

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

8 February 2022

AN BORD PLEANÁLA  LDG- 168 819 - 221  ABP-
0 8 FEB 2022 Fee: € 3000 - Type:cheque Time: 15:05 By:hand

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Address: 26/27 Upper Pembroke Street Dublin 2, DO2 X361

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Our Ref. 20035

RE: FIRST PARTY APPEAL AGAINST CONDITION

PLANNING APPLICATION FOR THE PROVISION OF A MIXED-USE SCHEME COMPRISING 15NO. RESIDENTIAL UNITS, 2NO. CAFÉ/RESTAURANT UNITS, 5NO. RETAIL UNITS, 1NO. OFFICE, A CULTURAL USE, AND A PUBLIC PLAZA NO. 22-25 MOORE STREET, NO. 13 MOORE LANE, NO. 14 MOORE LANE (OTHERWISE KNOWN AS NOS. 1-3 O'RAHILLY PARADE AND NOS. 14-15 MOORE LANE, DUBLIN 1 (DUBLIN CENTRAL – SITE 4)

**DUBLIN CITY COUNCIL REG. REF:** 

2862/21

DATE OF DECISION:

**12 JANUARY 2022** 

Dear Sir / Madam,

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

Dublin City Council issued a decision, dated 12 January 2022, to grant permission for development as generally identified above, at Dublin Central – Site 4, Dublin 1.

This First Party appeal seeks an amendment to Condition 3 (duration of the permission) by the Board, pursuant to Section 139(1)(b) of the Planning & Development Act 2000 (as amended) concerning appeals against conditions.

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

2no. copies of the following material are enclosed in support of this First Party Appeal: -

- 1. Copy of DCC Notification of Decision to Grant Permission, dated 12 January 2022.
- 2. First Party Appeal Report, prepared by Stephen Little & Associates Chartered Town Planners & Development Consultants.
- Supplementary Programme Statement, prepared by Certo Management Services.

We trust that everything is in order and would ask that all future correspondence in relation to this planning appeal be directed to this office.

Yours faithfully,

Michael O'Sullivan, Senior Planner

**STEPHEN LITTLE & ASSOCIATES** 

#### 1 INTRODUCTION

We, Stephen Little & Associates Chartered Town Planners & Development Consultants, 26 / 27 Upl. \_. Pembroke Street, Dublin 2, are instructed by our Client (the Applicant / Appellant), Dublin Central GP Limited, Riverside One, Sir John Rogerson's Quay, Docklands Dublin 2, D02 X576, to make this First Party Appeal Planning.

Dublin City Council (DCC) issued a decision, dated 12 January 2022, to grant permission for the development of a mixed-use scheme (c. 3,290 sq. m gross floor area) in 2no. parts located north and south of the Nos. 14-17 Moore Street (a National Monument / Protected Structures) ranging in height from 1-3 storeys including retained independent single storey basements comprising 15no. apartment units (c. 1,454 sq. m gfa), café / restaurant use (c. 864 sq. m gfa), retail use (c. 617 sq. m gfa), cultural use (c. 60 sq. m gfa), office use (c. 295 sq. m gfa) and all associated and ancillary site development, infrastructural, landscaping and boundary treatment works at Nos. 10-13 and No. 18-21 Moore Street and Nos. 1-8 and No. 11-12 Moore Lane, Dublin 1.

Condition 3 of this permission imposes a 5 (five) year duration of the permission, notwithstanding that the application submitted on 1 June 2021 had sought a period of 7 (seven) years.

This First Party appeal seeks an amendment to Condition 3 by the Board, pursuant to Section 139(1)(b) of the Planning & Development Act 2000 (as amended) concerning appeals against conditions, to secure a 7 (seven) year permission.

The Applicant, otherwise, warmly welcomes the positive decision of DCC to grant permission in this case. The support of the Planning Authority for this project is acknowledged, having been secured on foot of extensive consultation and an iterative design approach at pre-planning and further information stages.

Having regard to Section 37(1)(d) of the Planning & Development Act 2000 (as amended), an appeal against the decision of the Planning Authority can be made on or before 5.30pm on the **8 February** 2022.

We confirm that in preparing this appeal, we have visited the site and reviewed the Council's public planning file (DCC Reg. Ref. 2862/21), including the available technical reports that gave rise to the conditional decision in this particular case.

#### 1.1 Appeal Fee

We attach herewith a cheque in the sum of €3,000.00 made payable to An Bord Pleanála, so as to ensure that this appeal is validly received.

STEPHEN LITTLE & ASSOCIATES FEBRUARY 2022

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#### 2 THE PROPOSED DEVELOPMENT

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

Site 4 comprises a mixed-use scheme (c. 3,290 sq. m gross floor area) in 2no. parts located north and south of the Nos. 14-17 Moore Street (a National Monument / Protected Structures) ranging in height from 1-3 storeys including retained independent single storey basements comprising 15no. apartment units (c. 1,454 sq. m gfa), café / restaurant use (c. 864 sq. m gfa), retail use (c. 617 sq. m gfa), cultural use (c. 60 sq. m gfa) and office use (c. 295 sq. m gfa).

The proposed development to the north of Nos. 14 – 17 Moore Street consists of: -

- Nos. 20 21 Moore Street are refurbished and adapted to provide 1no. café / restaurant / licenced premises with takeaway / collection facility (c. 80 sq. m in total) at ground floor addressing both Moore Street and proposed new public plaza to the rear and 1no. 1-bed apartment and 1no. 2 bed apartment located at 1<sup>st</sup> and 2<sup>nd</sup> floor level 4no. in total (cycle and bin storage at ground floor level).
- No terraces or balconies are proposed to the residential units.
- Provision of a new 3 storey extension at the side of No. 17 Moore Street (National Monument / Protected Structure) to act as an extension for ancillary use to the National Monument – a cultural facility (c. 60 sq. m gfa).
- Provision of an archway between the gable of No. 20 Moore Street and the new 2 storey extension to No. 17 Moore Street (National Monument / Protected Structure) to form an entrance to a new public plaza off Moore Street.
- Provision of a 2 storey building with profiled roof consisting 1no. licenced restaurant / café unit with takeaway / collection facility (c. 250 sq. m gfa). This building sits independently of the northern boundary of No. 9 Moore Lane at the rear of Nos. 14 17 Moore Street.
- Provision of part of a new public plaza (1,085 sq. m) and associated temporary works pending completion of the combined plaza with the concurrent planning application for the adjoining Site 5 immediately to the north (1,253 sq. m public plaza overall).

The proposed development to the south of Nos. 14 – 17 Moore Street consists of: -

- 11no. apartment units (7no. 1-bed apartments and 4no. 2-bed apartments), accessed from proposed central courtyard from Henry Place in 2 3 storeys buildings (1 storey to rear) contained above ground floor within No. 10 Moore Street (refurbished and adapted), Nos. 11 13 Moore Street (replacement buildings with party wall of No. 12 and No. 13 Moore Street retained) and No. 5A Moore Lane (also known as Nos. 15 16 Henry Place replacement building) and Nos. 17 18 Henry Place (also known as Nos. 4 5 Moore Lane ground floor façade retained) with associated resident storage area at basement level of No. 10 Moore Street.
- 5no. retail units at ground floor: Unit 6 (c. 149 sq. m gfa) and Unit 7 (c. 128 sq. m gfa) on Moore Lane, Unit 10 (c. 69 sq. m gfa), Unit 11 (c. 149 sq. m gfa including basement level) and Unit 12 (c. 58 sq. m gfa) on Moore Street; 2no. licenced restaurant / café units with takeaway / collection facility at ground floor: Unit 4 (c. 250 sq. m gfa including basement level) onto Moore Lane and Unit 7 (c. 130 sq. m gfa including basement level) onto Moore Street.
- Ino. office unit at first floor (c. 221 sq. m gfa) of 6 7 Moore Lane with access from ground on Moore Lane; A new courtyard is proposed between the rear of Moore Street buildings and Moore Lane buildings to provide communal open space (c. 155 sq. m) for the residential units.
- All apartment served by terraces / balconies with exception of Unit 13, No. 10 Moore Street.

All associated and ancillary site development, conservation, demolition, landscaping, site infrastructure and temporary works, including: -

 Conservation, repair, refurbishment and adaptive reuse of part of existing building fabric including: -

- Retention of the buildings facing Moore Street at Nos. 20 21 Moore Street with internal and external modifications and new shopfronts.
- Retention of the building facing Moore Street at No. 10 Moore Street with internal and external modifications and new shopfront.
- Retention of Nos. 6 7 Moore Lane with internal and external modifications and new shopfronts.
- Works to include repair and upgrade works (where required) of existing masonry, external and internal joinery, plasterwork and features of significance.
- Demolition of rear boundary wall onto Moore Lane at the rear of Nos. 50 51 and Nos. 52 54
   (a protected structure) Upper O'Connell Street, Dublin 1.
- Demolition of all other existing buildings and structures on site (c. 4,525 sq. m); 44no. bicycle
  parking spaces serving residential, retail and office.
- Plant at basement and roof level; 1no. ESB sub-station onto Henry Place; Building signage zone and retractable canopies.
- Ancillary temporary works at No. 13 Moore Lane and 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.

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

In addressing Items 1-6 of the DCC Request for Further Information, design amendments were made to the proposed development included: -

- Minor adjustments to the window arrangements of Nos. 22 25 Moore Street.
- Additional indicative detail of café / restaurant units fit out to demonstrate the ability to accommodate bicycle storage.

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

#### 3 GROUNDS OF APPEAL

This planning appeal argues for an amendment of Condition 3 of DCC Reg. Ref. 2862/21 decision to grant conditional permission, dated 12 January 2022.

For convenience, Condition 3 states: -

"3. The duration of the permission shall be five years.

Reason: To ensure the timely development of the site."

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

"In relation to phasing, a summary of the anticipated timeframes for the proposed development is set out in the covering submission. This anticipates that development on Site 4 will begin in 2022 and be completed by 2027, while the new square and east-west link to O'Connell Street are shown as opening in 2028. Site 3 is anticipated as being complete by early 2027; however, Site 5, which includes the proposed construction compound, would not be complete until 2032. Notwithstanding any conditions attached in relation to construction and demolition, traffic management and working hours, it is likely that some disruption to trade on Moore Street will inevitably occur as a result of the demolition and construction works, including the impact of construction traffic, and this will need to be assessed in accordance with this timeframe."

We note that the timeframes are expressed without any reference to the potential for delay which was factored in as part of the request to seek a 7 (seven) year planning permission (See Programme Report, prepared by Certo Management Services which accompanied the planning application). The focus of this First Party Appeal relates solely to the duration of the planning permission as detailed in said Condition 3.

#### 3.1 Construction Strategy

The proposed development (Site 4) forms part of a much larger, very significant regeneration and development project planned for an area comprising almost three entire urban blocks located between O'Connell Street Upper, Parnell Street, Moore Street and Henry Street (hereafter referred to as Dublin Central). The project area is in critical need of regeneration and has been since this issue was formally identified by Dublin City Council in 1997 (almost 25 years ago) in the preparation of the O'Connell Street Integrated Area Plan.

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

Whilst this planning application relates to Site 4, a Masterplan for the entire Dublin Central was prepared to provide the Planning Authority and the public generally with an indication of the wider proposals for the area (the Masterplan). As such, while separate planning applications were made for individual sites within the Masterplan there is an obvious relationship between the sites, in particular from a construction management perspective, which necessitates the request for a 7 (seven) year duration for the permission.

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

The following sections will set out the constraints associated with the construction of Site 4 in the context of its relationship with the other sites in the wider Masterplan.

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

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

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

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

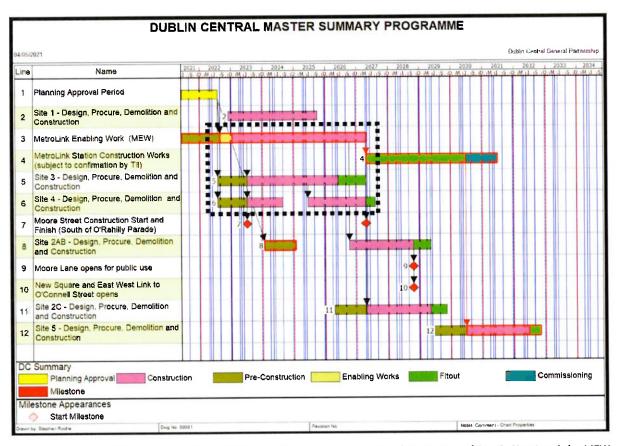


Figure 1: Dublin Central Masterplan Summary Programme – Relationship in terms of Site 3, Site 4 and the MEW highlighted (black dashed line – SLA Overlay).

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

#### 3.3.1 Phasing

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

STEPHEN LITTLE & ASSOCIATES FEBRUARY 2022

#### 3.3.2 Sequencing

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

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

#### 3.3.3 MetroLink Enabling Works

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

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

#### 3.3.4 Protected Structures & Ministerial Consent

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

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

#### 3.4 Changes to Planning Legislation

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

Although Site 4 is physically separated from the other Masterplan sites and capable of being developed independently of the final wider road and public realm works to be delivered with Site 2, it is also expected to become a seamlessly integrated part of the Masterplan.

Section 42 of the Planning and Development Act 2000 was amended by Statutory Instrument No. 456 of 2021 and came into effect on 9 September 2021. Resulting from these changes the basis for extension on commercial, economic or technical grounds have been removed<sup>1</sup>. Therefore, an Extension of Duration (EoD) is only available for Site 4 where substantial works are carried out.

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

STEPHEN LITTLE & ASSOCIATES

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

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

#### [SLA emphasis in bold font]

As noted above, this Section of the Planning and Development Act 2000 (as amended) came into effect on 9 September 2021. That was some 3 months after the planning application was lodged. As such, at the time of making the decision in respect of this application, the legislative basis for seeking the period of 7 years was in place.

The <u>current position</u> is that the life of the planning permission for Site 4 cannot be extended unless substantial works are completed and the balance of the remaining works would not give rise to the requirement for EIA or AA. Given the nature and scale of Site 4 within the overall context of the Masterplan, screening out the need for EIA where substantial works may be completed, while not insurmountable, is by no means certain. This presents an intolerable risk for the Applicant given the complexity of what is the regeneration of an significant city centre site.

In creating a workable and safe construction strategy across the Dublin Central Masterplan it is considered prudent to seek and grant a 7 year permission for Site 4. This would ensure that there is sufficient buffer to absorb potential risks arising from the development of such a complex site, by way of separate concurrent permissions.

It should also be noted that where the entirety of Site 4 is not completed within the 5 year period, there is a risk that its completion require permission to retain and complete the work. Retention permission cannot be sought for development requiring an EIA.

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

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

#### 4 CONCLUSION

We welcome the Planning Authority's support for the development of Site 4 as proposed under DCC Reg. Ref. 2861/21, and the related regeneration of a significant portion of Henry Street and Moore Street. This seeks to strike a reasonable balance between preserving the environment, including the historic environment, and the need to achieve balanced economic and social development.

We are contesting only the Planning Authority's imposition of Condition 3 which limits the life of the permission to a 5 year period, notwithstanding strong justification for the Applicant's request for a 7 year permission to be granted.

We are of the professional opinion that: -

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

We trust that the enclosed material provides sufficient grounds for the Board to amend Condition 3 of Dublin City Council's decision to grant permission for this development proposal.

#### **STEPHEN LITTLE & ASSOCIATES**

8 February 2022

#### ENCL/: -

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





# DUBLIN CENTRAL MASTERPLAN SUPPLEMENTAL PROGRAMME STATEMENT

for Dublin Central GP Ltd 8th February 2022



## 1. PURPOSE OF THIS STATEMENT

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

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

#### 2. CONTEXT

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

The two sites comprise the following:

Site 3A - 150 bed hotel

Site 3B - 79 build to rent apartments

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

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

	Site 1 sq. m	Site 2AB	Site 2C sq. m	Site 3	Site 4	Site 5 sq. m	Total
Office	3,610	17,484	17,029	14-0-	295	5,799	44,217
Hotel	8,094	-	-	7,175	-	-	15,270
Residential	-	-	-	6,452	1,454		7,906
Retail	-	1,876	1,255	1,954	617	-	5,672
Café / Restaurant	-	625	150	138	864	679	2,456
Cultural / Gallery / Cafe	-	-	-	123	- L.	-	123
Extension to National Monument for ancillary use to National Monument – a cultural facility	-	-	-		60	-	60
Metrolink Enabling Works	-	555	831	4-1-2	95-175	-	1,386
Total	11,704	20,541	19,235	15,842	3,290	6,478	77,090

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

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

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

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

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

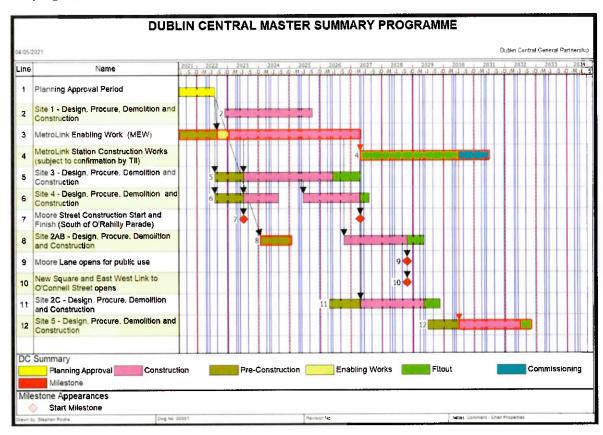


Figure 1 – Master Summary Programme (May 2021)

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

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

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

#### MONTE CARLO SIMULATION

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

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

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

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

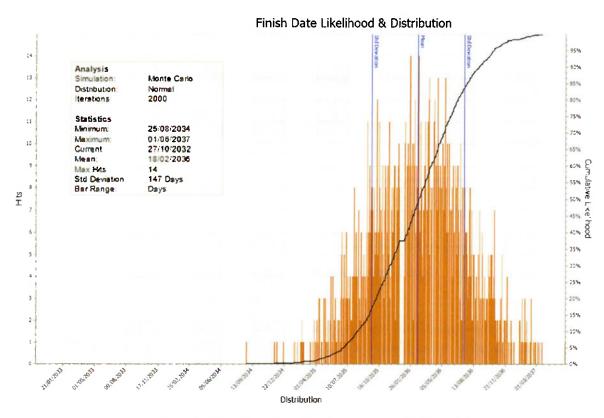


Figure 2 - Monte Carlo simulation for longest path of total project

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

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

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

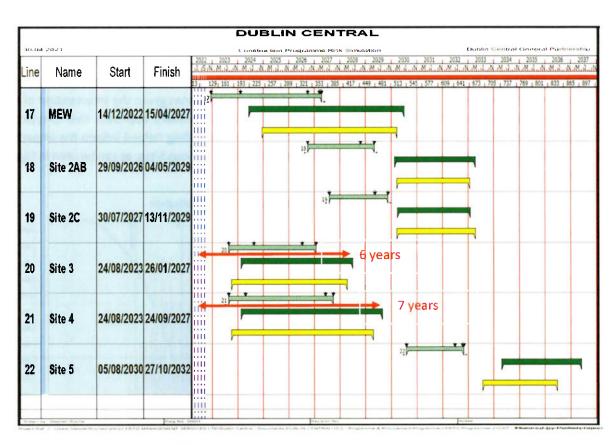
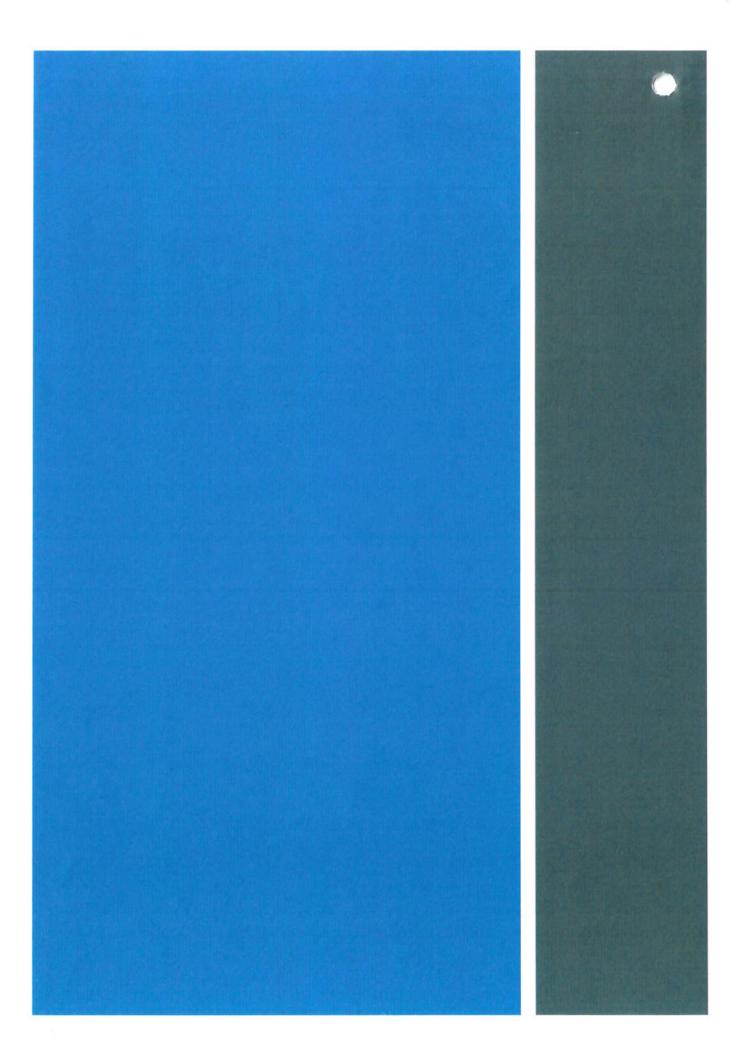


Figure 3 - Monte Carlo 80% and 100% percentile modelling results

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

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Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.



Planning & Property Development Department,
Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8.

Dublin City Council

t. (01) 222 2288

e. planning@dublincity.ie

2 7 JAN 2022

13-Jan-2022

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

Application No.

Registration Date

**Decision Date** Decision Order No

Location

09-Nov-2021

2862/21

12-Jan-2022 P2111

10-13 & 18-21 Moore Street, 5A Moore Lane & 6-7 & 10-12 Moore Lane &

17-18 Henry Place, Dublin 1

Proposal

PROTECTED STRUCTURE: Dublin Central GP Limited intends to apply for Permission for a period of 7 years at a site, 'Dublin Central - Site 4' (c. 0.3 Ha) at Nos. 10 - 13 and Nos. 18 - 21 Moore Street No. 5A Moore Lane (also known as Nos. 15 - 16 Henry Place), Nos. 6 - 7 and Nos. 10 - 12 Moore Lane and Nos. 17 - 18 Henry Place (also known as Nos. 4 - 5 Moore 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 and otherwise generally bounded by No. 22 Moore Street and No. 13 Moore Lane to the north, Moore Lane to the east, Moore Street to the west and Henry Place to the south. Nos. 14 - 17 Moore Street (National Monument / Protected Structures) is bounded north and south by the proposed development. The proposed development comprises a mixed-use scheme (c. 3,290 sq. m gross floor area) in 2no. parts located north and south of the Nos. 14 - 17 Moore Street (a National Monument / Protected Structures) ranging in height from 1 - 3 storeys including retained independent single storey basements comprising 15no. apartment units (c. 1,454 sq. m gfa),café / restaurant use (c. 864 sq. m gfa),retail use (c. 617 sq. m gfa), cultural use (c. 60 sq. m gfa) and office use (c. 295 sq. m gfa). The proposed development to the north of Nos. 14 - 17 Moore Street consists of: - Nos. 20 - 21 Moore Street are refurbished and adapted to provide 1no. café / restaurant / licenced premises with takeaway / collection facility (c. 80 sq. m in total) at ground floor addressing both Moore Street and proposed new public plaza to the rear and 1no. 1-bed apartment and 1no. 2 bed apartment located at 1st and 2nd floor level - 4no. in total (cycle and bin storage at ground floor level). No terraces or balconies are proposed to the residential units: Provision of

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a new 2 storey extension at the side of No. 17 Moore Street (National Monument / Protected Structure) to act as an extension for ancillary use to the National Monument - a cultural facility (c. 60 sq. m gfa); Provision of an archway between the gable of No. 20 Moore Street and the new 2 storey extension to No. 17 Moore Street (National Monument / Protected Structure) to form an entrance to a new public plaza off Moore Street; Provision of a 2 storey building with profiled roof consisting 1no. licenced restaurant / café unit with takeaway / collection facility (c. 250 sq. m gfa). This building sits independently of the northern boundary of No. 9 Moore Lane at the rear of Nos. 14 - 17 Moore Street; Provision of part of a new public plaza (1,085 sq. m) and associated temporary works pending completion of the combined plaza with the concurrent planning application for the adjoining Site 5 immediately to the north (1,253 sq. m public plaza overall); The proposed development to the south of Nos. 14 - 17 Moore Street consists of: - 11no. apartment units (7no. 1-bed apartments and 4no. 2-bed apartments), accessed from proposed central courtyard from Henry Place in 2 - 3 storeys buildings (1 storey to rear) contained above ground floor within No. 10 Moore Street (refurbished and adapted), Nos. 11 - 13 Moore Street (replacement buildings with party wall of No. 12 and No. 13 Moore Street retained) and No. 5A Moore Lane (also known as Nos. 15 - 16 Henry Place - replacement building) and Nos. 17 - 18 Henry Place (also known as Nos. 4 - 5 Moore Lane - ground floor façade retained) with associated resident storage area at basement level of No. 10 Moore Street; 5no. retail units at ground floor: Unit 6 (c. 149 sq. m gfa ) and Unit 7 (c. 128 sq. m gfa) on Moore Lane, Unit 10 (c. 69 sq. m gfa), Unit 11 (c. 149 sq, m gfa - including basement level) and Unit 12 (c. 58 sq. m gfa) on Moore Street; 2no. licenced restaurant / café units with takeaway / collection facility at ground floor: Unit 4 (c. 250 sq. m gfa - including basement level) onto Moore Lane and Unit 7 (c. 130 sq. m gfa - including basement level) onto Moore Street; 1no. office unit at first floor (c. 221 sq. m gfa) of 6 - 7 Moore Lane with access from ground on Moore Lane; A new courtyard is proposed between the rear of Moore Street buildings and Moore Lane buildings to provide communal open space (c. 155 sq. m) for the residential units; All apartment served by terraces / balconies with exception of Unit 13, No. 10 Moore Street. All associated and ancillary site development, conservation, demolition, landscaping, site infrastructure and temporary works, including: - Conservation, repair, refurbishment and adaptive reuse of part of existing building fabric including: - Retention of Nos. 20 - 21 Moore Street with internal and external modifications and new shopfronts; Retention of No. 10 Moore Street with internal and external modifications and new shopfront; Retention of Nos. 6 - 7 Moore Lane with internal and external modifications and new shopfronts; Works to include repair and upgrade works (where required) of existing masonry, external and internal joinery, plasterwork and features of significance; Demolition of rear boundary wall onto Moore Lane at the rear of Nos. 50 - 51 and Nos. 52 - 54 (a protected structure) Upper O'Connell Street, Dublin 1; Demolition

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of all other existing buildings and structures on site (c. 4,525 sq. m); 44no. bicycle parking spaces serving residential, retail and office; Plant at basement and roof level; 1no. ESB sub-station onto Henry Place; Building signage zone and retractable canopies; Removal of existing boundary fence at junction of O'Rahilly Parade / Moore Lane within that part of the site including No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 - 3 O'Rahilly Parade and Nos. 14 - 15 Moore Lane or Nos. 1 - 8 O'Rahilly Parade and Nos. 14 - 15 Moore Lane). The application site is within the O'Connell Street Architectural Conservation Area and adjoins a National Monument / Protected Structures. An Environmental Impact Assessment Report (EIAR) accompanies this planning application. The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy at the offices of the planning authority during its public opening hours and a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

Applicant

**Dublin Central GP Limited** 

Application Type

Permission

If you have any queries regarding this Decision, please contact the number or email shown above

#### IMPORTANT NOTE:

Please be advised that a compliance submission(s) can only be submitted in pdf format and by e-mail to compliances@dublincity.ie

#### NOTIFICATION OF DECISION TO GRANT PERMISSION

In pursuance of its functions under the Planning & Development Acts 2000 (as amended) Dublin City Council, being the Planning Authority for the City of Dublin has by order dated 12-Jan-2022 decided to GRANT PERMISSION for the development described above, subject to the following condition(s).

#### CONDITION(S) AND REASON(S) FOR CONDITION(S)

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned the development shall be carried out in

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accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 20th October 2021, (Article 35 received on 9 November 2021) save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

- 2. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank.
- (a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains.

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(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces, street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

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

REASON: To ensure the timely development of the site.

- 4. The development shall be revised as follows:
- a) The archway opening at Nos. 18-19 Moore Street shall be reduced in scale, with a fenestration pattern retained above the opening which shall be more closely aligned to the fenestration pattern of the adjoining building at No. 17 Moore Street. Full details in relation to the height and depth of the archway, articulation, materials and drawings showing any floorspace at first and second floor levels shall be submitted

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for agreement.

b) The boundary between Moore Lane and the new public space in the area to the north of the site shall be further delineated by means of changes in surface treatment and additional street furniture in accordance with a revised landscaping plan which shall be submitted for agreement.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing with, the planning authority, with the works to be fully implemented prior to occcupation of the buildings.

Reason: In the interests of visual amenity and to ensure that existing building lines and street patterns are retained as far as possible.

5. Prior to development of the two-storey extension to the side of the National Monument at No. 17 Moore Street full details of the eventual use of the space, with floor plans, shall be submitted to the planning authority and written agreement obtained.

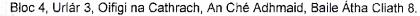
REASON: To ensure the provision of an appropriate cultural use adjacent to the National Monument.

6. Prior to commencement of development details of the treatment of the boundary between the new public space and the adjoining site to the north in the interim period between completion of development on the two sites shall be submitted and written agreement obtained.

REASON: In the interests of orderly development.

7. Prior to the commencement of development, an updated Management Scheme shall be submitted to the Planning Authority for written agreement. The management scheme shall provide adequate measures for the future maintenance and repair in a satisfactory manner of all communal areas including private and public spaces within the site, where not otherwise taken in charge by the Local Authority. The new public space between Moore Lane and No. 18 Moore Street shall be fully accessible to members of the public other than in exceptional circumstances and no gates shall be provided.

REASON: In the interests of amenity and the future maintenance of the development.





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8. The applicant or legal successor shall facilitate the Department of Housing, Heritage and Local Government, the Irish Heritage Trust or such other body as is responsible for the development of the commemorative centre in the National Monument at Nos.14-17 Moore Street, in relation to the development of a 1916 Memorial Trail, which shall include appropriately designed directional or information signage relating to the National Monument, and shall facilitate the provision of such signage, sculpture, lighting or other infrastructure as may be required on the site.

REASON: To preserve the cultural heritage of the area and facilitate development of a cultural quarter in the vicinity of the site.

9. The naming and numbering of streets, spaces, buildings, businesses or dwelling units shall be in accordance with a scheme submitted to, and agreed in writing by, the planning authority. The names selected shall reflect local place names or be of local historical interest, be in both Irish and English and be installed on the site prior to occupation of the development. The applicant shall consult with Dublin City Council's Irish Officer in relation to the translation of the names.

REASON: In the interests or orderly street naming and numbering to enhance urban legibility and to retain local place name associations and historical connections.

10. Prior to commencement of development full details of the materials, colours and textures of all external finishes of the new build elements of the development and all surfaces within the site boundary shall be submitted to the planning authority and written agreement obtained. Service doors fronting the new public space shall be Corten steel. All materials shall be of a high quality and durable, shall be in keeping with the area and in particular with the retained structures on the site and the adjoining National Monument, and shall adhere to the principles of sustainability and energy efficiency.

REASON: In the interests of visual amenity.

11. During construction works the developer/owner is requested to ensure the protection of the Moore Street Casual Trading Area as far as is practicable and provide support and liaise with the Casual Traders and/or representatives where ongoing trading is no longer possible or construction works necessitate relocation of the Casual Trading Area.

REASON: In the interests of orderly development.

12. Any change from the permitted retail units to café or restaurant use shall be

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subject to a separate grant of permission.

REASON:

To clarify the scope of the permission.

- 13. The following shall apply in respect of the permitted restaurants:
- i. All restaurants permitted on the site shall be seated restaurants and any takeaway or delivery element shall be ancillary.
- ii. Prior to occupation of the units details of the opening hours of the restaurants shall be submitted to the planning authority and written agreement obtained in relation to this.
- ii. Prior to operation of the units details of extraction and ventilation to the resturants shall be submitted and written agreement obtained.

REASON: To protect the amenities of the area.

14. Prior to commencement of development the developer shall submit full details of the design of all shopfronts on the site and shall obtain the written agreement of the planning authority in this regard. Each shopfront shall be individually designed to preserve the scale and grain of the units and the materials used on the Moore Street shopfronts shall be in keeping with the National Monument at Nos. 14-17. Signage to the shopfronts shall consist of individual lettering mounted or hand painted on the fascia with the lettering to be of a high quality material such as stainless steel with a height not exceeding 0.4m and any illumination to consist of backlighting. Signage shall consist of the name of the premises and the street number only.

REASON: In the interests of visual amenity.

15. Any security shutters to the retail or café/restaurant units shall be recessed behind the glazing and factory finished in a single colour to match the colour scheme of the building prior to installation. Shutters shall be of the open lattice type,and shall not be painted on site, eft unpainted or used for any form of advertising.

REASON: In the interests of visual amenity.

Notwithstanding the provisions of the Planning and Development Regulations (2001, as amended) no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags or other projecting elements shall be displayed or erected on the building or within its curtilage, or attached to the glazing, without a prior grant of planning permission.

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REASON: In the interests of visual amenity

- 17. The developer shall comply with the following conservation requirements:
- a) A conservation expert with proven and appropriate expertise shall be employed to design,manage,monitor and implement the works in the vicinity of the Protected Structures and National Monument,to the other historic buildings of interest and to ensure adequate protection of the retained historic fabric during the works. In this regard,all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- b) All works in the vicinity of the protected structures/National Monument and historic buildings of interests shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- c) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- e) The following methodologies/documents, evaluations, revisions and architectural details shall be submitted for the written agreement of the Planning Authority prior to the commencement of development:
- i. A detailed methodology for the demolition of buildings adjacent to the National Monument (Nos. 14,15,16,17 Moore Street and rear buildings), and adjacent to buildings that are to be retained (Nos. 10,20,21, Moore Street,Nos. 17,18 Moore Lane,Nos. 6,7 Moore Lane).
- ii. Consideration and submission of revised proposals for the retention of more of the historic definition and enclosure of the historic Moore Lane within the proposed development, including how the former historic plots can be represented as part of the proposed landscaping design of the new public space.
- iii. Nos. 17-18 Moore Lane:
- 1. Details of consideration and reduction in size if possible of the proposed alteration/enlargement of four former window openings, which would remove significant historic fabric from what is already a relatively friable brick wall;



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- 2. Details of consideration of alternative access arrangement or location of commercial and residential waste serving the new premises (17-18 Moore Lane),to avoid or reduce modification of an existing window to create a service opening onto Henry Place;
- 3. Use of Corten Steel finish to the perforated steel service doors to area for WSA commercial & residential units;
- 4. Confirmation of where salvaged brick from upper level on Moore Lane will be reused within the proposed development;
- 5. A detailed methodology that will protect the existing walls during demolition and construction, and key details of the west wall at ground floor level adjacent to the new residential entrance and the junction between the existing north wall (and its existing window openings) and the adjoining new wall to the ESB station and LV Room.
- iv. No. 10 Moore Street:
- 1. Proposed works to roof: Bangor Blue Slate to be used where existing coverings are defective, cast iron rainwater goods if required final upgrading details to be submitted following detailed inspections;
- 2. A schedule of proposed conservation repairs including specification for the repointing of brick façade, if required, with samples to be provided for written approval;
- 3. Detailed drawings of replacement appropriately detailed timber sash windows, including profiles:
- 4. Careful investigation shall be carried out to see whether any remnants of the historic shopfront survive behind the existing signboard or elsewhere, and these shall be submitted for approval prior to finalisation of the proposed shopfront arrangement;
- 5. Revisions to the size of the proposed window opening and the fenestration materials on the south elevation/Henry Place to reduce the loss of historic wall fabric;
- 6. Details of consideration of option for the insertion of a glazed fanlight above the single door opening if possible (beneath the existing brick arch) on the gable wall, rather than closing it up with brickwork:
- 7. Details of fire upgrading works required between residential units and conservation repairs to interiors, including detailed door schedule to indicate any surviving historic doors/architraves, and proposed new doors;
- 8. An evaluation of the use of Corten Steel perforated steel service doors to new entrance courtyard for residential units rather than ppc finish steel;

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- 9. Details of the consideration of relocating the vertical riser (currently positioned against the front wall) to adjoin the southeast corner of the front room,to reduce the impact on the floor plan.
- v. Nos. 11,12,13 Moore Street:
- 1. Details of the consideration of relocating the vertical risers (currently positioned against the front wall) to adjoin the staircase, to reduce the impact on the floor plan and the vertical riser (currently positioned against the front wall) to adjoin the southeast corner of the front room to reduce the impact on the floor plan;
- 2. Detail of saw tooth lintel and sill to windows (clarifying if stone sill is flush or projecting); size of stone parapet capping and whether the façade of No. 12 projects forward of Nos. 11 and 13:
- 3. Colour palette of muted colours and material to signage panels of uniform appearance (Moore Street);
- 4. Detailed drawing of 'cornice' to top of Moore Street shopfronts (designed to throw off water);
- 5. Confirmation that any hoppers will be incorporated to provide natural ventilation to ground floor shop units (Moore Street).
- vi. Nos. 20-21 Moore Street:
- 1. Proposed works to roof: Bangor Blue Slate to be used where existing coverings are defective, cast iron rainwater goods if required following detailed inspections;
- 2. Schedule of proposed conservation repairs including specification for the repointing of brick facade, if required, and samples to be provided for written approval;
- 3. Detailed drawings of replacement appropriately detailed timber sash windows, including profiles;
- 4. Details of investigation carried out to see whether any remnants of the historic shopfront survive behind the existing signboard or elsewhere, prior to finalisation of the proposed shopfront arrangement;
- 5. Careful consideration and details to be provided of fire upgrading works required between residential units and conservation repairs to interiors, including detailed door schedule to indicate any surviving historic doors/architraves, and proposed new doors:
- 6. Consideration of proposed number of new openings in the gable wall of No.



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20, provide details of brickwork trellis and how it relates to window openings behind.

vii. Nos. 6-7 Moore Lane:

- 1. Submission of a final design for altered openings in which the loss of historic wall material is minimised:
- 2. Proposed roof works to this building to be confirmed, with Bangor Blue slate where existing coverings are deficient;
- 3. Details of realignment of the proposed new staircase between basement and ground floor levels to align with the direction of the vaults if possible,in order to minimise the loss of existing material;
- 4. Details of consideration of retention and exposure of the existing timber trusses at first floor level:
- 5. Re: Historic machinery within Nos. 6,7 Moore Lane, provision of detailed proposals for the location of the four fixed, rare items of high technical significance within the site where possible, the relocation of the remaining seven items of medium technical significance, and the provision of explanatory information on the history of the buildings and their equipment to ensure an understanding of their significance;
- 6. In relation to the access to the ground floor entrance to the residential courtyard from Henry Place, proposals to ensure sufficient space between the tree and the adjacent lift and staircase to facilitate healthy growth of the tree, and consideration whether it is possible to introduce another source of natural light above the stair access between ground floor entrance level and basement plant level (by means of a rooflight creating a light shaft) to improve the presentation of the back area of the entrance level.
- viii. New saw-toothed two storey building at 10 Moore Lane:

Details of proposed ventilation (all windows are indicated as fixed glazing).

ix. Historic remnants of external surface finishes (landscaping):

A record baseline survey drawing at an appropriate scale (such that the relevant information is legible) to be prepared to record all of the information relating to historic surface materials discovered by the executed GPR survey, and all of the visible historic fabric noted in photographic format by Courtney Deery.

x. Display of creepholes:

An evaluation on the preparation of an 'honest' repair of the wall fabric adjacent to the creep holes, where the exposed wall fabric is of interest, preferably re-plastering in

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lime plaster on the hard rather than plasterboard linings if a clean plaster finish is required.

REASON: To protect the architectural character and setting of the Protected Structures/National Monument adjacent to and in the vicinity of the proposed development, and to protect the character, architectural detail and integrity of the historic buildings, fabric and surfaces within the subject site.

- 18. The developer shall comply with the following archaeological requirements:
- a) Moore Street National Monument
- i. Prior to commencement of development the developer shall agree in writing with the Office of Public Works and the Department of Housing, Local Government and Heritage arrangements to ensure that no damage occurs to the national monument constituted by Nos. 14 to 17 Moore Street. A copy of that agreement shall be provided to the Planning Authority in advance of commencement of development.
- ii. In recognition of the significance of the Moore Street National Monument, its setting and the historic street pattern the Project Archaeologist will monitor and maintain the temporary exclusion zones around the monument and in other areas of significance. The extent of such exclusion zones will be agreed with the Planning Authority and with the Department of Housing, Local Government and Heritage in advance of the commencement of any development works.
- b) Archaeological mitigation project
- i. The applicants shall employ the services of a suitably qualified archaeologist (i.e. the Project Archaeologist) to co-ordinate with the applicant's conservation team and consultants and to liaise with the Planning Authority and the Department of Housing, Local Government and Heritage throughout the course of the development.
- ii. The applicants and the Project Archaeologist shall ensure the implementation of archaeological mitigation actions as set out in the EIAR and associated documents accompanying the application at the appropriate locations and at the appropriate time.
- iii. The Project Archaeologist shall provide a schedule of works and the proposed archaeological mitigation methods to be agreed with the Planning Authority and the Department. A record of such schedules shall be maintained so as to take account of any adjustments resulting from design revisions and demolition and construction schedules.
- iv. The Project Archaeologist shall oversee the proposed archaeological mitigation for Site 4 and shall ensure integration of each element or phase of that mitigation with



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regard to proposed or future phases of archaeological mitigation for archaeological impacts (to include shared impacts or cumulative impacts and likely impacts for Sites 4 and 5).

- v. The Project Archaeologist shall inform the Planning Authority,the Department and the Office of Public Works in advance of any site investigation works,demolition or construction works with regard to the nature of such works and seek approval for archaeological mitigation.
- vi. The applicants shall ensure that all necessary permissions, consents and licences (statutory and non-statutory) as required under the National monuments Acts 1930 to 2014 or arising from the ownership by the Minister for Housing, Heritage and Local Government of any lands are in place before carrying out any development, entering on any lands or carrying our causing any interference with such lands (including any structures on such lands).
- c) Archaeological monitoring, testing and excavation
- i. The applicants shall engage the services of a suitably qualified archaeologist (holding a licence under section 26 of the National monuments Act 1930, as amended) to carry out archaeological monitoring of site investigations works, demolition phases, site preparation and pre-construction testing, and any further archaeological excavation at the site as appropriate or otherwise required. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent.
- ii. Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the developer shall comply with the advice of the Department of Housing, Local Government and Heritage in that regard.
- iii. The archaeologist shall provide regular progress reports and shall submit written reports on completed phases of work to the Planning Authority and to the Department.
- iv. No site preparation or construction work shall be carried out until after the archaeologist's reports relating to archaeological testing and monitoring have been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Housing,Local Government and Heritage.
- d) Archaeological Excavation
- i. No construction or site preparation work may be carried out on the site until all archaeological requirements of the City Archaeologist are complied with.

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- ii. The developer shall retain a Project Archaeologist to co-ordinate the applicant's archaeological team and to liaise with the Planning Authority.
- iii. The developer shall retain a licensed archaeologist to carry out the archaeological requirements of the City Archaeologist.
- iv. The developer's archaeologist shall undertake licensed archaeological monitoring of all site investigation, demolition, piling and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.
- v. A phase of post demolition archaeological testing shall be carried out in order to inform the nature of archaeological excavation.
- vi. An archaeological method statement for impact mitigation (including temporary and enabling works) shall be provided in advance to the City Archaeologist. The method statement shall contain a detailed archaeological and historical desktop study of the subject site, to include industrial heritage. A copy of the license application to the National monuments Service shall also be provided.
- vii. Details of the proposed construction methodology,including the phasing of any archaeological excavation,and the location of site compound,shall be agreed with the City Archaeologist prior to the commencement of main contract.
- viii. The City Archaeologist recommends that archaeological excavation, as described below, be carried out prior to the commencement of development.
- ix. The subject site in its totality (as defined by Health and Safety regulations) is to be archaeologically excavated to the level of natural subsoil. All in situ features,including post medieval,must be fully recorded prior to removal by hand excavation (unless methodology otherwise agreed) in these areas.
- x. The archaeologist shall provide the City Archaeologist with progress updates during the ongoing excavation on a bi-weekly basis or otherwise as agreed.
- xi. All piling is to be monitored by an archaeologist.
- xii. Removal of the existing ground slab and all ground reduction to formation level is to be monitored by an archaeologist. If archaeological deposits are encountered above the formation of the new build these are to archaeologically excavated.
- xiii. In the event of in situ articulated human remains being located during the course of this work, the archaeologist retained by the developer shall immediately notify the City Archaeologist and the National Monuments Service. Should such archaeological features be of great significance their preservation in situ shall be required. This may negate, or curtail, aspects of the development.

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

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

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

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

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

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

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

Reason: To ensure a satisfactory standard of development.

20. The developer shall comply with the following Environmental Health requirement:

The updated Construction and Demolition Waste Management Plan shall be compliant with the 'Air Quality Monitoring and Noise Control Unit's Good Practice Guide for Construction and Demolition'.

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

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- 21. The developer shall comply with the following transportation requirements:
- a) Prior to commencement of development, and on appointment of a contractor, detailed Demolition and Construction Traffic Management Plans shall be submitted to and agreed in writing with the Planning Authority, with written approval from Transport Infrastructure Ireland (TII). This shall include:
- i. details of intended demolition and construction practice for the development, construction phasing and programme, hours of working, noise and dust management measures, and off-site disposal of construction/demolition waste.
- ii. details of arrangements for routes for all stages of demolition and construction traffic, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site for all stages.

The appointed contractor shall liaise with DCC Road Works Control Division during the demolition and construction period.

- b) Prior to the opening of the development, an updated Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority for the subject site. This shall provide for incentives to encourage the use of public transport, cycling and walking. The plan shall also, provide details of all public transport options and identify car club spaces, bike share and any other transport schemes outside of the development and in the vicinity of the site. The mobility strategy shall be prepared and implemented by the Management Company and operators for all units within the development.
- c) Prior to commencement of the development, the developer shall contact the Environment and Transportation Department to agree in writing all works to the public road network including footpaths, vehicular entry treatments, loading/parking bays, public lighting, and any works to Moore Lane/Moore Street. Materials proposed in public areas and areas to be taken in charge shall be in accordance with the document 'Construction Standards for Roads and Street Works in Dublin City Council'. All works shall be at the developer's expense.
- d) Prior to the opening of the development and on appointment of the operators and Management Company for the development an updated Service Strategy shall be submitted to, and agreed in writing with the Planning Authority. A services/facilities manager shall be appointed by the operators/management company to ensure implementation and co-ordination of all servicing and refuse deliveries and collections. Servicing access arrangements including during construction works should not have an adverse impact on Luas operation and safety.
- e) A review of the Servicing Strategy shall be carried out within 12 months of the occupation of the proposed development and submitted to the Planning Authority for

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review. Any future changes and further reviews deemed necessary by the Planning Authority to the Servicing Strategy in the ongoing monitoring of the development, shall be agreed with and approved by the Planning Authority.

- f) The proposed development is located in close proximity to the Luas line; the developer shall ensure there is no adverse impact on Luas operation and safety. The development shall comply with the 'Code of engineering practice for works on,near or adjacent the Luas light rail system'.
- g) Cycle parking shall be secure, conveniently located and well lit. Cycle parking design shall allow both wheel and frame to be locked. Key/fob access shall be required to bicycle compounds/areas. Access to the long term bicycle parking shall be in accordance with the details submitted in the Mobility Management Plan and the Further Information response submitted on the 20th October 2021 (and Article 35 received 9th November 2021). Cycle parking shall be in situ prior to the occupation of the development.
- h) No doors, save for emergency access or access to substations, shall open outwards across the public footpath/laneway.
- i) All costs incurred by Dublin City Council,including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- j) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

REASON: In the interests of orderly development and sustainable transportation.

- 22. The following requirements of the Engineering Department (Drainage Division) shall be complied with:
- a) The developer shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).
- b) Records of public surface water sewers are indicative and must be verified on site.
- c) The drainage for the proposed development shall be designed on a completely separate foul and surface water system with a combined final connection discharging into Irish Water's combined sewer system.
- d) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.

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- e) Permanent discharge of groundwater to the drainage network is not permitted.
- f) Discharge of groundwater to the public drainage network may be permitted during construction subject to a trade effluent discharge license being obtained from Drainage Division Council as required by the Local Government (Water Pollution) Acts, 1977 and 1990.
- g) All surface water discharge from this development must be attenuated to two litres per second.
- h) The development shall incorporate Sustainable Drainage Systems in the management of surface water. The proposed green and blue roofs shall be implemented in full. Full details of the surface water management proposals shall be agreed in writing with Drainage Division prior to commencement of construction.
- i) The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- i) All private drainage such as downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

REASON: In the interest of orderly and sustainable development.

- 23. The developer shall comply with the following:
- a) Prior to the commencement of any works, a final and updated Construction and Demolition Waste Management Plan (based on the outline CDWMP prepared by Waterman Moylan Consulting Engineers Ltd dated May 2021) must be furnished to and approved by Dublin City Council having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DECLG, July 2006.
- b) In the event that hazardous soil, or historically deposited waste is encountered during the construction phase, the contractor must notify Dublin City Council and provide a Hazardous/Contaminated Soil Management Plan, to include estimated tonnages, description of location, any relevant mitigation, destination for disposal/treatment,in addition to information on the authorised waste collector(s).
- c) Prior to the commencement of any storage of waste on-site, the applicant must consult with the Waste Regulation Unit of Dublin City Council.
- d) Monthly reports regarding the management of the waste during works, must be

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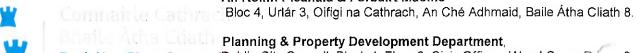
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forwarded electronically to the Waste Regulation Unit of Dublin City Council waste.regulation@dublincity.ie

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



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- iv. Adequate space and height for a standard Refuse Collection Vehicle (RCV) to access site.
- v. Sufficient access and egress must be provided to enable receptacles to be moved easily from the storage area to an appropriate collection point on the public street nearby.
- vi. Receptacle storage areas must not be visible from or on a public street.
- vii. The receptacle storage areas should be designed so that each receptacle within the storage area is accessible to occupants/employees of the development (including people with disabilities)
- viii. Suitable wastewater drainage points should be installed in the receptacle storage area for cleaning and disinfecting purposes
- ix. Waste storage areas should not present any safety risks to users and should be well-lit
- x. Adequate ventilation of waste storage areas so as to minimise odours and potential nuisance from vermin/flies

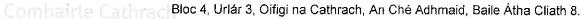
REASON: In order to ensure a satisfactory standard of development.

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

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

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

25. All mitigation and monitoring measures set out in the EIAR and contained within any other technical reports submitted with the application (including by way of additional information) shall be implemented in full except as may otherwise be required in order to comply with the conditions of this permission.





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REASON:

In the interests of protection of the environment.

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

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

27. a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

28. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

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

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

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Reason: To comply with the requirements of Part V of the Planning & Development Act 2000 (as amended).

The applicant should note that development on foot of this <u>Decision to Grant</u> may not commence before a notification of final grant has been issued by the Planning Authority or An Bord Pleanala following consideration of an appeal.

N.B. It should be clearly understood that the granting of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal and that a person shall not be entitled solely by reason of a planning permission to carry out any development.

- 1. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
- 2. A grant of Planning Permission does not entitle the applicant to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
- 3. Any observations or submissions received by the Planning Authority in relation to this application have been noted.

#### Note to Applicant:

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- Appeals must be received by An Bord Pleanala within FOUR WEEKS beginning on 12-Jan-2022. (N.B. this is not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals whether they are sent by post or otherwise. The appeal MUST BE FULLY COMPLETE in all respects including the appropriate fee when lodged. It is not permissible to submit any part of it at a later date, even within the time limit.

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Refund of Fees submitted with a Planning Application. Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months, where the full standard fee was paid in respect of the first application, and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of the Planning Authority's decision on the second application.

Signed on behalf of the Dublin City Council:

For Administrative Officer

#### **Advisory Note:**

Please be advised that the development types shown below can now be submitted via our online service

Domestic Extensions including vehicular access, dormers /Velux windows, solar panels

Residential developments up to & including four residential units (houses only)

Developments for a change of use with a floor area of no more than 200 sq. m

Temporary permission (e.g. accommodation for schools)

Outdoor seating / smoking areas.

Shopfronts / signage

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