

File With _____

SECTION 131 FORM

Appeal NO: ABP 312642-21

Defer Re O/H



TO: SEO

Having considered the contents of the submission dated received 14/3/22
fromapplicant

I recommend that section 131 of the Planning and Development Act, 2000

be/not be invoked at this stage for the following reason(s): Not circulatedPending oral hearing assessment / No New issuesE.O.: Ryan ADate: 16/3/23

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: _____

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 312642-22

M _____

Please treat correspondence received on 14/3/22 - email as follows:

1. Update database with new agent for Applicant/Appellant _____	
2. Acknowledge with BP <u>20</u>	1. RETURN TO SENDER with BP _____
3. Keep copy of Board's Letter <input type="checkbox"/>	2. Keep Envelope: <input type="checkbox"/>
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Amendments/Comments
<u>Applicants Response</u>

4. Attach to file (a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/> (b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/> (c) Processing <input type="checkbox"/>	RETURN TO EO <input type="checkbox"/>
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	Plans Date Stamped <input type="checkbox"/>
	Date Stamped Filled in <input type="checkbox"/>
EO: <u>Loa A</u>	AA: <u>Mark Lawlor</u>
Date: <u>16/3/22</u>	Date: <u>24-3-2021</u>

Mary Ledwith

From: Bord
Sent: Monday 14 March 2022 17:17
To: Appeals2
Subject: FW: Response to ABP-312642-22
Attachments: 20035 CL DC S4 P Response to 3P Appeal Final 14032022.pdf; 20035 DCP S4_1P Response to 3P Appeals_FINAL 14032022.pdf

From: Michael O'Sullivan <michaelosullivan@sla-pdc.com>
Sent: Monday 14 March 2022 17:14
To: Bord <bord@pleanala.ie>
Cc: SLA Dublin Central <SLADublinCentral@sla-pdc.com>
Subject: Response to ABP-312642-22

Dear Sir / Madam,

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

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

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

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

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

Regards,

Michael O'Sullivan,
Senior Planner
STEPHEN LITTLE & ASSOCIATES
Chartered Town Planners & Development Consultants
26/27 Upper Pembroke Street,
Dublin 2 D02 X361

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SLA | **Stephen Little
& Associates**

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

Our Ref. 20035

14 March 2022

RE: FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

PLANNING APPLICATION FOR THE 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 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 (DUBLIN CENTRAL – SITE 4)

AN BORD PLEANÁLA REF: ABP-312642-22

DUBLIN CITY COUNCIL REG. REF: 2862/21

Dear Sir / Madam,

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

- Colm O'Murchu, 121 Hollybank Road, Drumcondra, Dublin 9.
- Dublin One Business Alliance, Troy Family Butchers, Moore Street, Dublin 1.
- Mary Lou MacDonald, 58 Fassagh Avenue, Cabra West, Dublin 7.
- Michael MacDonacha on behalf of the Sinn Fein group on Dublin City Council, Dublin City Council, Richard O'Carroll Room, City Hall, Dublin 2.
- Moore Street Preservation Trust, Ireland Institute, The Pearse Centre, 27 Pearse Street, Dublin 2.
- William Doran Planning & Project Management Consultant on behalf of various Moore Street Traders.
- Patrick Cooney on behalf of the Save 16 Moore Street Committee, 46 Shantalla Drive, Beaumont Drive, Dublin 9.
- Ray Bateson, Rear Corduff Cottages, The Rise, Main Street, Dublin D15 NA4T.
- Stephen Troy, Troy Family Butchers Ltd., Moore Street, Dublin 1.

We trust the Board will have regard to this response to the Third Party Appeals when assessing the proposed development.

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

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

Yours faithfully,



Michael O'Sullivan,
Senior Planner
STEPHEN LITTLE & ASSOCIATES

Planning
Report

Applicant's
Response to
Third Party
Appeals

Dublin Central
– Site 4

For Development
Comprising Retail,
Restaurant / Café,
Residential, Office and
Ancillary
Development.

At Nos. 10 – 13 Moore
Street and Nos. 1 – 8
and Nos. 11 – 12
Moore Lane, Dublin 1

For Dublin Central GP
Limited

MARCH 2022

Document Control: -


Author	Checked by	Purpose	Date
NOC	MO'S	Draft	08.03.2022
-	MO'S	Final Draft	09.03.2022
MO'S		Final	14.03.2022

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1 INTRODUCTION

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

The content of this Report responds to a letter from An Bord Pleanála, dated 14 February 2022, inviting the Applicant to make a submission / observation in writing to the Board in relation to the following 9no. Third Party Appeals: -

- Colm O'Murchu, 121 Hollybank Road, Drumcondra, Dublin 9.
- Dublin One Business Alliance, Troy Family Butchers, Moore Street, Dublin 1.
- Mary Lou MacDonald TD, 58 Fassauga Avenue, Cabra West, Dublin 7.
- Michael MacDonacha on behalf of the Sinn Féin group on Dublin City Council, Dublin City Council, Richard O'Carroll Room, City Hall, Dublin 2.
- Moore Street Preservation Trust, Ireland Institute, The Pearse Centre, 27 Pearse Street, Dublin 2.
- William Doran Planning & Project Management Consultant on behalf of various Moore Street Traders.
- Patrick Cooney on behalf of the Save 16 Moore Street Committee, 46 Shantalla Drive, Beaumont Drive, Dublin 9.
- Ray Bateson, Rear Corduff Cottages, The Rise, Main Street, Dublin D15 NA4T.
- Stephen Troy, Troy Family Butchers Ltd., Moore Street, Dublin 1.

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

The strategic importance of the application site and this development for Dublin City in general cannot be overemphasised. The Applicant acknowledges that undertaking regeneration projects of significant scale within dense urban settings are complex and challenging with a broad array of considerations and constraints to be dealt with. However, it remains steadfast in the belief that the proposed development (Dublin Central Site 4) in conjunction with the wider vision of the Dublin Central Masterplan will see the sensitive, innovative and transformative rejuvenation of this area. The development area has been in critical need of regeneration for almost 26 years, first highlighted in the preparation of the O'Connell Street Integrated Area Plan in 1997.

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

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

A Masterplan for the entire Dublin Central site was prepared to provide the Planning Authority, prescribed bodies and the general public with a clear indication of the wider proposals for the area. The Masterplan is underpinned by the Dublin Central Masterplan Area Conservation Management Plan, prepared by Molloy & Associates Conservation Architects. As such, while separate planning applications have been made for individual sites within the Masterplan area, there is an obvious relationship between the sites. An architectural model was submitted to Dublin City Council, providing further information on the Site 4 proposal in the context of the Dublin Central Masterplan.

Dublin City Council issued a notification of its decision to Grant Permission for the Site 4 proposal, on 12 January 2022, subject to 29no. conditions.

The Applicant submitted a First Party Appeal to the Board, on 8 February 2022, in respect only of Condition 3, which limits the duration of permission to 5 years (rather than 7 years sought). The Applicant has otherwise warmly welcomed the decision of the Planning Authority to grant permission, which it considers is informed by reasonable planning judgement.

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

We would respectfully request that the Board upholds the decision of Dublin City Council to grant permission for the Site 4 development, with a duration of 7 years, in order to allow this strategically important development to proceed.

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

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

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

2 SUMMARY OF RELEVANT BACKGROUND INFORMATION

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

We trust that the Board will also have full regard to the entire and extensive suite of material lodged with the initial planning application for Site 4, including the EIAR and also the material lodged with the response to the Request for Further Information, including the Addendum to the EIAR. Whilst it is acknowledged that there is significant volumes of material in those submissions, it is not considered helpful to re-state much of that for a further time as we are very aware of the fact An Bord Pleanála will be considering this application in its entirety *de novo* and as a result will be reviewing all of this material in any event.

2.1 Site Location & Context

Site 4 measures c. 0.26 Ha (net site area) / c. 0.3 ha (gross site area). When additional works to facilitate temporary construction activities, on Moore Lane and junction of O'Rahilly Parade / Moore Lane are included, the gross site area amounts to 0.3 ha.

Site 4 is generally bounded by Henry Place to the south, Moore Street to the west, Moore Lane to the east and No.22 Moore Street and No. 13 Moore Lane to the north. Site 4 includes the following existing properties: -

- Nos. 10 – 13 Moore Street inclusive.
- Nos. 18 – 21 Moore Street inclusive.
- Nos. 1 – 7 Moore Lane inclusive.
- Nos. 10 Moore Lane.

None of the existing buildings at Site 4 are 'Protected Structures' are listed in the Record of Protected Structures (RPS) or identified on Zoning Map E contained in either the current or Draft. However, some of the existing buildings are of historic interest, as identified in the plans and particulars submitted with the Planning Application. Nos. 14 – 17 Moore Street (Protected Structures / National Monument) are located immediately adjacent to the proposed development.

Site 4 is currently occupied by existing buildings and warehouse structures, which vary from two to three storeys generally and are arranged over an existing single storey basement. Existing uses include retail and ancillary retail space, cafe / restaurant outlets, warehouse and workshops. The upper floors of many of the existing buildings are currently unoccupied, although once residential. The buildings located to the rear of Moore Street are predominately warehouses and more industrial uses. Building heights on Moore Lane range from one to three storeys.

The main street frontage on Moore Street consists of predominantly small specialist shops and retail services. The block is, however, also characterised by an a high level of dilapidated building stock, underutilised or unoccupied upper floors on Moore Street, and entirely unused structures along its less prominent lane frontages and within a large portion of its interior.



Figure 1: Extract from Google Earth showing Site 4 outline in red with wider Masterplan area outline in orange (indicative overlay by SLA).

Site 4 includes No. 10 Moore Street. This building will be retained in its entirety, with the exception of an extension to the rear at ground floor level which is not a feature of the original building. It is proposed that the ground floor will be used for retail, and the upper two floors will be converted into residential units. The ground floor on No. 10 Moore Street is occupied by a small retail unit and the floors above are unoccupied.

The current buildings located at Nos. 11 – 13 Moore Street are not original and date from the 1960s or later. It is proposed to replace these buildings with a terrace of three buildings to maintain the historic plot widths, storey height, material and enhance the historic character of Moore Street. No. 11 Moore Street is currently occupied at ground floor however, the upper floors are unoccupied. Both No. 12 and 13 Moore Street are currently unoccupied.

No. 18 and 19 Moore Street are also not original. No. 18 was reconstructed post 1916 and No. 19 was constructed during the 1930s. It is proposed to replace these 2no. buildings to facilitate the archway that links Moore Street and O'Connell Street through the new public plaza proposed as part of this development. Both no. 18 and 19 Moore Street are currently unoccupied.

No. 18A Moore Street (i.e. approximately half the structure, flanking the National Monument) is under the ownership of the Department of Housing, Local Government and Heritage. Proposals for No. 18A Moore Street were included within the Site 4 application with the consent of the Dept. (as landowner) following a period of design coordination.

Nos. 20 and 21 Moore Street, both being 18th Century in origin are retained as part of the proposed development. Both buildings are currently three storey over single storey basement brick fronted buildings. These buildings are occupied at ground facing the street and unoccupied on the upper floors. For avoidance of doubt, only the buildings facing Moore Street at this address are retained as part of the proposed development at Site 4.

Nos. 6 – 7 Moore lane are currently two storey buildings. The interior of these two buildings is divided into two interconnected units. Both of which are currently unoccupied. It is intended to retain and incorporate this building within the proposed development.

No. 15 Henry Place and No. 5 Moore Lane are both two storey, two-bay, brick fronted buildings. These buildings are currently used for storage.

Nos. 17 and 18 Henry Place is a single storey warehouse which dates to the late 19th Century. The building is currently unoccupied.

We refer to the Architects Design Statement submitted with the planning application, prepared by ACME Architects, for further description of the built composition of Site 4. We refer also to the Architectural Heritage Impact Assessment, prepared by Molloy Associates Conservation Architects for confirmation of the architectural and cultural significance of existing buildings and streets at Site 4 based on detailed site and archival research.

2.1.1 Dublin Central Masterplan Area

Site 4 forms part of the wider envisaged Masterplan, the latter extending to c. 2.2 ha. The Masterplan almost entirely encompasses three urban blocks, bounded generally by O'Connell Street Upper and Henry Place to the east, Henry Street to the south, Moore Street to the west, and O' Rahilly Parade and Parnell Street to the north. Moore Lane extends south from Parnell Street through the centre of the Masterplan, as far as its junction with Henry Place.

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

2.2 Land Use Zoning

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

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

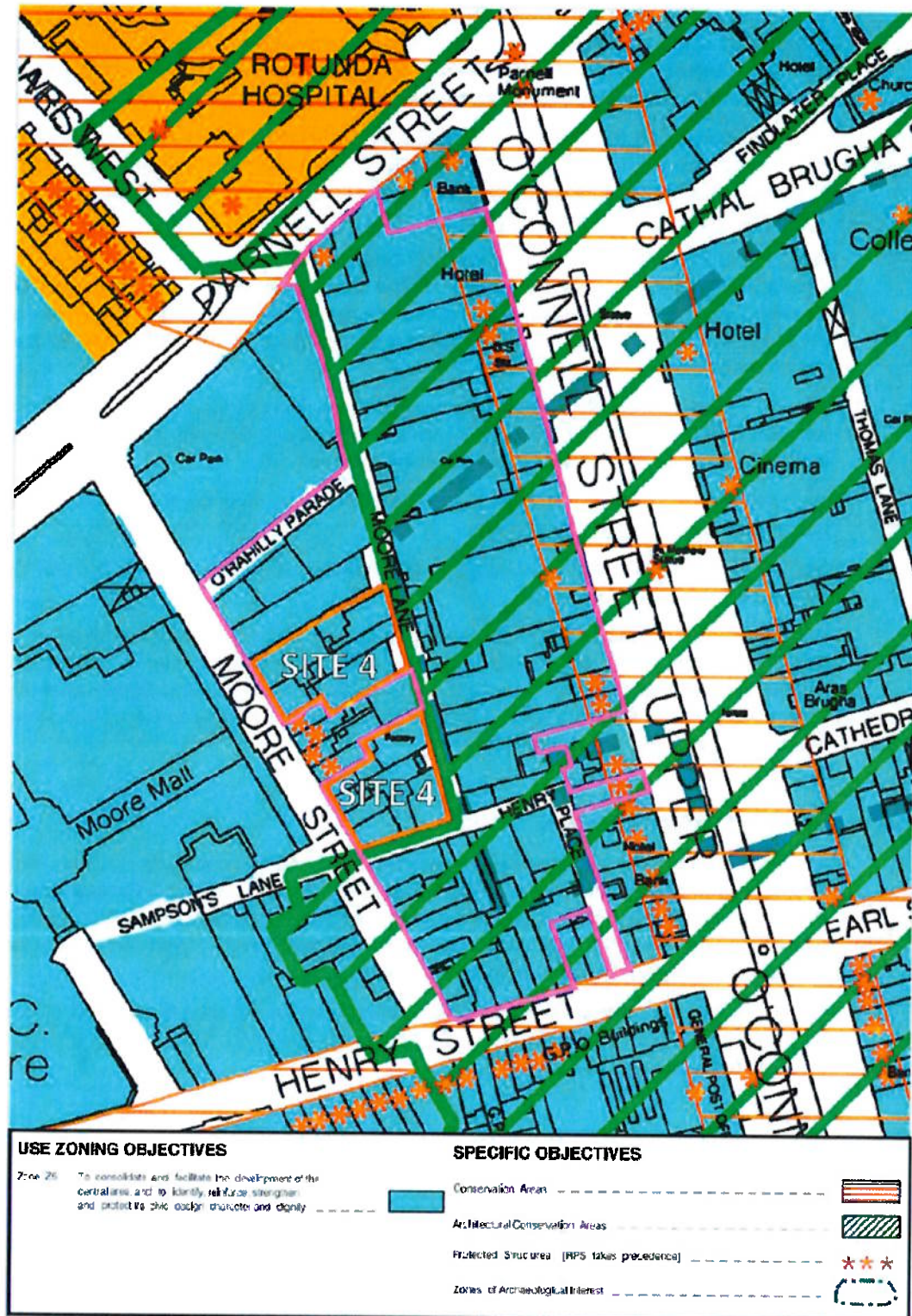


Figure 2: Extract from Map E of the Dublin City Development Plan 2016 – 2022 with Site 4 outlined in red and the Masterplan outlined in purple. There has been no change to the zoning map contained within Site 4 under the recently published Draft Dublin City Development Plan 2022 – 2028.

Site 4 comprises proposed retail, café / restaurant, residential, and office uses, which are all permissible in principle under the Z5 zoning.

2.3 Strategic Planning Policy Context

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

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

2.4 Proposed Development

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 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 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.
- 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 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.

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

In addressing Items 1 – 11 of the DCC Request for Further Information, design amendments were made to the proposed development included: -

- The design of the archway at Nos. 18 – 19 Moore Street and the proposed public plaza has been amended. The amended archway design has resulted in following changes to Nos. 20 – 21 Moore Street: -

Ground Floor

- The gross floor area (gfa) of Unit No. 3 (café / restaurant) increases to c. 93.5 sq. m.

First & Second Floor

- The gfa of Residential Unit No. 8 has increases to c. 50 sq. m.
- The gfa of Residential Unit No. 9 has increases to c. 67 sq. m.
- The gfa of Residential Unit No. 15 has increases to c. 51 sq. m.
- The gfa of Residential Unit No. 16 has increases to c. 67 sq. m.
- Further detail has been provided in relation to surviving holes in party walls in No. 10 and No. 13 Moore Street which were formed during the 1916 Rising.
- The ESB sub-station and associated LV Room has been relocated to No. 5A Moore Lane. This has resulted in: -

Ground Floor

- The gfa of Unit No. 7 (retail) reducing to c.29 sq. m.
- Provision of secure bicycle parking (52no. spaces) to the rear of No. 5A with access from the resident's courtyard (accessed from Henry Place).

First & Second Floor

- The gfa of Residential Unit No. 5 remains the same (c. 80 sq. m) but the area of bedroom 1 and bedroom 2 is adjusted due to relocation of vertical risers.
- The gfa of Residential Unit No. 14 remains the same (c. 73 sq. m) but the area of bedroom 1 and bedroom 2 is adjusted due to relocation of vertical risers.
- The relocation of the ESB sub-station and LV Room allows for the further retention of existing building fabric of No. 10 Moore Street. This in turn has resulted in: -
 - The underground attenuation tank has changed shape, but the total volume remains the same, therefore, no changes to surface water management.
 - The gfa of ancillary residential basement storage has increased.
 - The gfa of Unit No. 6 (retail) at ground floor increasing to c. 137 sq. m.
 - The gfa of Unit No. 12 (retail) at ground floor increasing to c. 86 sq. m.
 - The access stairs and lift to the 1st floor external courtyard has moved further east.
- The building line of the replacement building at No. 10 Moore Lane has been adjusted with the unit increasing to c. 95 sq. m (Unit 5).
- The existing external walls of No. 15 Henry Place and No. 5A Moore Lane have been retained. This has resulted in: -
 - Location of the Waste Storage Area being adjusted (size remains the same).
 - Additional bicycle parking is provided in the external courtyard (20no. in total).
- The upper gables of Nos. 11, 12 and 13 Moore Street have been re-designed with the access arrangements to roof level also adjusted.

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

In granting Planning Permission Dublin City Council attached Condition 4a, to seek the redesign of the archway opening at Nos. 18 – 19 Moore Street.

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

2.5 Planning Application & Further Information Response Material

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

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

3 RESPONSE TO GROUNDS OF APPEAL

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

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

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

Having carefully reviewed the content of the 9no. Third Party Appeals, our summary interpretation of the main grounds of appeal to relate to the following topics: -

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

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

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

3.1 Request for an Oral Hearing

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

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

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

3.2 Conservation / Built Heritage / Protected Structures

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

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

3.2.1 Conservation Approach / Demolition

From the outset, we would highlight that the Applicant, Dublin Central GP Limited, has employed the expertise of a wide ranging design team, including significant input from conservation specialists, Molloy & Associates Conservation Architects¹. The Dublin Central project has been the subject of extensive new conservation research and analysis by Molloy & Associates Conservation Architects. This has informed the approach to both the Masterplan by way of Conservation Management Plan and the Site 4 proposal. The research and analysis by Molloy & Associates Conservation Architects of the buildings and setting of Site 4 has been extensive and has informed its Architectural Heritage Impact Assessment and the Environmental Impact Assessment Report (EIAR). The content of these assessments includes: -

Architectural Heritage Impact Assessment

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

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

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

Findings collated and opinions provided by Conservation Architects: -

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

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

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

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

EIAR Chapter 15: Cultural Heritage (Architectural)

- Assessment of the potential impact on architectural heritage for the Masterplan and Site 4 and cumulative development as appropriate.

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

Within Site 4, the planning drawings, prepared by ACME Architects show the extent of existing historic fabric, at basement, upper floors and facades, on Moore Street, Moore Lane and Henry Place, that is proposed to be integrated into the redevelopment proposal. Site 4 provides for the retention of existing historic built fabric, generally including: -

- **No. 10 Moore Street:** This building is retained almost in its entirety as part of the proposed development, with the exception of the later extension at ground floor level to the rear of the building.
- **Nos. 20 – 21 Moore Street:** The buildings located at this address fronting Moore Street are completely retained as part of the proposed development. However, the building that extends to the rear of the plot becoming 12 Moore Lane has been removed. A café fronting onto the new public plaza and Moore Street is proposed at the ground floor, with the upper floor being converted into residential apartment units accessed from Moore Street.
- **Nos. 17 – 18 Henry Place:** The building currently located at this address has a truncated façade and was originally 3 storeys. As part of this proposed development it is proposed to retain the façade and build a one storey extension above to restore the building to its original height. The proposed uses are a retail unit on the ground floor and residential units above, accessed from the podium courtyard.
- **Nos. 6 – 7 Moore Lane:** The building at this location is retained as part of the proposed development and will be restored to accommodate a retail unit connected to 5 ½ Moore Lane, a bar on ground and basement levels and an office for the developer on the upper level, accessed from a small reception on the ground floor.
- **The party wall of No. 12 and No. 13 Moore Street** is also to be retained and integrated as part of the new buildings proposed.

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

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

Furthermore, in terms of understanding the historic setting of the areas studies including the 'Historic Urban Landscape Assessment' by Dr. John Olley BEng, PhD and 'Baseline Assessment of 1916 and 1922 Battlefields' by Molloy & Associates Conservation Architects has informed the overall Dublin Central Masterplan and Site 4 proposal also (Refer to A3.1: Conservation Plan & Appendices).

The Planning Authority generally consider an appropriate balance has been struck between the retention of existing buildings and demolition of these to allow for new development or to facilitate permeability or the provision of new streets or spaces. In relation to the proposed demolition the Planners Officer generally concludes that: -

"...the proposal provides for a mix of retention of existing buildings, with alterations to allow their reuse, the selective demolition of parts of buildings while retaining areas of façade or boundary walls considered to be of interest, demolition of buildings and replacement with new buildings, and demolition of buildings to be replaced with new public realm areas."

The Conservation Department, while expressing some regret at the loss of existing plot delineation, generally supports the principle of the proposed development regarding the regeneration, refurbishment and repair of existing buildings and the re-animation of this site. Furthermore, the Planning Officer considers the proposed development would: -

"...allow for permeability through the site which would facilitate the development of a 1916 historical trail. This, together with the proposals for the adjoining National Monument, which is in State ownership, could help to improve awareness of the significance of the buildings and streets on Moore Street, Moore Lane, Henry Place and O'Rahilly Parade in the events of 1916."

The Planners Report notes some remaining concern regarding the oversized upper gables to the new buildings at Nos. 11, 12 and 13 Moore Street, the treatment of existing hard landscaping material, surviving holes in party walls and machinery within Nos. 6 – 7 Moore Lane to determine their interest or uniqueness. Following receipt of a comprehensive Further Information response by the Applicant, which identified the practicalities surrounding all of these issues, the Planning Authority was generally satisfied with the responses subject to condition to agree certain residual details under Condition 17 of the Notification of Grant of Permission by DCC.

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

We refer to the Board detailed analysis of the heritage context and impact of Site 4 as detailed in the architectural heritage reports prepared by Molloy & Associates Conservation Architects, which accompanied the Planning Application.

3.2.2 Protected Structures

A number of the Third Party Appeals have referred to the lack of assessment of Protected Structures which are to be added to the record of Protected Structures within Site 4.

Multiple references are made in the Third Party Appeals to motions of members of Dublin City Council to add buildings to the Record of Protected Structures. Many assert that by virtue of these motions that the buildings are deemed to have that protection. We would refute such an assertion.

We refer to Figure 2 above, which is an extract from Map E of the Dublin City Development Plan 2016 – 2022. It is respectfully submitted that there are no Protected Structures at Site 4 on the zoning map or listed in the current Dublin City Development Plan RPS. We would further note that the Draft Dublin City Development Plan 2022 – 2028 which has recently been on public display does not include any new additions to the RPS within Site 4. As such, notwithstanding the arguments presented by the Third Parties in this instance, the buildings in question within Site 4 are neither Protected Structures nor are they Proposed Protected Structures.

As set out above, while there are no Protected Structures within Site 4, the buildings or building fabric of particular heritage significance or interest have been sensitively retained and integrated where practically possible. This approach has been accepted by the Planning Authority.

3.2.3 O'Connell Street ACA

Similar arguments are made by a number of the Third Parties that by virtue of votes by elected members to extend the boundary of the ACA to include Site 4 that this has been deemed to have occurred. We would also refute that assertion.

In response, we refer to Figure 2 above, which is an extract from Map E of the Dublin City Development Plan 2016 – 2022. It is respectfully submitted that the buildings proposed within Site 4 lie outside of the boundary of the ACA. We would further note that the Draft Dublin City Development Plan 2022 – 2028 which has recently been on public display does not include Site 4 within the ACA boundary also. As such, notwithstanding the arguments presented by the Third Parties in this instance, the buildings in question within Site 4 are not located within the ACA. For completeness, it is acknowledged that part of the enabling works for the construction phase of the project do involve works within the boundary of the ACA and this is fully considered as part of the application.

The impact of Site 4 on the O'Connell Street ACA has also been raised by a number of Third Party Appeals. A comprehensive assessment of the impact on the proposed development on the ACA was submitted with the Planning Application. The proposals within Site 4 range from one to three storeys in height and involves a significant re-use of existing fabric where this has been possible to do so.

The Planning Application was accompanied by Landscape and Visual Impact Assessment (EIAR Chapter 12: Landscape & Visual Impact Assessment), prepared by ARC Architectural Consultants. The Planning Authority drew the following conclusion with regard to the LVIA: -

"Photomontages have been submitted showing the impact of all three proposals as viewed from a variety of locations. Having regard to its scale, the proposed development is less visible than the two concurrent proposals and its main impact is in respect of the streetscape on Moore Street and Moore Lane, including the impact when viewed in the context of the developments proposed on the two adjoining sites. In the case of eight locations, the impact of the three proposed developments would be imperceptible to moderate, while in the case of the remaining seven they would be moderate to significant.

*In the case of view K (junction of Parnell Street and Moore Street) and view L (further south along Moore Street) the proposed development would be visible; however, the scale and grain would be similar to those of the existing development and the main impact would relate to the proposed archway. View M (looking up Moore Street from Henry Street) also shows the proposed development in the context of the existing street and the proposed new developments on Sites 3 and 5. While the proposed archway would also be visible, there would be some positive impacts relating to the reinstatement of fenestration in the streetscape. It is noted that no photomontages have been submitted showing the proposed development as viewed from Moore Lane; however, other images submitted with the application, including those submitted as part of the applicant's design statement, show this and allow the proposed impact to be assessed. **Having regard to the modest height of the development proposed on site 4, it is not considered likely that the proposed development at the Moore Lane frontage of the site would be visible from a significant distance from the site.**"*

[Bold Font emphasis by SLA]

It is respectfully submitted that the Site 4 development, as proposed, is a fully justified and elaborated proposal which meets all of the requirements of the proper and sustainable planning of the area include adherence to architectural conservation principles. We refer the Board to the following reports that accompanied the Planning Application and which are important in understanding how Site 4 has been conceived, considered and further refined in order to ensure that it will make a positive contribution to the architectural and civic design quality in this context: -

- Architects Design Statement, prepared by ACME Architects, provides an in-depth analysis of the site and surrounding historic and existing context, which has informed the architectural design of Site 4.
- Architects Design Statement – Further Information Response, prepared by ACME Architects, provides response to the Further Information request from DCC
- Conservation Plan and Architectural Heritage Impact Assessment, prepared by Molloy & Associates Conservation Architects, which respectively describe the existing built environment at Site 4 and consider the impact of the proposed building on the architectural heritage and setting of the site and its surroundings.
- EIAR Chapter 15: Cultural Heritage (Architectural), prepared by Molloy & Associates Conservation Architects.
- EIAR Chapter 12: Landscape and Visual Impact Assessment, prepared by ARC Architectural Consultants, which includes a visual impact assessment of Site 4, having regard to the pattern of change and to the existing historic and urban landscape that characterises the site location.

Notwithstanding the above, we refer the Board to the concluding paragraph of the Executive Summary of the Architectural Heritage Impact Assessment submitted in respect of Site 4, which states: -

"The site does not contain protected structures, nor is it included in the O'Connell Street Architectural Conservation Area. Notwithstanding its position outside the designated ACA boundary, the development of the site has been approached as if it were part of the ACA, in recognition of pre-1916 fabric found during recent site investigations, peripheral to the National Monument."

3.3 National Monument & Ministerial Consent

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

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

Ministerial Consent is a separate process and will be entered into prior to any works to or adjacent the National Monument. For avoidance of doubt, no works are proposed to the National Monument with the exception of a three storey extension to No. 17 Moore Street, which will be located within No. 18A Moore Street. This extension will facilitate the construction of the Archway proposed as part of Site 4 which will mark the entrance to the proposed public plaza from Moore Street. Demolition works are proposed to building adjacent and up to the boundary of the National Monument.

Consideration has been given to the protection of the National Monument during the works being carried out adjacent to it. Detail of the protection measures are set out in the Site 4 Outline Construction & Demolition Management Plan, prepared by Waterman Moylan Consulting Engineers in this respect and have been assessed and considered in the EIAR.

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

We respectfully submit that no works are proposed to or adjacent the National Monument as part of the proposed redevelopment of Site 4. All necessary measures to protect the National Monument during the construction phase of Site 4, including demolition and enabling works, will be implemented. As such, no adverse impacts are anticipated to the integrity of the National Monument.

3.3.1 Extent of the National Monument

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

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

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

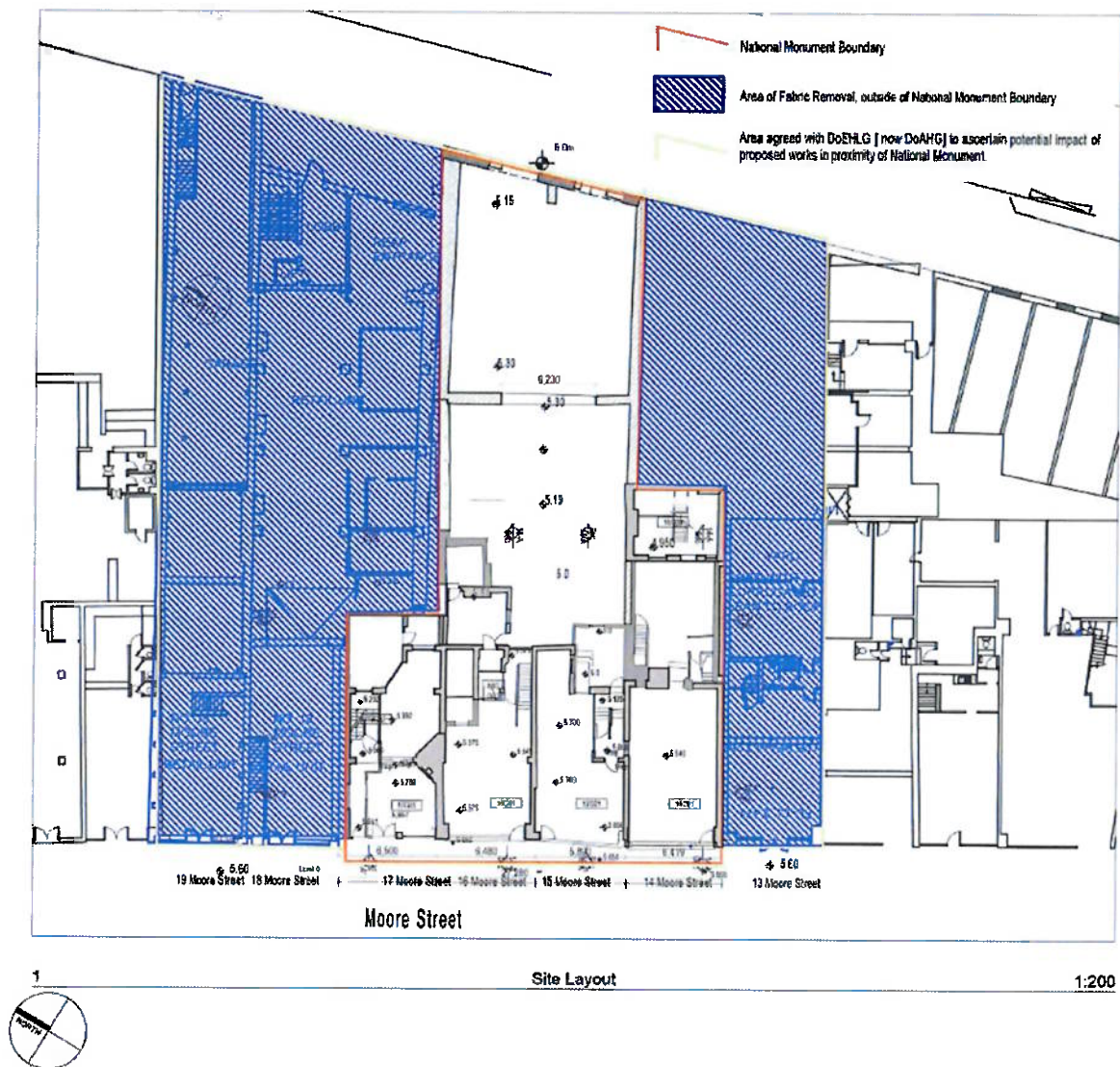


Figure 3: Delineation of the National Monument as including proximity zone under the existing Ministerial Consent (C392).

3.3.2 National Monument Cellars

Patrick Cooney on behalf of Save 16 Moore Street Committee notes that cellars to the rear of No. 14 – 17 Moore Street are “afforded no protection under this application.” We refute that assertion.

The cellars which are referred to are part of Nos. 6 – 7 Moore Lane (as identified in all drawings and reports as part of the Planning Application). This building is being retained as part of the proposed development with no risk to the National Monument. All works, including those to the shared boundary are clearly scheduled in the conservation assessment prepared by Molloy & Associates Conservation Architects.

We note again at this juncture that this current process falls under Section 34 of the Planning & Development Act 2000 as amended. As is acknowledged by the Applicant many times, in line with the provisions of the National Monuments Act, 1930 (as amended), any development that alters the National Monument, or disturbs the ground around or in proximity to it, will require the appropriate Ministerial Consent under section 14 of that legislation.

3.4 Design, Scale & Layout

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

The Planning Authority welcomes the introduction of greater subdivision throughout the site through the provision of additional streets, lanes, and public spaces.

In accordance with the Dublin City Development Plan 2016 – 2022, the Planning Authority considers the proposed development is compliant with the relevant plan policies in relation to permeability and the design of new residential neighbourhoods and urban quarters, providing for a new public space and a new pedestrian route through the site.

Furthermore, Fáilte Ireland considered the proposed design “would contribute positively to the Dublin tourism brand by reason of quality urban design and placemaking.”

The Planning Authority generally concludes that the proposed development: -

“...addresses many of the concerns in relation to the development of the site, including how the historical significance of the site and the events of 1916 can be recognised and commemorated in the development, and that the proposed design does not preclude the development of a future cultural quarter surrounding the national monument at Nos. 14-17 Moore Street.”

Notwithstanding, the Planning Authority raised some concerns regarding the design of element of the proposal, including: -

- The archway.
- The location of the ESB Sub-station on Henry Place.
- Building line of new building at No. 10 Moore Lane.
- Party walls of No. 15 Henry Place and 5a Moore Lane.
- Gables of Nos. 11, 12 and 13 Moore Street.

Following a comprehensive Further Information response, appropriate revision were made to the proposal to address the concerns raised by the Planning Authority. The response to the design of the archway is dealt with in further detail in Section 3.6 of this Report (below).

The Conservation Department state that the relocation of the ESB Sub-station to Moore Lane and the building line of the new building at No. 10 Moore Lane is acceptable. With regard to the party walls of No. 15 Henry Place and 5a Moore Lane their retention is noted by the Conservation Officer and a detailed methodology for their retention is requested (Condition 17 of the Notification of Grant of Permission by DCC). In relation to the gables of Nos. 11, 12 and 13 Moore Street the Conservation Officer notes that “the revised asymmetrical gables to Nos. 11, 12 and 13 as indicated are preferable to the previous arrangement.”

We refer the Board to the ACME Architectural Design Statement, submitted at planning application stage, which provides a clear illustration and description of the design context and evolution of Site 4. It covers the topics of building form, height and massing, architectural expression and materiality, amongst other detailed design matters. Furthermore, comprehensive landscaping proposal is set out in the Dublin Central Site 4 Landscape Planning Report and Drawings, prepared by GrossMax Landscape Architects, which accompanied the application.

We also refer the Board to the Further Information Architectural Design Statement, prepared by ACME Architects, which sets out comprehensive design response to the concerns raised by the Planning Authority, in respect of design considerations the relocation of the ESB Sub-station from Henry Place, adjustment of the building line of new building at No. 10 Moore Lane, retention of the party walls of No. 15 Henry Place and 5a Moore Lane and redesign of the gables of Nos. 11, 12 and 13 Moore Street.

We respectfully submit that the design and layout of Site 4 respectfully responds to the site characteristics and context, and will make an significant positive contribution to the rejuvenation of this area of Moore Street / Moore Lane / Henry Place.

3.4.1 Redesign by Condition

It is contended by the Moore St. Preservation Trust that the conditions attached will “[ensure] that the scheme is overwhelmingly reliant on the completion of the design through planning conditions.”

The Notification of Decision to grant permission attached 29no. conditions, the majority of which are standard conditions including but not limited to agreement of materials and finishes, shopfront details, details relating to the use of various commercial units (opening hours, ventilation etc.).

The only condition to which the Appellant seems to be referring is Condition 4 of the Notification of Decision which seeks revision to the design of the archway and the delineation of the public plaza with Moore Lane to be agreed. The imposition of such a Condition is reasonably common in our professional opinion, where the principle of the proposal is accepted but where specific design resolution remains and is dealt with in this manner. We would be satisfied that the wording of the Condition meets the criteria for a Condition in that it is clear, precise, related to the development in question and is reasonable, but would invite the Board to satisfy itself in that regard also.

Condition 17 requires the Applicant to consider other minor design changes to elements of the buildings of significance which are to be retained. Any additional changes would not result in fundamental redesign of the proposed development, the principle of which has already been considered acceptable to the Planning Authority.

As such, the contention that Site 4 will be radically altered by redesign through the conditions attached to the Notification of Decision to grant permission is without foundation in our professional opinion.

3.5 Proposed Uses

3.5.1 Mixed Use

A number of the Third Party Appeals have raised concerns regarding the uses proposed within Site 4. They generally argue that adequate retail floor spaces already exists in the area. It is argued that the proposed mix of uses will not contribute to or generate activity or support the concept of day-to-night economy.

We respectfully submit that the mix of uses proposed at Site 4 (and within the wider Masterplan) are wholly in accordance with the Z5 land use zoning. They are appropriate for the creation of a vibrant and active city centre streetscape. Furthermore, as set out above, Dublin City Council considers the uses to be appropriate having regard to the site context, the land use zoning and the proper planning and development of this area.

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

“it is considered that the interaction between the proposed uses would allow for a dynamic mix and help to facilitate the 24 hour city in accordance with the zoning objective.”

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

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

We note that the net additional retail / commercial floor space (c. 2,216 sq. m) is not significantly higher than the existing retail / commercial uses (c. 1,952 sq. m) already within the site. We would submit that the change in terms of retail / commercial environment is unlikely to be adversely effected.

Overall, the ground floor of Site 4 comprise high quality retail ‘shop’ units with an element of licensed café / restaurant proposed activating all street and lane frontages. The upper floors in Site 4 comprise residential accommodation with associated residential amenity areas and office space.

3.5.2 Social & Affordable Housing

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

3.6 Comprehensive Response to Further Information

In the Third Party Appeals by Mary Lou McDonald and the Moore Street Preservation Trust, it is set out that the Applicant has not addressed all of the concerns raised by the Planning Authority as part of the Further Information request.

Mary Lou McDonald contends that:-

"The Council's suggestion of redesign the large out of scale archway has been ignored by the applicant. The proposed arch remains in place with a minimal change to the brick work design and the wrongful demolition of buildings to facilitate its construction."

The Moore Street Preservation Trust contends that:-

"As part of the further information submitted the applicant did not agree with the Council's Planning Officer concerning the proposed archway and a slight variation of the original archway was re-submitted. The council once again disagree with the design proposed but rather than refuse planning permission for the redesign the Council simply stated in its report 'that the final design will need to be agreed by condition in the event of permission being granted'".

The Planning Authority generally considers the principle of the archway from Moore Street to be acceptable in the interests of enhanced permeability. It is also noted that the overall height and scale of the archway consistent with the surrounding facades, notwithstanding concern were raised regarding the design and scale of the opening.

As part of the Further Information response, a comprehensive architectural design and conservation rationale was provided in support of 'centred archway'. The Planning Authority has some remaining residual concerns: -

"...in order to integrate better with the streetscape, the opening would need to be lower in height than that proposed, with windows above. The conservation report on the additional information also recommends a revised design for the archway as further detailed below, in order to ensure a more acceptable resolution within, and a positive contribution to, the streetscape in terms of its form, articulation, detailing and animation. The principle of an archway opening has been accepted; however, the final design will need to be agreed by condition in the event of permission being granted."

[Bold Font emphasis by SLA]

Condition 4a of the Notification of Grant of Permission by DCC seeks the redesign of the archway opening at Nos. 18 – 19 Moore Street. This condition has not been contested by the Applicant in its First Party Appeal.

It should also be noted that, ultimately, Ministerial Consent will be required for the Extension to the National Monument (No. 18A Moore Street) proposed as part of Site 4. As the archway is integrated with No. 18A Moore Street to for a coherent streetscape, the scale, design and aesthetic of the archway may yet be subject to change through this separate process.

We refer the Board to the Request for 'Further Information Dublin Central – Site 4 Report', prepared by ACME Architects which addresses the design of the archway. We also refer the Board also to the Molloy & Associates Conservation Architects 'Further Information Response' (October 2021).

3.7 Construction / Traffic Management

A number of Third Party Appeals object to the development on grounds relating to construction and traffic management including appeals submitted by Colm O'Murchu, Dublin 1 Business Alliance, Mary Lou McDonald, Moore Street Preservation Trust and Stephen Troy. We wish to address these appeals as follows.

3.7.1 Duration of Permission

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

3.7.2 Noise, Vibration & Dust

We refer the Board in the first instance to the Outline Construction & Demolition Management Plan (OCDMP), prepared by Waterman Moylan Consulting Engineers, which accompanied the Planning Application. This includes management of the construction process for Site 4 including appropriate mitigation measures for the control of noise, dust and vibration, amongst other matters. The following is an outline of the measures outlined in the OC&DMP: -

- Site Setup including but not limited to location of hoarding, location of site compound, access and egress into individual sites, crane strategy, parking provisions, services for the construction site (drainage, power etc.) and on site facilities (wheel washing, security etc.)
- Construction Methodology including but not limited to surveys required, approach to enabling works (demolition, excavation etc.), basement / foundations, superstructure and retention of existing building fabric where relevant.
- Construction & Demolition Waste including the management of all waste generated from the demolition and construction of each site.
- Protection of Existing Buildings including the retention of buildings / façade where relevant, exclusion zones (in particular adjacent No. 14 – 17 More Street – National Monument / Protected Structure) and movement monitoring programme.
- Control of **Noise, Dust and Vibration** including all appropriate mitigation measures.
- Approach to Archaeological Monitoring.
- Compliance with Building Control Regulations.
- Liaison with Third Parties.

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

On the appointment of a contractor, the OC&DMP will be updated and agreed with Dublin City Council (Condition 21 of the Notification of Grant of Permission by DCC) to ensure best construction practice is implemented, including the management of noise, dust and vibration.

Furthermore, in accordance with Condition 25 of the Notification of Grant of Permission by DCC, the mitigation measures set out in the EIAR **shall** be implemented. Chapter 11 – Noise & Vibration of the EIAR sets out detailed mitigation measures in relation to the control, as far as practicable, of noise, dust and vibration during the construction process.

3.7.3 Traffic Management

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

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

It may be noted that the Preliminary Construction Traffic Management Plan provides a guide as to how construction traffic will be managed as part of any construction works. The final detailed Construction Traffic Management Plan will be prepared by the appointed Contractor for agreement with Dublin City Council at the appropriate time. It is normal practice that the Construction Traffic Management Plan is a live document, which is updated throughout the construction period to take account of any changes to the surrounding road network and/or other factors that might influence construction traffic. An appropriate condition (Condition 21) has been attached to the Council's decision to this effect.

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

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



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

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

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

- The lack of a stacking lane on Parnell Street in advance of the left turn into Moore Lane should there be a delay entering Moore Lane for whatever reason.

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

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

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

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

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

[Bold Font emphasis by SLA]

As noted previously, on the appointment of a contractor, the PCTMP will be updated and the full details of the arrangements for construction traffic routes at all stages of demolition and construction agreed with Dublin City Council at the appropriate time (Condition 21 of the Notification of Grant of Permission by DCC). This is normal practice as the Construction Traffic Management Plan will be a live document that will be updated throughout the construction period and to take account of any changes to the surrounding road network or other factors that might influence the construction traffic.

3.7.4 Implementation of Conditions

The Dublin 1 Business Alliance and Moore Street Traders raise concerns regarding the nature of the conditions attached in the Council's Notification of Decision to Grant Permission. It is contended that Condition 19 relating to noise and air pollution is generic and difficult to enforce.

It is respectfully submitted that the implementation of the mitigation measures set out in the EIAR, as required under Condition 25 of the Notification of Grant of Permission, will ensure that best practice construction measures are implemented for this development at this site. Various technical criteria and limitations are set out in these mitigation measures.

It is further contended by the Dublin 1 Business Alliance that Condition 21, relating to construction and traffic management for Site 4, cannot be satisfied on the basis that construction and traffic management for Site 3 (DCC Reg. Ref. 2861/21 – granted permission) and Site 5 (DCC Reg. Ref. 2863/21 – subject to Further Information) must be considered also.

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

For clarification, each individual 'Site' application was then also accompanied by a site specific OC&DMP and PCTMP, prepared by Waterman Moylan, Consulting Engineers. This demonstrates how the 'site' is to be constructed and appropriately managed, both individually and in the holistic context of the Dublin Central Project. As such, the implementation of the individual OC&DMP is not dependent on the commencement of works on the other 'Sites'. As the works progress on individual sites the OC&DMP will be updated accordingly by the contractor in compliance with Condition 21, and in consultation with DCC.

It must be acknowledged that any significant redevelopment of Site 4 will result in some level of nuisance during the construction process, given its restricted urban, city centre site context.

Overall, it is the Applicant's intention to ensure that the appointed Contractor is made fully aware of the requirements to implement the mitigation measures set out in the EIAR, in particular in relation to the control of noise, dust and vibration during the construction process. As per the conditions of the grant of permission, a Construction Management Plan, Construction & Demolition Management Plan and Construction Traffic Management Plan will be updated on appointment of the Main Contractor and agreed with Dublin City Council in advance of the commencement of works. This is standard practice and will ensure the demolition and construction phase of Site 4, individually and in the context of the wider Dublin Central masterplan, is appropriately managed.

3.8 Archaeology

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

Moore Street Preservation Trust state that: -

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

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

A Site 4 is situated adjacent a Zone of Archaeological Potential (ZAP) for Dublin (RMP DU018-020). The wider Dublin Central Masterplan area then lies to the south of a possible Viking cemetery (RMPDU018-020495), to the north of what was the precinct of St Mary's Cistercian Abbey (RMP DU18-02048), and an 18th century brickfield (RMP DU018-020506) is identified to the west.

We refer the Board to the enclosed Archaeological Impact Assessment and EIAR Chapter 15: Cultural Heritage (Archaeological), prepared by Courtney Deery Heritage Consultancy. The Report generally concludes that there will be a direct impact on any subsurface archaeological features that might be encountered during earthmoving works within Site 4. It is recommended by way of mitigation that all excavation associated with Site 4 is monitored by a suitably qualified archaeologist. The EIAR Chapter include a suite of standard mitigation measure to be implemented.

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

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

Given that Site 4 is already developed, it is not possible to carry out subsurface archaeological testing prior to the opening up or demolition of the existing buildings. Permission is required to condition such further investigation on site. As such, Condition 18 of the Notification of Grant of Permission by DCC will ensure the appropriate archaeological resolution of Site 4.

3.9 Impact on Market Traders

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

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

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

As per Condition 11 of the Notification of Grant of Permission, the Applicant is committed to participating in that process under the leadership of Dublin City Council as the owner and licensor of the street market.

3.10 Planning Procedure (Multiple Planning Application, Scale Model)

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

3.10.1 Masterplan

A number of the Appellants have suggested that the Applicant's overall intentions are unclear, or specifically that *"no clear overall masterplan has been presented"* (Michael MacDonacha). We respectfully submit that that is simply not incorrect. We appreciate that there was a significant volume of material presented with this application and it may have been missed by some parties due to this.

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

*"There are two suites of documents being submitted with this planning application. The first relate to the **Dublin Central Masterplan**. The second relate to the development proposed at Site 4 of the **Dublin Central Masterplan**.*

*The material enclosed with regard to the **Dublin Central Masterplan** are enclosed for information purposes with this planning application in order to demonstrate to the Planning Authority and to interested third parties and prescribed bodies how the proposals for Site 4 sit within the wider proposals by the Applicant for this significant urban regeneration project.*

The suite of material accompanying the Site 4 proposals are that for which permission is now being sought. For clarity and to assist the reader, the documents relating to the Site 4 development are set out under Section 1.5.2 below.

1.5.1 Dublin Central Masterplan and Sitewide Plans and Particulars

1. *Dublin Central Masterplan and Sitewide Plans and Particulars*
2. *Masterplan Design Statement, prepared by ACME Architects.*
3. *Masterplan Schedule of Accommodation, prepared by ACME Architects.*
4. *Masterplan Landscape Planning Report & Drawings, prepared by GrossMax Landscape Architects.*
5. *Masterplan Conservation Plan, prepared by Molloy & Associates Conservation Architects.*
6. *Masterplan Servicing Strategy Report, prepared by SWECO Engineering Consultants.*

7. *Overall Development Transport Assessment – Volume 3, prepared by Waterman Moylan Consulting Engineers Limited.*
8. *Preliminary Construction Traffic Management Plan, prepared by Waterman Moylan Consulting Engineers Limited.*
9. *Masterplan Outline Construction & Demolition Management Plan, prepared by Waterman Moylan Consulting Engineers Limited.*
10. *Overall Development – Basement Impact Assessment, prepared by Waterman Structures Limited.*
11. *Scenario Testing & Design Development Report, prepared by Space Syntax.”*

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

3.10.2 Multiple Planning Applications

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

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

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

- Phasing and construction constraints.
- Viability – The ability to secure planning for individual blocks allows maximum flexibility to adapt funding streams if required. It also means changes in the market can be more readily absorbed if one phase were to be delayed for any unforeseen reasons (including any prolonging of the current pandemic, or other delays outside the Applicant's control).

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

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

3.10.3 References in the Notices to the Scale Model

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

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

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

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

3.11 Alternative Proposals

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

The proposed development (Site 4) within the context of the Dublin Central Masterplan will see the redevelopment and rejuvenation of lands broadly bound by Moore Street, Moore Lane and Henry Place.

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

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

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

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

4 POSITIVE ASSESSMENT OF THE PROPOSED DEVELOPMENT BY DUBLIN CITY COUNCIL

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

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

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

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

4.2 Materials & Finishes

The Planning Authority generally considers the materials and finishes proposed acceptable.

Furthermore, the Conservation Officer recommends that all materials are retained and enhanced in their original locations as far as possible. The concerns regarding the retention of existing materials have been comprehensively addressed by the Design Team.

4.3 Shopfronts and Signage

The Conservation Officer notes further consideration is required in relation to the proposed shopfront design. Furthermore, the Planners Report notes that: -

"The planning authority will seek to protect and retain traditional and original shopfronts, and to encourage new and contemporary shopfronts that are well designed, in order to protect local character and foster vibrant and successful retail centres."

The Applicant would welcome a condition of permission that requires the full design details of the shopfronts to be submitted prior to the commencement of the use of each unit.

4.4 Landscaping / Public Realm

The Planning Authority is satisfied that the landscaping strategy for the site has been appropriately considered. It is generally noted that: -

"...the proposal would provide an amenity which would complement the retail offering on the site and in the vicinity, provide outdoor seating for the proposed cafes and restaurants in the northern sector of the site and help to facilitate the 24-hour city in this area, in addition to providing public open space for the proposed residential units on the site and on adjoining sites."

The proposed open space would also complement the cultural uses proposed on the adjoining national monument site and could provide a context for the proposed 1916 cultural centre on that site in the event of this being developed."

4.5 Daylight and Sunlight

Generally, the assessment of daylight and sunlight was considered acceptable by the Planning Authority.

4.6 Compliance with Wider Planning Policy

4.6.1 Density

The Planning Authority considers the relatively low plot ratio and site coverage acceptable when viewed in the context of the wider Masterplan.

4.6.2 Housing

The Planning Authority considers the proposed housing provision acceptable, and further note *"in the case of any deficiencies, it is considered that the degree of flexibility permitted in the case of building refurbishment and 'living over the shop' type developments can be applied."*

4.6.3 Retail

The Planning Authority considers the proposed retail use appropriate having regard for Section 7.6.1 of the Dublin City Development Plan 2016 – 2022.

Furthermore, it is noted that the quantum of retail proposed is not considered to be of such a scale as to result in a threat to existing retailers and it mainly by way of replacement of existing retail space.

4.7 Transportation

The Transportation Department sought clarification with regard the exact location, type, and number of bicycle parking spaces to serve the proposed development. Furthermore, clarification was sought as to how the residential cycle parking is to be accessed and managed.

Concerns regarding the cycle parking proposed and the management and access to the bicycle store have been comprehensively addressed by the Design Team.

4.8 Archaeology

The Planning Authority generally concludes the issue of archaeology to have been adequately addressed within the EIAR and no significant adverse effect is likely to arise.

Conditions requested by the Department of Housing, Local Government and Heritage are noted and welcomed by the Applicant.

4.9 Appropriate Assessment

The Planning Authority considers that the proposed development *"in itself or in combination with any other plans or projects, will have no significant impact on the qualifying interests or special conservation interests of any European site."*

4.10 Environmental Impact Assessment (EIA)

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

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

"While the planning authority considered the amendments proposed at additional information stage to be significant further information, it is accepted that the nature and scale of these amendments on the subject site are not such as to result in a significant impact in any of the categories detailed above and the conclusions in this regard are therefore accepted."

[Bold Font emphasis by SLA]

Condition 25 attached to the grant of permission ensures that the EIAR mitigation measures will be adhered to in the implementation of the permitted development.

5 CONCLUSION

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

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

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

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

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

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

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

- Site 4 represents an exceptional opportunity to provide a mixed use development that will act as a catalyst for the regeneration of O'Connell Street and will result in a radical, empathetic and positive impact upon the social and economic framework of the north inner city.
- Site 4 is located on a prominent site from a citywide perspective.
- Site 4 successfully integrates existing built fabric of architectural and cultural heritage interest with contemporary and innovative design, within an ACA.
- Site 4 complies with the zoning objectives of the site. It provides vibrant, mixed use development on lands zoned 'Z5' use.
- Site 4 will provide additional amenities including complimentary retail and café / restaurant floorspaces which will provide wider variety a diversity of attraction in the retail core.
- Site 4 increases activity on Henry Place and Moore Lane, including access to the high quality retail and residential units and provides a new public plaza linking Moore Street with Moore Lane and O'Connell Street which will contribute to the overall regeneration of the area as a result of increased footfall.
- The site is exceptionally well served by high frequency, high capacity bus and rail services.
- Site 4, including the Masterplan, has been subject of comprehensive design and environmental assessment, Appropriate Assessment Screening and an Environmental Impact Assessment Report, to ensure that it is representative of sustainable mixed-use development that meets the needs of existing and future generations.
- Site 4 consolidates growth within Dublin city, providing a development with a sustainable density which utilises a site which is underutilised / brownfield.
- Through offering a more dynamic retail, café / restaurant and leisure offering in the city centre, Site 4 provides an opportunity in the Dublin City Retail Core to evolve in a mixed-use sustainable

manner and create a destination for people to live, shop, work and socialise during the day and at night time.

- Residential apartments are included in the mix of uses, which is appropriate to delivering housing and in particular secure long term rental accommodation in the city centre.
- A sensitive design approach, the conservation and adaption of buildings of heritage significance, provision of retail, cultural, café / restaurant, residential and use, balanced with the reasonable protection of the architectural and civic character of the surrounding area, in accordance with the objectives of the current Dublin City Development Plan and the proper planning and development of the area.
- The design approach achieves optimum use of a site which has its own inherent constraints. The proposal will contribute to the creation of a dynamic, mixed-use development in this strategic urban regeneration site.
- Site 4 is consistent with national, regional and local strategic planning policy as expressed in the National Planning Framework, Regional Spatial and Economic Strategy (and Dublin Metropolitan Strategic Plan), the Core Strategy of the Development Plan and all the relevant Ministerial Guidelines, and otherwise with the statutory policies and objectives of the Dublin City Development Plan.

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

STEPHEN LITTLE & ASSOCIATES
14 March 2022