



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3637/17

Appeal by David Anderson care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin and by others against the decision made on the 15th day of December, 2017 by Dublin City Council to grant subject to conditions a permission to Ballark Trading GP Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of the existing nine-storey over part-basement College House building (8,501 square metres gross floor area) including its associated multi-storey car park and ancillary structures; demolition of the existing three-storey cinema building (1,363 square metres gross floor area); and their replacement by construction of a 10-storey over two-level basement commercial building (with setback sixth, seventh, eighth and ninth floor levels) (25,224 square metres gross floor area (including two basement levels of 5,022 square metres gross floor area)) accommodating: office space over ground to ninth floor levels (18,705 square metres); a café/retail/restaurant unit at ground floor level (248 square metres); a circa 500 number seater entertainment venue at basement -1 and basement -2

levels (2,100 square metres) including an associated bar, restaurant and box office located in a part double-height space at ground floor level and first floor level (1,249 square metres); a double-height void at ground floor level providing an external pedestrian route through the urban block; a plant enclosure at roof level including lift over-runs; and ancillary floor areas over all floor levels (ancillary space includes areas such as circulation cores (lifts and stairs), toilets, plant areas throughout the building, switch rooms). The development will also consist of the provision of a new civic space to the south of the site at the junction of Hawkins Street and Townsend Street including a podium/water feature, a cast iron feature grille, tree planting, seating and bicycle stands (20 number spaces); central courtyard including a planter with integrated seating; the repositioning of a post box on Townsend Street; and the repositioning of bus stops and associated shelter on Townsend Street; two number car lifts accessed via Townsend Street; car parking at basement -2 level (eight number spaces including two number mobility-impaired spaces); a bicycle lift accessed via Townsend Street; bicycle parking/store at basement -2 level (203 number spaces); landscaped roof terraces to the east and south elevation on the roof of the fifth floor level, to the west and north elevation on the roof of the sixth floor level and to the west and south elevation on the roof of the seventh floor level; shower rooms and changing areas; storage; waste compounds/stores; SUDS measures including attenuation tank and green roofs; a comms room; and ESB substation; a kitchen; elevation treatments; lighting; signage; all hard and soft landscaping; and all other associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary treatments and associated site servicing (foul and surface water drainage and water supply), all on a site of 0.288 hectares approximately, at College House, numbers 2-3 Townsend Street, Dublin and the former Screen Cinema, numbers 16-19 Hawkins Street, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- the provisions of the Dublin City Development Plan 2016 – 2022 (Zoning Objective Z5 – “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity”),
- the location of the site within the Hawkins House “key” site which is one of the three key sites in the area of the George’s Quay Local Area Plan 2012,
- the layout, form, mass, height, material finishes, design detail and the public realm provision and enhancements associated with the development, and

- the extent and nature of the proposed uses for the building, including the provision of an entertainment venue,

it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate satisfactorily with the surrounding existing development including the proposed redevelopment of adjoining sites at Hawkins House and Apollo House and would integrate satisfactorily with the established character of the sensitive historic city centre including views and prospects towards the site along the River Liffey and the grounds of Trinity College, would not seriously injure the amenities of the area including the potential for overshadowing, would be acceptable in terms of public and private transport and pedestrian safety and convenience and would otherwise be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted his conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any other European sites, in view of their conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on 21st day of November 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall provide and adhere to the following requirements:
 - (a) Full details of the layout, configuration, design, hard and soft landscaping, street furniture and lighting for the public realm shall be submitted to and agreed in writing with the planning authority prior to commencement of construction of the public realm.
 - (b) Implementation of the landscaping scheme in its entirety during the first planting season following completion of the development. Any failures occurring within the first three years following the implementation of the scheme shall be replaced within the first planting season thereafter.
 - (c) A management strategy to include full details of the arrangements for public access for the east/west link forming part of the diagonal route between the subject development and the immediate development to the north at Hawkins House shall be submitted to and agreed in writing with the planning authority prior to commencement of

development.

Reason: To ensure delivery of the public realm objectives for the area provided for in the George's Quay Local Area Plan 2012 and in the interests of the amenities and orderly development of the area.

3. Details of the proposed materials, textures and colours of all proposed external finishes, including details of the durability and weathering capacity of such materials, shall be submitted to and agreed in writing with the planning authority prior to commencement of construction. A panel displaying samples shall be displayed on site following demolition and site clearance.

Reason: In the interest of clarity and the visual amenities of the area.

4. The primary function of the restaurant/café shall be for the sale of food, meals and refreshments for consumption on the premises and the unit shall not be used solely as a public house. Any subsequent change of use including use as a take-away for the sale of hot food for consumption off the premises shall be the subject of a separate application for planning permission.

Reason: In the interest of orderly development.

5. The following requirements of the planning authority shall be complied with:
 - (a) Prior to commencement of development, exact details of the proposed loading arrangements on Poolbeg Street and Hawkins Street shall be submitted to and agreed in writing with the planning authority.
 - (b) The provision of the loading bay and any other alterations to the

road network shall be in accordance with the planning authority's requirements and at the developer's expense.

- (c) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority exact details of the proposed entrance and exit to the car park via the car lifts on Townsend Street. Any alterations to the road network shall be in accordance with the planning authority's requirement and at the developer's expense.
- (d) Prior to commencement of development, the developer shall liaise with Transport Infrastructure Ireland and/or the Luas operator to ascertain any requirements in respect of Luas operations. The developer shall comply with the "Code of Practice for Works on, near or adjacent to the Luas Tramway".
- (e) Prior to commencement of development, and on the appointment of a contractor, a detailed construction management plan shall be submitted to and agreed in writing with the planning authority. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction and demolition works.
- (f) Cycle parking shall be secure, conveniently located, sheltered and well lit. Shower and changing facilities shall also be provided as part of the development. Key/fob access shall be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.
- (g) The developer shall undertake to implement the measures outlined

in the Mobility Management Framework/Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.

- (h) Details of the materials proposed in public areas is required and shall be in accordance with the document entitled “Construction Standards for Roads and Street Works in Dublin City Council” and agreed in detail with the planning authority prior to commencement of development.
- (i) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (j) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interests of clarity, and traffic safety and convenience.

6. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste

Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

7. The construction of the development shall be managed in accordance with a comprehensive Demolition and Construction Management and Demolition and Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall full include details of intended demolition and construction methodology, traffic management and control of noise and dust management measures for the development.

Reason: In the interest of orderly development public safety and convenience and the amenities of the area.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and,

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,

and

- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 9. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The requirements for the management of storm water shall include the incorporation of SUDS and implementation of the proposed arrangements in the Site Flood Risk Assessment submitted to the planning authority with the application.

Reason: To ensure adequate servicing of the development and to prevent pollution.

- 10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of

which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the development.

Reason: In the interests of amenity and public safety.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorized by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

12. Details of a proposed development name, and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

13. Site development and construction works shall be confined to the hours of 0700 and 1800 on Mondays to Fridays excluding bank holidays and 0800 and 1400 Saturdays and not at all on Sundays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of residential amenity and clarity.

14. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision

amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

15. There shall be no externally located speakers or speakers directed into the outside plaza area.

Reason: In the interest of amenity.

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

17. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer or in default of agreement, shall be referred to An Bord Pleanála for a determination.

Reason: To ensure the satisfactory completion of the development.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

19. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as

amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.