

An
Bord
Pleanála

AN BORD PLEANÁLA
LDG- 08 Feb 22
ABP- _____
08 FEB 2022
Fee: € 270 Type: Careel
Time: 11:09 By: Hand

7867 / 21

Planning Appeal Form

Your details

1. Appellant's details (person making the appeal)

Your full details:

(a) Name

Dublin One Business Alliance

(b) Address

Troys Family Butchers, Moore Street, Dublin 1

Agent's details

2. Agent's details (if applicable)

If an agent is acting for you, please **also** provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Thomas Russell BArch BA MSc MRIAI

(b) Agent's address

DMOD Architects, Cathedral Court, New Street
Dublin 8

Postal address for letters

3. During the appeal we will post information and items to you **or** to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the
address in Part 1

☐

The agent at the address in
Part 2

☒

Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) Planning authority

(for example: Ballytown City Council)

Dublin City Council

(b) Planning authority register reference number

(for example: 18/0123)

2862/21

(c) Location of proposed development

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

Nos. 10-13 Moore Street, Nos. 18-21 Moore Street, Nos. 4-7 Moore Lane and Nos. 10-14 Moore Lane, Dublin 1

Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

Please refer to the letter attached with this form.

Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

Fee

8. You **must** make sure that the correct fee is included with your appeal. You can find out the correct fee to include in our Fees and Charges Guide on our website.

Oral hearing request

9. If you wish to request the Board to hold an oral hearing on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee** of €50. You can find information on how to make this request on our website or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

Yes, I wish to request an oral hearing

☒

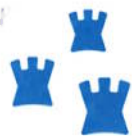
No, I do not wish to request an oral hearing

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NALA has awarded this document its Plain English Mark

Last updated: April 2019.





Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

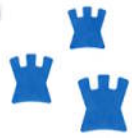
Planning & Property Development Department, Dublin City Council,
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

T: (01) 222 2288
E. planningsubmissions@dublincity.ie

Mr. Thomas Russell, DMOD Architects
(for Dublin One Business Alliance)
Cathedral Court, New Street South, Dublin
8, D08 YY51

IMPORTANT: Please retain this letter. You will be required to produce it should you wish to appeal the decision issued by the Planning Authority to An Bord Pleanála in relation to this development

PLAN NO.	2862/21
DATE RECEIVED:	09-Nov-2021
LOCATION :	10-13 & 18-21 Moore Street, 5A Moore Lane & 6-7 & 10-12 Moore Lane & 17-18 Henry Place, Dublin 1
PROPOSAL :	<p>PROTECTED STRUCTURE: Dublin Central GP Limited intends to apply for Permission for a period of 7 years at a site, 'Dublin Central - Site 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 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</p>



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 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 and Moore Lane with internal



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Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3,
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Planning & Property Development Department, Dublin City Council,
Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8

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part of the site including No. 13 Moore Lane, No. 14 Moore Lane (otherwise known as Nos. 1 - 3 O'Rahilly Parade and Nos. 14 - 15 Moore Lane or Nos. 1 - 8 O'Rahilly Parade and Nos. 14 - 15 Moore Lane). The application site is within the O'Connell Street Architectural Conservation Area 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.

Note: Submissions/Observations may be made on line at:

<https://www.dublincity.ie/residential/planning/planning-applications/object-or-support-planning-application>

To Whom It May Concern,

The Planning Authority wishes to acknowledge receipt of your **submission/observation** in connection with the above planning application. It should be noted that the Dublin City Council as the Planning Authority will consider this application strictly in accordance with the provisions of the Dublin City Development Plan. The contents of your submission/observation will be considered by the **Case Officer** during the assessment of the above application, and you will be notified of the decision in due course.

- All queries should be submitted to the e mail address shown above.
- Please note that a request for Further Information or Clarification of Further information is not a decision.
- **You will not be notified**, if Further Information or Clarification of Further information is requested by the Planning Authority.

Please also note that a weekly list of current planning applications and decisions is available for inspection at the planning public counter.

Opening Hours 9 a.m. - 4.30 p.m. Monday to Friday (inclusive of lunchtime)

A weekly list of planning applications and decisions is available for inspection at all Dublin City Council Libraries & on **Dublin City Council's website. www.dublincity.ie**.
T. 01 222 2222 W. www.dublincity.ie



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Yours faithfully,

For ADMINISTRATIVE OFFICER

Our Ref: 21016 06 tr
8th February 2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

**RE: Application for Planning Permission Registry Reference 2862/21 at
Nos. 10-13 Moore Street, Nos. 18-21 Moore Street, Nos. 4-7 Moore Lane
and Nos. 10-14 Moore Lane, Dublin 1**

Dear Sir/Madam,

We write on behalf of the Dublin One Business Alliance to appeal the Dublin City Council decision to grant planning permission in regard to the recent application for planning permission registry reference 2862/21, comprising one tranche, Site 4 (c.0.3 hectares gross site area), of the proposed redevelopment of lands in a masterplan area of 5no. sites extending to c.2.2 hectares between O'Connell Street and Moore Street, denominated 'Dublin Central' by the applicant.

The Dublin One Business Alliance is an association of independent store traders with premises on Moore Street, some members having family trading in this location for generations, and includes the proprietors of FX Buckley Butchers, Moore Street, Troys Family Butchers, Moore Street and the Centra Convenience Store, Greeg Court, Moore Street. We note that the Applicant has made no attempt to engage with these independent store traders who have grave and distressing concerns about the adverse impact of the construction traffic and activities during the delivery of the proposed development that were not allayed by the materials submitted with the application for planning permission or in response to the request for further information and that not been allayed by the conditions that Dublin City Council have attached to the grant of planning permission. At stake for these traders is the eventual loss of their businesses and as consequence at stake for the city is the loss of the enduring character of Moore Street.

During the evaluation of the application for planning permission we made formal observations in regard to the proposed development that we believe were not adequately considered. These included:

- (01) that the impact of site contingencies and construction activities on existing Moore Street businesses would be overwhelmingly adverse.
- (02) that the impact of the constriction of access to Moore Street arising from the proposed haul routes, vehicle movements and displaced parking arrangements for site operatives would be overwhelmingly adverse.

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Consultants

Coli O'Donoghue
Dip Arch Tech Dip Arch B Arch Sc

Financial Controller

Tanya Fitzpatrick
FCA

ISO 9001:2015



Registered in Dublin, Ireland
Certificate of Incorporation No. 449068
Registered Office: As Above
DMOD Ltd is a Limited Company trading as DMOD

(03) that the scale and duration of this adverse trading environment arising from the masterplan phased 10 year delivery period indicated (from Q3 2022 to Q2 2032) will create an unsustainable trading environment on Moore Street likely resulting in the failure of these businesses prior to the completion of the masterplan.

(04) that the Applicant has failed to engage with or address these legitimate concerns of the independent store traders on Moore Street.

We believe these concerns were not adequately addressed in the evaluation of the application and in the conditions attached to the grant of planning permission. For instance, an examination of the import of Conditions 19 and 20 which deal with Noise and Air Pollution during construction reveals that these are generic and difficult to enforce. This is of grave concern to the independent store traders because of the adverse impact construction activities will have on the immediate trading environment.

In addition to restating these concerns, and in support of our appeal in this matter, we propose that there are technical flaws in the process of application that undermine the legitimacy of the Dublin City Council decision to grant planning permission. We propose that the Planning Authority has failed to ensure proper planning and development by permitting a development proposal for c.2.2 hectares, subject to a single coordinated masterplan, to be evaluated as a series of separate applications, some of which have not even been submitted yet, and these separate applications are interdependent in regard to construction traffic and waste management.

Furthermore, we note that Condition 21 of the proposed grant of permission (2862/21) - and Condition 10 of the separate proposed grant of permission (2861/21) - cannot possibly be satisfied because the conditions for satisfaction, including construction traffic and waste management - depend on the outcome of a separate application for planning permission (2863/21) which has yet to be determined.

Finally, we note that Condition 11 of the proposed grant of permission (2862/21) requests that the applicant ensure the protection of the Moore Street Casual Trading Area as far as practicable and provide support and liaison with the Casual Traders and/or representatives where ongoing trading is no longer possible or construction works necessitate relocation of the Casual Trading Area. No such consideration has been afforded the independent store traders on Moore Street who, with the on-street casual traders, have formed an essential part of the trading ecology on the street over several generations of family in some cases. Notwithstanding the



exasperating toothlessness of this condition, the failure of the Dublin City Council Planning Authority to also recognise the material impact of the duration and process of the construction of the proposal on the independent store traders on Moore Street, in spite of material evidence submitted in demonstration of this, is a substantive oversight and warrants the refusal of Planning Permission.

Similar observations on behalf of the Dublin One Business Alliance have been made in appealing the Dublin City Council's decision to grant planning permission under registry reference 2861/21. For the reasons set out we contend the evaluation was flawed and incomplete and we request that An Bord Pleanála overturn this decision and refuse planning permission.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'TR' followed by a stylized flourish.

Thomas Russell BA BArch MSc MRIAI
Director
For DMOD Architects

Encl. Application Form (requesting an Oral Hearing)
Application Fee
Letter acknowledging receipt of submission/observation.

