruins in 1916, and that Nos. 22 to 25 are all new builds post 1916.

Summary of Submission from Stephen Little & Associates on behalf of Dublin Central GP Limited

- a) Reference to submission in letters dated 6th May 2022 and 26th May 2022 made by McCann Fitzgerald Solicitors on behalf of Dublin Central GP Limited to Dublin City Council, setting out the grounds and arguments in this matter (and resubmitted here).

It is submitted that there is nothing in the materials submitted that these previous submissions have been considered properly or at all.

- b) The properties subject of the proposed additions to the RPS are located within Site 3 (Ref: 2861/21) and Site 4 (Ref: 2862/21) of the Dublin Central project and have already been assessed by Dublin City Council, as Planning Authority. The decisions of appeals in respect of these sites remain under consideration by An Bord Pleanála (Refs: ABP-312603-22 and ABP-312642-22 respectively).

Submissions per McCann Fitzgerald Letter dated 4th May 2022 to the City Council.

- c) There is an extant planning permission that authorises development of these structures (Reg. Ref: 2479/08 ABP PL29N.232347): None of the reports acknowledge the legal significance of this permission. The duration of the extant permission is until 3rd September 2022 and any attempt to include these structures on the RPS before expiry would be inconsistent with section 58(3) of the Planning Acts.
- d) There are several pending planning applications: It would be inappropriate and unlawful to interfere with those pending applications by this new process. Reference to the motion agreed by the City Council at its meeting on 14th June 2021 calling for additions to the RPS, made expressly "in relation to the Hammerson application for the development of the Dublin Central site that includes the demolition of 1916 buildings, structures and fabric on Moore Street". Reference to 1st June 2021, the date on which 3 planning applications were lodged. Reference to decision to grant permission (now on appeal) per Ref: 2861/21 and to Condition 7(c) thereof including for development at 4-8, 10 and 17/18 Henry Place. Reference to decision to grant permission (now on appeal) per Ref: 2862/21 for development of 10, 11, 12, 13 and 20/21 Moore Street. Extensive expert information, analysis and impact assessment regarding architectural heritage and archaeology were submitted with the subject planning applications that are now for consideration of the Board, which is the exclusive independent forum within which the merits of these issues are to be resolved. It would be fundamentally at variance with proper planning for the Council to prejudice or attempt to exert influence on the outcome of pending planning process (of the Board) by proposing to add these structures to the RPS at this particular time.
- e) There has not been any relevant change since the last plan, or any other plan, was made: The special interest and association of 12 sites has been long known. The Franc Myles Report (2012) referred to in the Council Motions does not justify or recommend the addition of structures to the RPS, but only confirms the historical, cultural and social interest of the relevant structures associated with the events of 1916. The Council did not previously consider these interests such as to merit inclusion on the RPS, including during the preparation of the 2016-2022 Dublin City Development Plan, also having regard to the identification of four structures at nos. 14-17 Moore Street as worthy of protection, and the exclusion of others. This status informed decision-making on design and the preparation of planning applications for the lands. No relevant or material reason for such change in plans or in circumstances has been stated in the 12 conservation reports to justify a new or greater burden on the lands.
- f) The circumstances give rise to a reasonable apprehension of bias and/or pre-judgement: On the basis of the foregoing submission, it is not possible to understand why the Council is progressing the (additions) process, except to surmise that the elected members have already formed a view on the matter; note the reference to the motions of the City Council and in particular that of the 14th June 2021 which raises concerns regarding apparent bias and/or pre-judgement.
- g) The 12 conservation reports and recommendations were completed before Dublin Central GP Limited were given an opportunity to be heard; - the first attempt issued on 23 March 2022, comprised reports dated 15 March and 21 March. Thus, the Council completed its architectural heritage assessments such as would suggest that substantial burdens might be imposed before any opportunity was given to be heard in the matter, which is unfair and unlawful. It appears impossible for the Council to

ensure the opportunity for comment is meaningful in the circumstances where the recommendation was final before giving notice to Dublin Central GP Limited, where the elected members have already formed a fixed and inflexible view in the matter and where the Central Area Committee already confirmed that view on 12 April 2022.

- h) The major investment in the regeneration project was made in reliance on planning history, including the extant permission, and the long-standing strong policy, within relevant development plans favouring regeneration of these lands. The legal risks for the Council have been previously highlighted should it fail to respect the property rights of our client (Dublin Central GP Limited). Notwithstanding this, the Council and its elected members in particular, appear determined to add these structures, without any attention to the legal requirements for inclusion on the RPS and without any attention to the submissions of our client.

McCann Fitzgerald Letter dated 26th May 2022 to the City Council's Law Agent:

- i) Welcome confirmation that the Council is considering the recommendations made in the 12 no. conservation reports, that no decision for proposed addition have been made and that the submissions made in the letter of 4th May will be considered prior to making any decision. Reference to comments of the Law Agent per letter 25th May (to McCann Fitzgerald) with submission that 'we cannot understand why you disagree with the points explained in our letter, in particular regarding the extant permission and pending applications' in the absence of elaboration and that '... we do not believe the Council has ever before added a structure to the RPS where there existed a valid and subsisting planning permission for development of that structure'; noting that the Council did not disagree.
- j) It is noted that no real effort was made to protect the buildings until after the submission of the planning applications. The Council never before considered these interests worthy enough to merit inclusion on the RPS, including under the preparation of the Dublin City Development Plan 2016 – 2022. There has not been any relevant change since nor at any time after the introduction of protected structures, nor prior to that time. There is no reason for the change (provided) in any of the 12 reports.

Response:

a): Noted. The considerations in previous correspondence from McCann Fitzgerald on behalf of Dublin Central GP Limited were carefully considered by the City Council and included a written response by the Law Agent of the 20th May 2022.

b): Noted.

c): It is noted that the former planning permission for the development per Re. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, it is acknowledged that any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

d): The Planning Authority is of the opinion that it is not precluded from acting in relation to a proposed addition to the RPS while there are pending planning applications. Indeed, the Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

e): The Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

In June 2016 the Planning Authority made a formal request to the Chartered Land Limited, for DCC appointed consultants to undertake conservation assessment inspections of the five buildings referred to in Motion 44 of 8th June 2015; i.e. (1) O'Brien's Mineral Water Building, Henry Place, (2) The White House, Henry Place, (3) No. 10 Moore Street, (4) The Bottling Store rear 10 Moore Street and Moore Lane, and (5) Hanlon's, 20/21 Moore Street. On the 7th July 2016 Dublin Central Partnership Limited became owner of the lands and access for inspection by the City Council's consultants was declined on 11th August 2016 for reasons including those of the pending High Court proceedings at that time.

The Planning Authority again requested access for the purposes of carrying out RPS assessment inspections by the Conservation Section on the 21st April 2021. Subsequently, Hammerson Group Management facilitated access to the five buildings, which along with others on Moore Street and Moore Lane were inspected during July/August 2021.

The inspections, assessments and reports on the 12 buildings were clearly focused on establishing the special interest or otherwise of each building and/or its parts in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

f): As per e) above, there has been a long-standing and historic interest in considering the protection of 1916 buildings located on Henry Place and Moore Street.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011). The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

g): The 12 Conservation Reports were provided to Dublin Central GP Limited in draft and unsigned form on the 23rd March and were receipted on delivery. The 12 Reports were again provided to Dublin Central GP Limited, McCann Fitzgerald and Hammerson Group Property Limited on 4th May last. None of the reports were in final form, were unsigned and with a 'Draft' watermark. As stated in the Cover Letter the draft reports were provided for information and comment in the interest of fair procedure and without prejudice to the fact that Section 55 of the Act does not specify that an owner or occupier is given an opportunity to make submissions in advance of the statutory notification of a proposal to add a structure to the RPS.

h): The significant investment involved in the proposed regeneration project is acknowledged. It is noted that the former planning permission for the development per Re. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

The Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The Conservation Reports on the 12 buildings have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

It is noted that the current planning applications on the lands are on appeal to An Bord Pleanála and that no decision has been made by the Board to date.

i): The submissions here are similar to those raised under item e) above and have been addressed in the response to that item.

Summary of Observation from Proinsias Ó'Rathaille

- a) The call by Councillors for the listing of 1916 buildings and terraces of houses as the last headquarters of the provisional government refuge of the GPO garrison must be heeded given the extent of 1916 fabric identified throughout the area in the survey reports conducted by the Council experts.
- b) The area satisfies the criteria accepted and established by the High Court and Court of Appeal in *Moore v The Minister* for national monument recognition and protection as its preservation is a matter of national importance.

Response:

a): The proposed addition of a structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), except during the Development Plan review, with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

However, 4-8 Henry Place, known as the former O'Brien's Mineral Water Building, is one of the five named 1916 buildings, requested for addition to the RPS in Motion 44 by the Council's Elected Members on the 8th June 2015.

b): The matter of National Monument status for the area is an entirely separate process under National Monuments legislation.

Conclusion

10 submissions/observations were received in relation to 4-8 Henry Place, Dublin 1.

Four submissions include clear statements welcoming the proposed addition of 17/18 Henry Place to the Record of Protected Structures; each of which also support the City Council's motions requesting the addition of the entire Moore Street terrace and/or all 1916 buildings to the RPS. Another submission stated it was "*vital for remembering our history*".

A further four submissions/observations support the City Council's motions requesting the addition of the entire Moore Street terrace and/or all 1916 buildings to the RPS; though in some cases they do not explicitly welcome/support the proposed addition of the ground floor façades (only) to Henry Place of 4-8 Henry Place.

Each of these eight submissions have been considered and responded to above, including the following responses in particular:

The proposed addition of this structure to the City Council's RPS is subject to the requirements of Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended), with guidance provided by the Architectural Heritage Protection Guidelines (2011), in accordance with Section 52 of the Act.

The reference to 'place' under sub-section 2.5.8 Historical interest of the Architectural Heritage Protection Guidelines refers to various ways in which the historic interest relating to a structure or parts of a structure may be identified, including:

a) A Structure may have historical interest as the location of an important event that occurred in, or is associated with it, or by association with a historic personality. Some events or associations may be so important that the place retains its significance regardless of subsequent alteration. Where an otherwise unremarkable structure has historical associations, it may be more appropriate to commemorate the association with a wall-mounted plaque. Where the decision is difficult, it is helpful to discover whether other buildings connected with the personality or event still exist (and if they are protected) and to make an assessment that takes account of the value of such a group."

This approach has informed the consideration of the special historical interest of this and the other buildings/parts of buildings now recommended to the City Council for addition to the RPS.

Regarding requests by means of motions passed by the Council's Elected Members at their monthly meetings, it is noted that the initiation of the process for adding a structure to the RPS is not the exercise or performance of a reserved function under the Local Government Act, 2001, nor does it fall under Section 140(2) of that Act.

The submission made on behalf of the property owner, Dublin Central GP Limited, objects to the proposed addition of 4-8 Henry Place to the RPS. The grounds of objection and other matters raised in the submission have been considered and addressed in the responses to the submissions above, including the following in particular:

It is noted that the former planning permission per Reg. Ref: 2479/08 and ABP PL29N.232347 expired in September of this year. Therefore, any decision by the City Council regarding the proposed addition of buildings to the RPS will take place after the expiration of that planning permission.

The Planning Authority is of the opinion that it is not precluded from acting in relation to a proposed addition to the RPS while there are pending planning applications. Indeed, the Planning Authority may add a structure where it deems it 'necessary or desirable' and is not bound by any time limitation within which such an addition may be proposed, where the proposal is evidence based on the special interest(s) of the structure.

The assessment of planning applications is a separate process under the Planning and Development Act, 2000 (as amended). It is noted that the subject planning applications are now a matter for decision by An Bord Pleanála.

The Conservation Reports on the 12 buildings on Moore Street and Henry Place have been clear in establishing the special interest of six 1916 buildings, or parts of buildings, recommended for addition to the RPS, in accordance with the requirements of the Sections 51, 54 and 55 of the Planning and Development Act, 2000 (as amended) and the Architectural Heritage Protection Guidelines (2011).

The other six buildings have been assessed and are considered to have insufficient special interest under those same provisions of the Act and the Guidelines.

In relation to 4-8 Henry Place, the special interests of the structure as identified in the report above have not been materially refuted or otherwise seriously called into question; having regard to the provisions of the Act.

Accordingly, it is recommended that the 19th century ground floor façades of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, be added to the Record of Protected Structures in the Dublin City Development Plan 2016-2022.

The extent of the proposed Protected Structure status and curtilage is outlined in Fig.2 of below.

Recommendation to the City Council

In accordance with section 55 of the Planning and Development Act 2000 (as amended), it is recommended that the 19th century ground floor façades of the former O'Brien's Mineral Water Building, 4-8 Henry Place, Dublin 1, be added to the Record of Protected Structures in the Dublin City Development Plan 2016-2022.

Recommendation	
Address	Description (to appear on RPS)
4-8 Henry Place, Dublin 1	Commercial Premises (former O'Brien's Mineral Water Factory): 19 th century ground floor façades to Henry Place

The making of any addition to the Record of Protected Structures is a reserved function of the City Council.

Richard Shakespeare

Assistant Chief Executive.

27th October 2022

Extent of Protected Structure Status

The extent of protected structure status & curtilage is shown on the map below in red.



Fig. 2: 4-8 Henry Place, Dublin 1: extent of Protected Structure status and curtilage outlined in red.

Photographs



Fig. 3: Nos. 4-8 Henry Place - view from northeast



Fig. 4: East elevation of No.4-5 Henry Place



Fig. 5: Historic door opening to east elevation, now blocked



Fig. 6: Concrete stairs with fanlight from blocked door opening visible

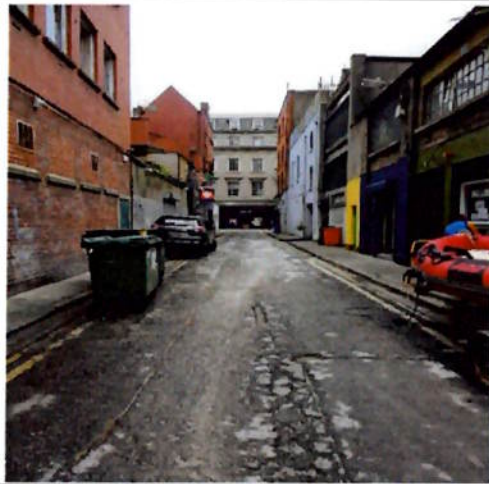


Fig. 7: Nos 4-8 Henry Place on RHS and view south to GPO on Henry Street



Fig. 8: Nos. 6-8 Henry Place on LHS, with view north to corner where Henry Place turns west to meet with junction with Moore Lane and on to Moore Street

Historic Maps

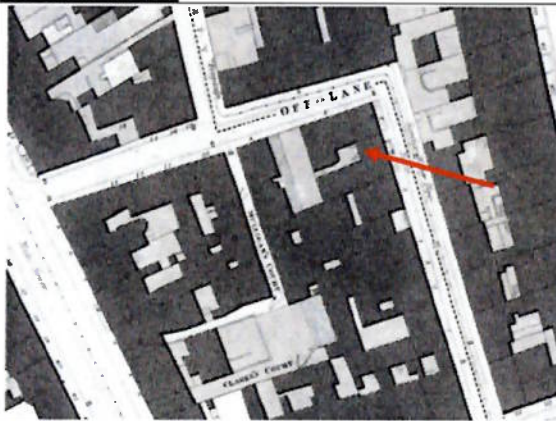


Fig. 9: Extract from 1847 Ordnance Survey map with site arrowed red



Fig. 10: Extract from 1864 Ordnance Survey map with site arrowed red



Fig. 11: Extract from Goad's Insurance Plan of Dublin 1893 with site arrowed red

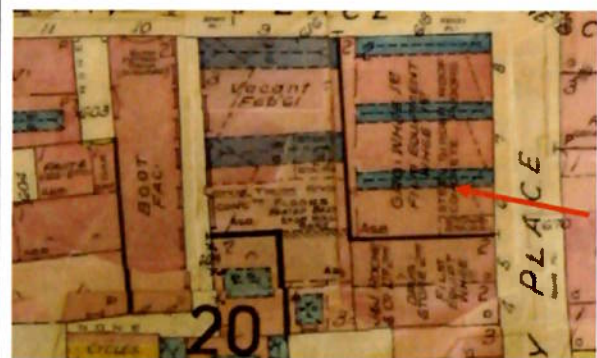


Fig. 12: Extract from Goad's Insurance Plan of Dublin 1961 with site arrowed red; note indication of sawtooth roof with northlights similar to the roof of the building today