

File With _____

SECTION 131 FORM

Appeal NO: ABP 312642

Defer Re O/H

TO: SEO

Having considered the contents of the submission dated/ received 02/03/2022
fromCharles Hulgaine I recommend that section 131 of the Planning and Development Act, 2000
be not be invoked at this stage for the following reason(s): No new plan
188uE.O.: Risa DinnDate: 11/3/22

To EO: _____

Section 131 not to be invoked at this stage. ☐Section 131 to be invoked – allow 2/4 weeks for reply. ☐

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP _____ - Section 131 notice enclosing a copy of the attached
submission

to: _____ Task No: _____

Allow 2/3/4 weeks – BP _____

EO: _____

Date: _____

AA: _____

Date: _____

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

28th February 2022

OBSERVATION

Re .Dublin City Council, Grant of Permissio n Reg. Ref 28 62/21

AN BORD PLEANÁLA	
LDG-	019 732-22
ABP-	
Fee: €	50 0.2 MAR 2022
Type:	Chene
Time:	Post

A chara,

I would like to make an observation on the valid Appeals already submitted to An Bord Pleanála (ABP) concerning the above referenced planning application which was granted planning permission by Dublin City Council on 12th January 2022.

In accordance with ABP's requirements my full name an daddress are provided below, my Grounds of Observations are attached and a payment of €50.00 x 2 is provided to ABP.

I look forward to receiving ABP's acknowledgement of my observatio ns.

Is mise le meas,

Sincerely,

Charles Hulgraine

On behalf of Moore Street Preservation Society

6 Orchard Avenue
Clonsilla Dublin 15

GROUND OFS OBSERVATION

Please find below my grounds of observation concerning appeals submitted against Dublin City Council's decision to grant planning permission for a proposed development at Dublin Central GP Limited intends to apply for permission 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) and adjoining sites. I object to the Council's grant of permission and in particular I support the Appeal submitted by the Moore Street Preservation Trust concerning this application.

Moore Street and the 1916 Battlefield site: an historic quarter

To begin this appeal the historical importance of the locality around the site of the proposed development must be highlighted.

At the centre of this planning application is the National Monument, 14-17 Moore Street, designated as such because it was the last meeting place of the leaders of the 1916 Rising prior to the surrender at the end of Easter Week. As is by now thoroughly researched and documented, the entire terrace 10-25 Moore Street was occupied by the evacuated GPO garrison. Adjacent lanes and buildings are the evacuation route and scenes of the fighting and final surrender, and retain the layout and much of the built fabric of the time. This is a unique battlefield site and is unquestionably of major historic importance on a national and international scale.

The proposed development would demolish much of the existing pre-1916 built fabric and would fundamentally alter the layout of the streets and lanes. The scale of the development would overwhelm Moore Street, fundamentally changing its character and rendering the terrace 10-25 a low-rise relic of the former street dwarfed by high-rise modern buildings.

It is my observation that the grant of permission does not properly take into account the need to fully protect the National Monument and the need to protect the historic buildings and streetscape that surround it.

It is essential to retain the integrity of the terrace occupied by the GPO garrison in 1916. The National Monument has no meaning outside the context of that terrace. Yet this planning application seeks to split the terrace in two, dividing it with a walkway topped by an arch.

There is no good planning reason for breaking the terrace; the only purpose is supposedly to increase footfall from the O'Connell Street side of the overall site directly across to the Ilac Centre which the applicant owns. This most historic terrace is to be broken for purely commercial retail reasons. There is no issue of permeability on the site which is well served

with existing lanes and the area and which if properly conserved and sensitively re-developed and revitalised should attract visitors without the need to split the historic terrace. A new access route to Moore Lane from O'Connell Street does not require the continuation of that route through the middle of the terrace.

The Council has granted permission for the break in the terrace and for an arch. The arch is subject to a condition that it be re-designed but no re-design has been submitted. This is a totally unsatisfactory process which excludes citizens. The basic point is that any such arch would be totally out of character with the terrace both architecturally and historically.

The Dublin Central GP site

It is important to note that the proposed development by Dublin Central GP amounts to an area of about 5.5 acres. This particular site is only part of a large site which has been divided into six separate planning applications, of which three have been submitted to Dublin City Council and three further applications are signalled for submissions at some future date.

The breaking up of the proposed development in this way makes it extremely difficult, if not impossible, for citizens to envisage both what the complex and extensive development itself will entail and its impact on the wider city centre. No clear overall master plan has been presented, despite the submissions made.

The sites covered by this application (2862/21) and the two accompanying applications (2861/21 and 2863/21) are really one site, yet they are broken up into three separate applications, making a clear assessment most difficult. For example the terrace 10-25 Moore Street is split between two of the applications as are the proposed spaces to the rear of these buildings.

It is my observation that the piecemeal approach to the proposed 5.5 acre development is inappropriate and unfair to the public who cannot see the scale of the overall "master plan" development. For this reason I believe this application should be refused planning permission by the Board.

The Development Plan

The proposed development site is located within zoning objective Z5 of the Dublin City Council Development Plan - 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.

An area of the site is within the O'Connell Street Architectural Conservation Area (ACA) and it also adjoins a national monument and protected structures at Nos. 14-17 Moore Street and is within the curtilage of a protected structure (Nos. 52 – 54 Upper O'Connell Street).

The ACA statement says it recognises that "ordinary building stock" together with the "stock of historical and cultural memories and associations attached to these buildings and public

spaces" generate the special character within the ACA boundaries. Therefore, notwithstanding the historical importance of protected structures within the ACA boundaries, the importance of the laneways and non-protected buildings within the ACA boundaries cannot be undermined, particularly given the nature of the activities that occurred within the area and what this meant for the State.

It is my observation that the wholesale demolition of buildings in this planning application and the creation of a hole punched into the streetscape with an out of scale arch is contrary to the above ACA statement and I ask the Board to refuse such demolition by refusing planning permission for the proposal.

Conservation appraisal

Dublin City Council's Conservation Officer was correct when she stated: *"These streets and lanes played an important role in the 1916 Battlefield and the evacuation routes taken by the volunteers"*. And yet the planning decision appears to have ignored this fact. One notable failing in this regard in this application is the failure to recognise the survival of and to incorporate the original 1760s building plots and their boundary/party walls – particularly the lands to the rear of the Moore Street houses.

The development is in Contravention of the stated policies and objectives of the Dublin City Council Development Plan in this regard and is highly destructive of the surviving plots, particularly to the north of the National Monument and the insertion of the double height arch in the streetscape disturbing the historic integrity of that streetscape and the integrity of the subject lands. It is difficult to see how the proposed development can be of benefit to the historic environment as it is of such a destructive nature in respect of the original plot layouts as to suggest a significant lack of awareness of the relevant Conservation Charters which apply.

It is my observation that this application cannot be considered as either appropriate or desirable for this sensitive heritage-rich site.

The proposed development will have a serious adverse impact upon the on-site and local Historic and Heritage Fabric.

I suggest that An Bord Pleanála refuse permission for the proposed development.

The Planning Process

Dublin City Council sought a three-dimensional scaled model as part of its request for Additional Information. This was provided yet there was no public notification of its display in Civic Offices, Wood Quay, and citizens were unaware of its existence.

There were delays at all stages of the planning process in uploading the application information online and this was an especially serious omission at a time of Covid restrictions. These delays meant that the right of citizens to participate in the planning process was denied, the statutory time and full information not being available.

The Council's grant of planning permission includes an extensive range of conditions but with no opportunity for the citizens to assess and respond to the applicant's implementation of these conditions, some of which lack detail and specificity. For example, the Council requires a further unspecific re-design of the applicant's proposed archway which would split the terrace 10-25 Moore Street in such a way that this would be essentially a private process of negotiation between the Council and the applicant with no public say on the final as yet unseen design.

In June 2021, Dublin City Councillors, as elected by the citizens of Dublin, passed a motion to list Nos. 10-25 Moore Street as Protected Structures and therefore urged Dublin City Council to take action to proceed with the process of listing 10-25 Moore Street as Protected Structures. It is difficult to understand how a decision to grant planning permission was made before this process has been brought to a conclusion.

I believe that the decision to grant planning permission for the site is unfair, as the same decision maker, Dublin City Council, will now decide on the listing of the proposed Protected Structures at 10-25 Moore Street.

It should also be noted that the inclusion of work to public lanes and interference with those lanes as part of the application does not have Dublin City Council's permission.

I am asking that the Board overturns the Council's decision to grant planning permission.

The proposed Moore Street archway and scale of development

There is little doubt that the most contentious part of the application for many is the proposed puncturing of the Moore Street streetscape with a large scale archway, close to the National Monument. It is proposed to wipe out the historic Moore Street terrace with this ugly proposal, which is totally out of context with the locality.

It is noted that this was of serious concern to the Council's Planning Department, so much so that as part of the Further Information request the Council stated: *"that there is concern in relation to the design of the proposed archway, including the scale and articulation which appear unresolved in relation to the grain and rhythm of the immediate streetscape"*. But the Council then agreed in principle to the opening of the streetscape, a contention that the Preservation Trust strongly disagrees with because the proposed archway will interfere, alter and partly destroy the National Monument and its curtilage at 14 to 17 Moore

Street. It will also require the demolition of No. 18 Moore Street, a 19th century building part owned by the State and under the control of The Minister.

In terms of the scale of development this site needs to be studied in conjunction with the concurrent planning applications. There is little doubt that the proposed nine story building block (even if slightly reduced in scale by the Council's planning condition) on an adjoining site will have a detrimental effect on the Moore Street streetscape. Once again it highlights the inappropriate subdivision of the 5.5 acre site into smaller sites for submissions to the planning authority and consequently is unfair and is flawed as a planning process.

I am asking ABP to overturn this decision.

Moore Street Traders

Moore Street has been best known for most of its existence as the city's largest and most vibrant street market, the oldest food market in Dublin. Recent years has seen a sad decline with a dwindling number of stall-holders and diminishing footfall. The vibrancy of the street market was to some extent adversely affected by the development of the Ilac Centre. But as councillors long familiar with the street and its traders we believe that the decline of the past decade and more is directly related to the fact that the east side of the street has been effectively 'frozen' in the hands of successive developers and their planning applications. The scale and complexity of these proposed developments, their highly controversial nature, and the fact that a previous developer became subject to NAMA, has prolonged the planning process. Meanwhile the street has continued to decline.

The current planning application and the two that accompany it, in their scale and complexity and duration, would continue this adverse impact on the street traders and on the shops and independent businesses on the street. The potential for disruption from construction traffic, dirt and noise over a period of up to 15 years is obvious and would spell the end of the street as it is known.

The condition in reference to the street traders proposed by the Council in the grant of permission is weak: "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". Such a condition simply hands the developer permission to interfere with the Moore Street traders business, including causing their trading to cease.

The Council simply passes the problem on to the developer and washes its hand of the matter. This is totally inappropriate particularly as the Council licences the street traders.

I am also gravely concerned at the reported proposal by Dublin City Council and the Department of Housing, Local Government and Heritage to co-fund with Hammerson a compensation scheme for the street traders. While the Minister's Moore Street Advisory

Group supported a compensation scheme for the street traders, it proposed that it be agreed between the traders and the developer. For the planning authority itself to discuss participation in such a scheme while the planning application on which it would depend is still under consideration by the planning authority is prejudicial to the independence of the planning process.

Given the potential impact of this application and its accompanying two applications on the Moore Street market I urge the Board to uphold the appeal against grant of permission.


Conclusion

From my above observations above An Bord Pleanála will note that I have a deep concern at Dublin City Council's decision to Grant Planning Permission for this development. The permission granted is extremely vague with an inordinately high number of Conditions whereby the development will be reassessed by the Council and Developer alone, prior to commencing on site. This removes the citizens of Dublin from the equation and ensures the voices of objectors are eliminated. In essence the permission granted by the Council is a non-decision, a decision in "principle" - to be revisited at a later stage between Developer and Council, without any possible input from citizens.

My final observation is that An Bord Pleanála must now overturn the Council's decision and REFUSE planning permission for this proposal. The development, in conjunction with the proposed adjoining developments, is inappropriate in scale and content, takes no proper account of the adjoining National Monument and Protected Structures, ignores those buildings currently being assessed as Protected Structure, proposes the unnecessary demolition of many buildings, punctures an ugly hole in the streetscape and will have a negative impact on the existing historic streetscapes.

End.

Charles Hulgraine MRIAI RIBA
Architecture - Urban Planning - Conservation


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