



An
Bord
Pleanála

Inspector's Report PL 29S 247912.

Development	Demolition of existing buildings and construction of new eight to ten storey building and associated development.
Location	Hawkins House, Hawkins and Poolbeg Street, Dublin 2.
Planning Authority	Dublin City Council.
P. A. Reg. Ref.	3037/16
Applicant	Commissioner of Public Works (OPW)
Type of Application	Permission
Decision	Grant Permission.
Appellant 1	Balark Properties
Appellant 2	Corn Exchange Management Ltd.
Appellant 3	Catherine Kelly
Observer 1	Brokerage Management Company Ltd
Dates of Inspection	21 st March and 5 th April, 2017
Inspector	Jane Dennehy

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1 Site Location and Description

- 1.1. Hawkins House, the existing office block on the site which has a stated area of 3,536 square metres was constructed in the 1960s and is occupied by the Department of Health. It has frontage and a main pedestrian entrance on Poolbeg Street to the north and Hawkins Street to the east. There are three vehicular access points to surface car parking on the site. The Screen Cinema, now vacant, adjoins the southern boundary of the application site, with frontage onto Hawkins Street and Townsend Street, and is to the west side of College House, an office block in multiple occupancy. On the north side of Poolbeg Street and west and north side of Hawkins Street there are contemporary and historic buildings, which are in a variety of commercial, bar, café and retail uses. Corn Exchange House, the property of one of the appellants is located on the north side of Poolbeg Street West.
- 1.2. Apollo House, which is located to the east side of the application site, also constructed in the 1960s and previously occupied by Government Departments is a ten storey unoccupied office block with frontage onto Tara Street and Poolbeg Street. The Long Stone Public House (now vacant) has frontage onto Townsend Street. Apollo House is adjoined to the south by The Brokerage, an apartment development at the corner of Townsend Street and Tara Street. The proposed demolition and redevelopment of a commercial building on the sites of and Apollo House and the Long Stone House at Nos 9-11 Townsend Street are subject of a separate concurrent application and appeal. (PL 29S 247907/P. A. Reg. Ref. 3016/1 refers.)
- 1.3. The application site and concurrent application site come within the Hawkins House 'Key' site,¹ and have been identified for regeneration and redevelopment into a vibrant new mixed use urban quarter (75 per cent to be in office use), within the Georges Quay Local Area Plan, 2012 (GQLAP). The Hawkins House 'Key' site is within a block enclosed by Poolbeg Street to the north, Tara Street to the east, Townsend Street to the south and Hawkins Street to the west.

¹ The term "Hawkins House 'key' site is used throughout in reference to the area enclosed by Hawkins Street, Poolbeg street, Tara Street and Townsend Street designated as one of the three 'key's sites providing an opportunity for redevelopment in the GQLAP whereas the term "Hawkins House site" is used in reference solely to the site of Hawkins House, subject of the application and appeal under PL 247912.

1.4. In the environs, Tara Street Station is located to the north-east of Poolbeg Street East, and on the east side of Tara Street are the Irish Times block and Fire Station. Further to the north on both sides of Tara Street there are mainly nineteenth century buildings in poor condition, some of which are unoccupied. The River Liffey and the Quays are to the north and east -west direction with the front of Custom House and along Burgh Quay are to the north. The relatively recently completed Rosie Hackett Bridge, providing for the LUAS cross city southbound route continues along Hawkins Street and on to College Green. Bus and cyclist and pedestrian traffic directly links Marlborough Street with Hawkins Street. Pearse Street Garda Station, the site of an office block (formerly Oisin House) is currently being redeveloped into a student accommodation building for Trinity College. Trinity College campus itself is to the south.

2.0 Proposed Development

2.1. The application lodged with the planning authority on 2nd June, 2016 indicates proposals for:

- Demolition of the existing buildings and associated site clearance works,
- Construction of a new replacement six to ten storey building (inclusive of plant), over a two level basement car park, with a stated floor area of circa 18,861 square metres, providing for office accommodation and at ground and first floor levels a café/restaurant/retail unit *suitable for subdivision in to two units). There is an entrance and reception are onto Hawkins Street and a public office and entrance off civic space.
- A vehicular and dedicated cyclist controlled staircase off Poolbeg Street via a ramp to the basement levels; provision for fifty-one car spaces and 204 cycle spaces with shower and toilet facilities, public office with access from the ground level.
- A civic space between Poolbeg Street and Hawkins Street with hard and soft landscaping features and a part illuminated boundary treatment adjacent to the Screen Cinema and College House site.

- Green roofs, signage, ESB substation, services and site excavation and development works below and above ground.
- Roof terraces on the north west and south elevations at sixth floor level and on the north elevation at seventh and eighth floor levels.

2.2. Included with the initial application are a planning report, architect design report and accompanying drawings, a master planning report, sustainability report and drawings, a mobility management report, landscape and public realm report and drawings, wind microclimate report, visualisation report, daylight and sunlight report, visual impact assessment images and report, a conservation report, archaeological assessment report, acoustic criteria and design report, operations waste management report, floor risk assessment report, traffic report, outline construction management plan, outline method statement for demolition, waste management statement, public lighting report, redevelopment strategy, tree survey report and an appropriate assessment screening report. A CD copy of the application documents is also available with the application. The application was subject to a request for additional information by the planning authority to which a response was submitted prior to the determination of a decision. (Details are outlined under paras 3.2.1-3.2.3. below.)

2.3. There is a concurrent application for which the decision to grant permission is also subject to multiple appeals. This application is for permission for the demolition and redevelopment of Apollo House, Tara Street and the Long Stone public house at Nos. 9-11 Townsend Street and for development of an eight to twelve storey office building incorporating retail and restaurant use at ground floor level over basement parking with vehicular access from Townsend Street. (PL 247907/P.A. Reg. Ref. 3037/16). Although both development sites are in separate ownerships, the applicant parties have collaborated in the preparation of a joint masterplan to guide the preparation of their applications having regard to the designation of the Hawkins House 'key' site as one of the three opportunity 'key' sites for redevelopment in the Georges Quay Local Area Plan, 2012. (GQLAP)

3.0 Decision

- 3.1. Following receipt on 22nd November, 2016 by the planning authority of a detailed response to a multiple item request for additional information, the planning authority decided to grant permission for the proposed development subject to conditions which include the following requirements.

Condition No 4: (a) Requirements for compliance submissions on detailed design and specifications for hard and soft landscaping, materials, lighting, street furniture for the public realm space; (b) Requirements for compliance submissions on a strategy to demonstrate management providing for public access to the linked east-west (pedestrian) link and the central space which forms part of the diagonal route.

Condition No 5: Requirements for compliance submissions on precise nature of use of the commercial ground floor units with planning applications being required for any proposed change of use. The reason is in the interest of streetscape amenity and active frontage.

Condition No 6: Requirements for compliance submissions on loading bay facilities, liaison with Transportation Infrastructure Ireland (TII) and LUAS operators, Construction management and construction traffic management plans, on site cycle parking standards, implementation of the submitted Mobility Management Plan and all standard requirements relating public roads and roads maintenance.

Condition No 8: Standard and specific requirements for Demolition and Construction to include, (a) a Construction and Demolition Waste Management Plan which accords with DOECLG Circular 07/06 on best practice inclusive of arrangements for storage of hazardous waste at construction stage and (b) standardised requirements for waste management, storage, recycling and disposal at operational stage.

Condition No 9 and No 10: Requirements for compliance submissions relating to environmental health standards to include control of noise, dust and vibration during demolition and construction stages and compliance

with BS:5228: Noise Control on Construction and open sites: Part 1 Code of practice.

Condition No 14: Requirements for archaeological testing and a report on archaeology incorporating impact assessment and method statement and a mitigation strategy.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer in her report on the original application, taking into account the observations and recommendations on the internal technical reports, prescribed bodies and third party submissions, concluded that a multiple item request for additional information should be sought. This request was issued to the applicant on 27th July, 2016 relating to the following:

- (1) Concerns about the proposals for the public realm on Poolbeg Street and a recommendation for provision for a building line setback;
- (2) Concerns about and a request to consider proposals for widening of footpaths, car parking and loading bay provision and rationalising of vehicular entrances and services facilities.
- (3) A request to consider proposals for improvements to design, height, form and façade treatment at the upper levels to address concerns about visual impact on views along River Liffey Quays.
- (4) A request to consider proposals to mitigate concerns about daylight and sunlight impact and overlooking of adjoining residential developments.
- (5) A request to submit proposals to address the concerns and recommendations on demolition methodology due to the proximity of the alignment of the light rail network (on Hawkins Street) having regard to observations provided in the report of TII.

3.2.2. A response to the additional information request was lodged with the planning authority on 22nd November, 2016 and included revised drawings, a supplementary planning report, architect design report, visual impact assessment (photomontages),

visual impact assessment report, daylight and sunlight report, outline construction management plan, and a report on traffic issues

3.2.3. An outline of the further information submission follows:

Item No. 1: Setback and slight reorientation of the footprint proposed which provides for a 2.7 wide metre footpath on Poolbeg Street.

Item No 2: Revisions to the layout and footprint allow for retention of seven car spaces and provision for two loading bays on Poolbeg Street. It is confirmed that due to separate ownerships, a single shared vehicular entrance is not feasible at present. Provision is made for connectivity with adjoining development at a future date.

Item No 3: Provision for setbacks at eighth and ninth levels and amendments to the façade at the north west corner to reduce massing in the visual impact in views along the Quays.

Item No. 4: Three options are assessed in the supplementary Daylight and Sunlight Assessment report: (i) omission of two floors at the top of the building, (ii) omission of double height at the north west corner of the building, (the option subsequently selected) and (iii) widening of Poolbeg Street. It is concluded in the report that the Probable Annual Sunlight Hours (PASH) at the Corn Exchange Apartments exceeds minimum BRE 25 % target that there is an existing low range Vertical Sky Component, (VSC) at these apartments and poor existing Sunlight on the Ground (SHOG). It is concluded, having regard to BRE 209, that the proposed development with modifications to provide for upper floor setbacks, provides for standards better than or the same as existing conditions at street level and at the Corn Exchange building.

Item No. 5: A construction management plan, in which issues relating to demolition methodology and the concerns indicated in the report of the TII regarding potential risk to the light rail on Hawkins Street are addressed, is included in the submission.

3.3. Internal Technical Reports

3.3.1. **The Roads and Transportation Department's** report of 25th July, 2016 on the initial application indicated a recommendation for an additional information request in relation to concerns about:

- (i) the number of vehicular access points for the proposed development and the concurrent proposal on the adjoining site (Apollo House – PL 247907); (ii) lack of on-street parking and loading bays and (iii) the need for some road and footpath widening into the site area.

The revised proposals in the further information submission provide for retention of seven parking spaces and two loading bays on Poolbeg Street, retention of the carriageway width and increase in width of the footpath, which incorporates space within the site to 2.7 metres. These proposals are accepted in the Roads and Transportation Department's supplementary report dated 12th December, 2016 and recommended requirements are included in Condition No 6 of the decision to grant permission.

- Agreement that a shared vehicular access (with the Apollo house development) would not be feasible in the current application. However, connectivity is incorporated into the design in the event of possible future legal agreement. The supplementary Roads and Transportation report indicates acceptance of this response.
- Acceptance of undertaking to liaise with TII on demolition and construction arrangements owing to the proximity of the LUAS line to be addressed by condition. The demolition methodology initially proposed being of particular concern given the proximity of the light rail alignment.

3.3.2. **The City Archaeologist's** report notes the submitted archaeological impact assessment report and the location within the Zone of Archaeological Constraint for Recorded Monument DU018-020 and within a zone of archaeological interest in the Dublin City Development Plan, 2011-2017. Attachment of an archaeological assessment with a report and monitoring condition is recommended.

3.3.3. **The Waste Management Division's** report of 6th July, 2016 indicates recommendations which include attachment of a condition for (i) submission of a construction and demolition management plan, and (ii) compliance with statutory requirements on waste management at construction and operational stages. These requirements are included in Condition Nos. 8 and 9 attached to the planning authority decision.

3.3.4. The **Drainage Division** report indicates no objection subject to conditions.

3.4. **Prescribed Bodies**

3.4.1. The report of **Transport Infrastructure Ireland (TII)** dated, 15th July 2016 indicates a recommendation for comprehensive evidence to be submitted by the applicant that demonstrates that the proposed development would not have detrimental impact on capacity, safety or operational efficiency of the light rail network. It indicates objection to the proposal in the demolition method statement for use of high reach demolition excavator owing to the proximity to the light rail alignment and construction works. It also recommends that comprehensive risk assessment with mitigation measures be requested from the applicant for consideration prior to determination of a decision. Comprehensive details of the requirements which include ongoing monitoring arrangements are provided in the report and are in turn included in condition No 6 attached to the planning authority's decision to grant permission.

3.4.2. The report of the **National Transport Authority (NTA)** dated, 4th July 2016 indicates support for the proposed development and a recommendation that the on-site parking provision reflect the level of public transport accessibility.

3.5. **Third Party Observations**

3.5.1. Submissions were received by the planning authority from seven parties in which support for redevelopment of the site in principle is indicated. Issues raised include:

- concern as to the lost opportunity to redevelop the former site of the Theatre Royal,
- potential for enhanced public realm development,

- selection of materials including possible reflective glazing,
- excessive scale, massing and height,
- impact on residential amenity of adjoining properties by reason of overlooking and overshadowing and
- noise and disturbance associated with late night facilities, impact on traffic circulation and parking on Poolbeg Street, and proposed location of vehicular entrances.

4.0 Planning History

- 4.1. There is no record of any planning history relating to any proposals for the complete demolition of the existing building and redevelopment of the site. (A number of minor applications relating to the adjoining sites are outlined in the planning officer's report.)
- 4.2. The decision to grant permission for the demolition and redevelopment of Apollo House, Tara Street and the Long Stone public house at 9-11 Townsend Street and, for construction of an eight to twelve storey office building and associated development is subject of a concurrent undetermined appeal. (PL 247905/P. A. Reg.Ref.3036/16 refers.)
- 4.3. Recently permitted development within the area of the Georges Quay Local Area Plan 2012 (GQLAP) includes development at two other 'key sites'; namely at Tara Street Station, where the seven-year duration of permission expires in January, 2018 (Railway order RP A 0012 refers) and a large commercial building at City Quay, under construction at present (PL 29S 242942/P.A. Reg. Ref 2407/15 refers).
- 4.4. Permitted development within the immediate vicinity includes refurbishment and extensions to Scotch House at the north western corner of Hawkins Street and demolition of Oisín House on Pearse Street and development of a six storey student housing building with retail and associated development. (PL 29S 246121/ P. A. Reg. Ref 3084/15 and P. A. Reg. Ref. 3987/16 refer).

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2011-2016 which was brought into effect on 23rd October, 2016 shortly before the determination of the decision of the planning authority on the application.
- 5.1.2. The site location comes within an area subject to the zoning objective Z5: *“to consolidate and facilitate the development of the central area and to identify, reinforce and strengthen and protect its civic design, character and dignity”*.
- 5.1.3. There are broad ranging strategic economic policy objectives for the central city area inclusive of lands subject to the Z5 zoning objective, which provide for promotion and enhancement of the city’s function in the recovery of the national economy. These policy objectives provide for enhancement of competitiveness in business and employment and for a positive and pro-active approach to economic development enterprise and employment growth when considering major planning applications. (Policy Objectives RE2, R4 and RE14 refer).
- 5.1.4. Policy objectives to facilitate and provide for the enhancement of a vibrant public realm and include provision for pedestrian and cyclist routes, protection of views and view corridors and landmarks in the views, protection and enhancement of the skyline and the sensitive historic built environment especially in consideration of proposals for mid-rise and taller buildings having regard to development management standards. (Policy objectives SC3, SC7, SC18 and SC 20 refer.)
- 5.1.5. There is a specific objective (SC 21) for strengthening and creation of key public realm nodes to include an improved concourse at Tara Street Station at the end of the new diagonal route, which traverses the block in which the site is located, and which is enclosed by Tara Street, Townsend Street, Hawkins Street and Poolbeg Street.
- 5.1.6. In respect of the Tara Street/Poolbeg quadrant (which comprises site), the development plan’s building height strategy provides for a mid-rise marker building, announcing the entrance to a diagonal civic (pedestrian) route within this space. The plan also provides for key public realm objectives to include improvements to

the concourse at Tara Street Station (at the north eastern of the diagonal pedestrian route across the Hawkins House 'key' site) and for new civic spaces at City Quay. (There is detailed elaboration on these objectives and provisions within the Georges Quay Local Area Plan, 2012 – see paras. 5.2.1 – 5.2.6 below.)

5.2. Georges Quay Local Area Plan, 2012 (GQLAP)

- 5.2.1. The site location is within the area of the George's Quay Local Area Plan, 2012 according to which there are four 'character areas'. The land use strategy for the Georges Quay Area is for the promotion of a mixed use character in the area to support creation of a vibrant central city district.
- 5.2.2. There are three distinct, designated 'Key' sites within the area of the GQLAP. They are the Hawkins House 'key' site, The City Quays 'key' site, for which development on foot of grant of permission following appeal has commenced, (PL 29S 245492 refers) and Tara Street Station, which has the benefit of an approved Railway Order (PLO/RPA 0012 refers.)
- 5.2.3. The sites of Screen Cinema and College House, (an office block in multiple occupancy facing onto Hawkins Street and Townsend Street) also come within the area of the Hawkins House 'key' site. In addition, there is a mix of other buildings on smaller sites within the block, mostly along Townsend Street which include the apartment block known as "The Brokerage".
- 5.2.4. The framework within the GQLAP for the Hawkins House site has five elements:
- (1) provision for the new east west civic pedestrian route with two smaller pedestrian connections. (This route is part of a route provided for in the development plan linking Christchurch through the Bank of Ireland Plaza, a new civic space at the front of the Screen Cinema and onwards as far as Tara Street Station);
 - (2) provision for an urban plaza or space that marks both ends of the civic pedestrian route uniting public realm improvements at College Green, a smaller public space at the corner of Tara Street and Poolbeg Street complimenting a new plaza at Tara Street Station;

- (3) provision for a cultural use (a cinema or theatre in acknowledgement of the former Theatre Royal) on the site on the Screen Cinema site;
- (4) appropriate scaled edge buildings on the Tara Street frontage, which is a wide street and where existing buildings require redevelopment in an appropriate design and scale and active ground floor uses; and
- (5) one or two mid-rise buildings up to twelve storeys (48 metres) in height.

5.2.5. The existing Hawkins House building and site is noted as being in one of the most prominent locations in the city centre. According to the GQLAP, it “*presents one of the best opportunities within the city for new international standard office/headquarter commercial facilities and also a critical opportunity to create an urban environment worthy of its valuable location*”. It is not intended that the form of building or the shape/size of public spaces should be prescribed in the Plan, but rather that a framework is set, within which innovative interesting and sustainable design approaches can be explored with provision for high quality architecture in recognition of the important role of the sites.

5.2.6. According to section 4.2.2 all landowners will be required to cooperate in the preparation and agreement of an overall integrated site masterplan but that, “*where an individual landowner fails to engage in this process, other landowners can proceed with masterplans but must address how their site will successfully integrate with the adjoining site(s)*”. “No planning applications for large scale urban development will be granted planning permission until such time as an agreed individual site masterplan is in place”.

6.0 The Appeals

6.1. First, Third Party Appeal: Balark Properties.

6.1.1. An appeal was received from Tom Phillips and Associates on 24th January, 2017 on behalf of Balark Properties, owner of the Screen Cinema and College House, which are located to the south side of the appeal site. An outline of the appeal follows, in which it is argued permission should be refused, although the principle of redevelopment is supported.

- 6.1.2. Permission should be refused because the proposed development is premature pending the preparation of an agreed masterplan for Hawkins House 'key' site, by all landowners as mandated in the statutory GQLAP. There is a specific requirement in the GQLAP that a masterplan be prepared for the 'Hawkins House 'key' site in its entirety, with cooperation of all the landowners. (Section 6.2) Failure to comply with this requirement results in a lost opportunity for the city and suboptimal development for the 'key' site. The clear planning reasoning for the agreed GQLAP, is avoidance of piecemeal development, as the Hawkins House site is such a critical block and public spaces will not be delivered in the manner envisaged in the GQLAP. The full potential of the Hawkins House site isn't explored in the absence of a holistic integrated Masterplan. A comprehensive and integrated masterplan may have facilitated taller structures throughout the site.
- 6.1.3. The delivery of a masterplan by two landowners fails to comply with this requirement of the GQLAP for agreement by all landowners to a Masterplan. The appellant's landholding is approximately thirty percent of the overall area of the designated Hawkins House 'key' site. The applicant failed to engage with the appellant from the outset despite the appellant's willingness to do so. The statement made by the applicant, that the appellant to engage, is refuted and the provision in the GQLAP for an exception with regard to the masterplan preparation by all landowners therefore does not apply. The appellant was presented with a finalised masterplan document at a meeting, which precluded an opportunity to engage meaningfully in the preparation of the masterplan. The appellant should have been engaged '*ab initio*' and meaningfully in the entire integrated masterplan preparation process.
- 6.1.4. The planning authority acted *ultra vires* its powers in its notification of the decision to grant permission, as it is clearly stated in the GQLAP that, "*no planning applications for large scale urban development will be granted planning permission until such time as an agreed individual site masterplan is in place*". There is no cut off in terms of the minimum amount of landowners or total site area involved in the masterplan process.
- 6.1.5. The area indicated within the application site boundary includes part of the appellant property. The Appellant has not given consent to the applicant to include this area within the application site.

6.1.6. An integrated approach with a masterplan, (with the participation of the appellant) would have addressed the following:

- There are an excessive number of vehicular entry points (3no.): one for the application site, one for Apollo house, and, in addition, the existing vehicular access to College House adjacent to the proposed Apollo House access. The contention that, the basement parking adjoining the Hawkins House development and the Apollo house development. could facilitate access for the College House site is not feasible, as demonstrated in Figures 5.2.1 and 5.2.4 in the appeal. A more reduced number and more efficient use of space could be achieved in an integrated approach/masterplan.
- A void space is created adjacent the Cinema's northern boundary wall and a large portion of the route would be in shade, dominated by a blank elevation which would be a beacon for graffiti with negative implications for the route and commercial uses at ground level.
- Permeability, delivered through the required diagonal pedestrian route, is a primary objective of the GQLAP, has not been achieved: There is no entrance at the south as it is dependent on the development of the appellant's property and a quality public realm, and this cannot be created without an appropriate relationship between all the surrounding developments. The proposal changes the form of the block and public realm indicated the GQLAP. It places a burden on the appellant to adapt to changed circumstances (which differ from those previously determined as part of the GQLAP).
- The development potential of the appellant's site is compromised in the masterplan report because not all development scenarios have been considered and addressed. College House and Screen Cinema could be refurbished rather than developed. The visual and landscape assessment is incomplete, with inadequate analysis of the impact with the College House and Screen Cinema site is not included. In addition to the further analysis on the impact on the Brokerage apartments, sought in the further information request, a similar analysis on the impact on the appellant's property should have been requested.

- The applicant has failed to consider and minimise impact on the LUAS and public transport because of prolonged period of construction. This concern has been highlighted in the report of TII.
- There is a lost opportunity to remove or reduce vehicular traffic from Hawkins Street, through a possible rationalisation of access ramps and further reduced access and exit points because of the lack of an integrated approach to the masterplan.
- A number of additional concerns are indicated, and which include: lack of detail in measures to prevent collapse and deposition of rubble on the alignment; traffic and pedestrian management and access and egress to the site, and at operational stage, traffic movement impact generated by the proposed access / egress to the basement car parking.

6.2. **Second, Third Party Appeal. Corn Exchange Management Ltd.**

6.2.1. An appeal was received from Brock McClure on behalf of Corn Exchange Management Ltd., which represents an eight storey contemporary block on the Poolbeg Street frontage opposite the appeal site which adjoins the Corn Exchange Building, a four storey protected structure, which has frontage on Burgh Quay. The appeal includes observations on the application with particular focus on the further information submission and the assessment by the planning authority. It is stated that the proposed development would have detrimental adverse impact on the residential amenities of the apartments and it is confirmed that the modifications indicated in the further information submission do not address the deficiencies in the original application. According to the appeal the proposed development fails to deliver statutory objectives. These objectives are reproduced in full in the submission and relate to the public realm and pedestrian routes, design, pedestrian facilities and building lines, facilities heights and land use. It is submitted that:

- There is insufficient evidence to justify the failure to retain the north south pedestrian route provided for in the GQLAP.
- The increase in setback along Poolbeg Street is contrary to the GQLAP and does not achieve the objectives for provision of a new high quality urban quarter and associated objectives, because it fails to create an attractive pedestrian

environment and significant improved public realm. The building design is unimaginative and monotonous and does not reflect the civic importance of the location.

- The area is characterised by small grid of similar size blocks facilitating permeability and the pedestrian movement. There are some protected structures in GQLAP area. THE GQLAP identifies a preferred redevelopment outcome for the Hawkins House site as evidenced in the public realm masterplan.
- Building heights do not address the existing residential context and result in further loss of daylight to the residences and in loss of privacy to roof terraces. The application does not make reference to or address the residential context of the site and the residential amenity and the protected status of the Corn Exchange building. It has a twenty-five metre frontage onto Poolbeg Street. Poolbeg Street is treated with a more 'utilitarian' perspective in the application, particularly with traffic access being directly opposite the building.
- There is a missed opportunity for an outstanding architectural and public realm quality if the application is approved. The proposed building has an unattractive design and is overwhelming and monotonous on the Poolbeg frontage where it is also to be stepped out as far as the footpath. This will detrimentally affect and materially compromise residential amenity and daylight at the sixty-six apartments. The additional setbacks at upper floors, (proposed in the further information submission) will not improve the situation or the vertical sky component at the apartments.
- The proposed development is in contravention of Section 16.1.11 of the Development Plan regarding orientation and height to aid solar design and minimisation of overshadowing. The residential amenity of the Corn Exchange Building apartments should be prioritised over the policy objective to build out the site.
- Privacy of the living rooms and roof terraces at sixth and seventh floor levels at the Corn Exchange Building, which are directly opposite the proposed development, eleven to twelve metres away, will be adversely affected by unacceptable visual intrusion and overlooking. Provision should be made for

current standards of amenity to be retained. The mitigation (i.e. angled windows and removal of terraces) sought in the original objection to the planning authority was not provided for in the further information submission modifications.

- Utilisation of the proposed vehicular access will result in Poolbeg Street becoming a services street with all traffic moving along it and left onto Hawkins Street interfacing with the LUAS alignment. The vehicular access should be relocated to the Townsend Street access (proposed for Apollo House) and failing that, the Tara Street entrance. Bus traffic should be removed from Poolbeg Street to enhance the pedestrian environment as the area already three east bus corridors (Pearse Street/College Green, Burgh Quay and along South Quay and the North Quays. This network removes the need for large buses to use Poolbeg Street.
- The land use mix is of no objection but potential for late night disturbance from bars and pubs must be addressed. A condition should be attached confining the operation of units on Poolbeg Street to no later than 9 pm and no public house be authorised.
- The Construction Management Plan and Outlined Method Statement for Demolition have been reviewed and the concern of the appellant is in relation to the lack of detail in time frame for the proposed demolition. All mitigation measures should be subject of specific individual conditions.
- There is a discrepancy between the conditions addressing waste management to those attached to the decision to grant permission for the concurrent proposal. Similar conditions should be applied to the current proposal with the exclusion of the requirement for sufficient provision for movement of refuse on the public street at the entrance for collection.
- The application does not have sufficient information on phasing for the development and the proposed development on the Apollo House site. This information is necessary.

6.3. Third, Third Party Appeal by Catherine Kelly.

- 6.3.1. An appeal was received from Ms. Kelly on her own behalf on 24th January, 2017. In principle Ms. Kelly welcomes the concept of a dense, mixed use development but

considers that it must be achieved without detrimental impact on amenity of the residential development. The contents of the appeal are outlined as follows:

- Detrimental impact on the residential amenities of the Corn Exchange Building would be caused by the massing and footprint and by the environment of Poolbeg Street, a narrow and mainly residential street would not be improved. There is a lost opportunity for a high quality development with good active street frontage.
- Adverse impact on light will be caused by the proximity of the building and noise impact will be serious due to sound reverberation. The acoustic study is insufficient as it refers to measurements at a different time and considers traffic impact. There are several public houses in the area and it is recommended that hours of business should be limited to a closing time of 9pm so that the residential amenities can be protected.
- Overlooking from Level 6 where there is an observation area will affect several residential units. The parapet should be raised to prevent overlooking of the Corn Exchange Building and opaque windows should be fitted on the north elevation.
- Vehicular access should not have been located on Poolbeg Street West. The cycle ramp could be used for anti-social behaviour. Services and utilities should not be along the Corn Exchange block's frontage on Poolbeg Street because it would negatively affect third parties.
- The images of trees and footpaths in the application are not representative of the application as the building would have to be moved back to accommodate the street widening. The planting, lighting and seating should be located on Poolbeg Street West, a prominent entry point. The diagonal pedestrian route would be enhanced by an attractive entry point through Poolbeg Street West. Buses could be excluded and the street pedestrianised and made narrow. There are ample alternative facilities for buses and traffic. The entrance off Poolbeg Street and loading bays on the street should be removed.
- The east west pedestrian route at the fire escape for the Screen Cinema is unattractive in views onto Hawkins Street. An east west pedestrian route along Poolbeg Street would be much more preferable. The failure to include the

College Green House and the Screen Cinema does not allow for the diagonal route to be routed to the corner of Townsend Street and the proposal to put it behind the cinema is unattractive. The Poolbeg Street east west pedestrian route in the LAP should be implemented because it is a positive feature, but which cannot be implemented because it is not the control of the applicant.

6.4. Observer: Brokerage Management Company Ltd,

6.4.1. A submission was received from Brokerage Management Company Ltd, on 20th February, 2017 in which it is stated that the redevelopment of the site is welcomed in principle although there are number of objections. The Brokerage Apartments are located in a block at the corner of Townsend Street and Tara Street immediately to the east of College House and the Long Stone public house and, to the south of Apollo House. According to the submission a Masterplan, agreed with all the landowners as provided for in the GQLAP, would have rectified a number of issues regarding the proposed development and the concurrent Apollo House development proposal. Residents should have had an opportunity to participate in the material preparation and agreement of the plan, and they should have a reasonable expectation that the GQLAP would be upheld by the planning authority. It is submitted that an agreed masterplan would address the following:

- A reduction in traffic passing the Brokerage apartments would overcome concern that the proposed entrance for Apollo House adjacent to the College House entrance would cause traffic hazard. The Hawkins House entrance should access a basement catering for the entire site.
- Lack of a phasing demolition and construction plan as a result of which residents will experience many years of disruption.
- An unsatisfactory pedestrian route is provided; it is poorly configured and there will be a dark, gated space at the rear of the Screen Cinema which will be overlooked and will attract anti-social behaviour pending redevelopment on that site.

6.5. Applicant Response.

6.5.1. A submission was received from Brady Shipman Martin on behalf on the applicant, The Office of Public Works (OPW) on 22nd February 2017, and included with it is a written statement by the Commissioner. An outline of the Commissioner's statement and the responses to the three appeals follows:

6.5.2. The Commissioner's Statement.

It is stated that is intended that the redevelopment of the site to provide accommodation for government services, and is also a significant opportunity for the OPW to participate in the regeneration of a strategic city centre office block and to provide an improved public realm. The statement contains an account of consultations with adjoining landowners including the prior joint receivers of the College House Screen Cinema properties who disposed of the properties to the current owner, (the appellant, Balark Properties) prior to completion of discussions. It is confirmed that the OPW subsequently declined a request from the appellant party to acquire the leasehold to the Hawkins House property in exchange for another property.

6.5.3. Response to the appeal by Balark Properties:

- The argument that the decision to grant permission is *ultra vires* is without foundation. The appellant's engagement with the applicant was focussed on other matters relating to the redevelopment of the block instead of a collaboration in preparation of a joint masterplan and design, which was not a compulsory planning requirement.
- Subsequently concurrent applications, for the application site and for the combined Apollo House/Long Stone public house sites incorporating a joint masterplan approach with the same design team being appointed by the two applicants were lodged following consultations with the planning authority. Satisfactory compliance with the GQLAP was confirmed by the planner in writing on 27th July, 2016. This approach included provision for a rationalised basement with potential for linkage to adjoining properties.

- The GQLAQ clearly recognises the multiple ownerships of the Hawkins House 'key' site and the delivery of the intent of the GQLAP on the appellant's lands at a future date is not compromised.
- The space shown within the application site, which the appellant contends is not in the applicant's ownership is a staircase to which the OPW, obtained rights by way of a 250-year lease when it purchased Hawkins House in 1985. The lease provided access to a number of car spaces within the College House carpark. An OS map is provided within the submission.
- The application successfully addresses integration with adjoining sites through the completion of the joint masterplan and the design for the application scheme and that proposed in the concurrent application on the adjoining site.
- The Hawkins House 'key' site in entirety has six existing vehicular entrances. One entrance replaces the three existing entrances for the Apollo House proposal, and one entrance (at Poolbeg Street) away from the LUAS alignment along Hawkins Street is to replace the two existing entrances in the Hawkins House development. These proposals facilitate the delivery of an enhanced pedestrian route in accordance with the GQLAP and for a rationalised vehicular access and ramp from Townsend Street. This design caters for possible future integration of access to the Apollo House site and, that of College House site at a future date, if required. It has been agreed by the planning authority that separate accesses be proposed in the applications because of the separate ownerships. The GQLAP is silent on precise locations of entrance points other than minimisation the impact of servicing elements.
- Traffic volumes will be lower, as vehicle numbers entering the site will be reduced, reflecting the reduction in car spaces from the existing one hundred and twenty spaces to fifty-one spaces as proposed. This is in fulfilment rather than in contravention of the development plan and GQLAP objectives. The effect will be to minimise traffic and parking impact to the benefit of improved pedestrian cycling and public transport.
- The void space referred to in the appeal is within the Screen Cinema property and is a fire escape area for the cinema. A minimised zone is left in the design

to ensure installation of façade cladding on the south face of the block from within the applicant's property boundary.

- There is no basis for any claim that the appellant property is compromised in the joint masterplan included in the application. Maximum scope for all future options for the appellant's property, whether it is refurbished or redeveloped in accordance with the GQLAP, have been accommodated. The masterplan interventions for the public realm are significant components for the revitalisation for the block with or without the redevelopment of the appellant's property.
- The applicant rejects the contention that a suboptimal outcome regarding height will occur due to the lack of a comprehensive masterplan for the entire block. The GQLAP sets clear height parameters for the Hawkins House 'key' site which cannot be altered by a comprehensive or individual approach. The design framework (Figure 8, GQLAP) permits up to twelve storeys on the corner of Tara Street and Poolbeg Street only and a maximum of eight plus possible two setback storeys on the Hawkins House site. The design, as modified in the further information submission achieves ten storeys which accords with the maximum allowable height.

6.5.4. Response to the Appeal by Corn Exchange Management Ltd.

It is stated that the concerns of the Appellant have already been addressed by the applicant in the modifications and supplementary details provided in the further information lodged with the planning authority. According to the submission:

- The primary pedestrian route through the block identified in the GQLAP is the diagonal route between College Green and Tara Street, two thirds of which would be delivered in the proposed development and concurrent proposal for the sites of Apollo House and the Long Stone public house. It provides for potential continuation through to College Green and permeability in so far as is facilitated by the two sites. THE GQLAP allows for reconsideration of the two supporting pedestrian routes, one of which is the North-South route linking Hawkins Street with Poolbeg Street. The need for this route is negated by the generous diagonal route which provides for greater civic space at Tara Street than envisaged in the GQLAP. The planning authority accepts the proposal to omit this route.

- Inclusion of the North South route militates against delivery of high quality development at Blocks 4 and 5 in the GQLAP and would weaken the public realm due to blank frontages, low footfall and passive surveillance. The ground floor units are commercially unviable as they are too small a size. The proposed route should draw pedestrians from Tara Street station through the site and onto College Green, facilitating connectivity which is separate from the College House/Screen Cinema site. A better streetscape and public realm can be achieved. The western supporting route through to Hawkins street ensures facilitation of future connectivity to College Green.
- The view of the Appellant as to a lost opportunity to redevelop the Hawkins House (key development) site is not accepted. A masterplan approach providing for high quality integrated development has been used as opposed to a straightforward commercial venture.
- The separate ownerships render independent entrances for the proposed development and the concurrent proposal for the sites of Apollo House and the Long Stone public house necessary. However, traffic volumes and use of the proposed entrance will not be significant owing to the reduction in on-site parking. Poolbeg Street is the only viable option for service vehicle set down areas and loading bays which will serve existing businesses and use of footpaths will be discontinued. The streetscape will be enhanced by the improved pedestrian environment and mixed land uses, incorporation of significant public space with animated street frontage leading into the Hawkins Street.
- Three alternative massing options, (i.e. removal of two storeys, widening Poolbeg Street by one metre and removal of double height space on upper storeys at the western corner, which was the selected option) were investigated in the additional detailed sunlight and daylight analysis. This analysis indicated generally equivalent diffuse daylight environments at the Corn Exchange building. (VSC within the 5-15% range recommended within BRE 209 and PASH in excess of the BRE recommended target of 25%)
- The windows and roof terraces are a feature of the existing building which was constructed before the Corn Exchange building. The proposed upper floor

setbacks result in a similar impact to the existing scenario. (3D Images are included on the submission.)

- Viability of retail and café use would be affected by limitations to hours of business and a closing time of 9 pm, which is unacceptable. The GQLAP envisages the pedestrian route to be open at all times, with active uses in the ground floors benefitting the economy of the area, in conjunction with cultural use on the Screen Cinema site. No public houses are proposed.
- Construction Management Plans and Demolition Method statements are critical to the minimisation of adverse impact. Conditions for detailed mitigation measures are unwarranted and could cause difficulty unless a contractor has been appointed and a final Construction Management Plan is in place. Submission of a final Construction Management Plan with the planning authority is the best method to ensure good implementation.
- There is no objection to inclusion of similar conditions to those attached to the decision to grant permission for the concurrent proposal for the sites of Apollo House and the Long Stone public house, but the appellant's request for exclusion of Item (b) (v) under Condition No 8 is not acceptable. It is necessary to present waste on Poolbeg Street at agreed times in advance of collection times with the bins being removed afterwards in accordance with bye laws as set out in the operational waste management plan included with the application.

6.5.5. Response to the Appeal by Ms. Catherine Kelly.

In response it is noted that several issues raised are similar to those in the appeal by Corn Exchange Management. An outline of the response follows.

- Similar observations to those in the response to the Appeal by Corn Exchange Management appeal regarding concerns about overlooking and daylight and sunlight impact on the Corn Exchange Building apply. The modifications in the further information submission provide that similar standards to existing conditions are ensured.
- With regard to the request, that the building be setback further from Poolbeg Street and that widened footpaths and loading bays be provided within the site, it

is stated in the revised proposal, the footpath is widened, (to 2.7 metres along the Poolbeg Street frontage) and conforms to the recommendations in *The Heart of Dublin – City Centre Public Realm Masterplan*, and the GQLAP objectives. The proposed building does not extend to the existing boundary wall.

- The loading bays will facilitate deliveries to the Corn Exchange building and all development located on Poolbeg Street eliminating ‘pulling up’ on the footpath. Minimal frontage is taken up with the vehicular entrance proposed on Poolbeg Street with the remainder of the frontage comprising double height high quality glazing. This is significantly beneficial in animation and active street frontage.
- Separate vehicular access for the proposed development and the concurrent proposal for the sites of Apollo House and the Long Stone public house are essential for the reasons of separate ownerships. Access from Tara Street would not be possible.

6.6. Planning Authority Response

- 6.6.1. A submission was received from the Planning Authority on 23rd February, 2017 in which the planning officer states the three appeals have been reviewed and considers that no further assessment is warranted. It is confirmed that a shared entrance for the proposed development and for the concurrent proposal for the sites of the Apollo House and Long Stone public house site although preferable, is beyond the scope of the application; that the joint masterplan lodged with the application is acceptable to the planning authority as it delivers the key objectives of the GQLAP and the proposed development successfully integrates with adjoining site.

7.0 Assessment

- 7.1. The issues raised in the submissions of the appellant and observer parties that are considered central to the determination of the decision and discussed below are:
- Consistency with Georges Quay Local Area Plan, (GQLAP) provisions for a Masterplan for the Hawkins House ‘key’ site.
 - Title.

- Building Design and Quality.
- Visual impact and the sensitive historic city context.
- Public Realm objectives
- Roads, traffic and parking and pedestrian facilities.
- Construction and Demolition Stage Impacts.
Residential amenities.

7.2. Consistency with Georges Quay Local Area Plan, (GQLAP) provisions for a Masterplan for the Hawkins House ‘key’ site.

7.2.1. The current proposal for demolition and redevelopment at the site of Hawkins House and the concurrent proposal for demolition of existing buildings and construction of new building on the combined sites of Apollo House and the Long Stone public house, (PL 29S 247907 refers) come within and account for approximately seventy percent of the Hawkins House ‘key’ site, identified as an opportunity site within the GQLAP. While the two sites are in separate ownerships, the same design team was appointed to prepare an agreed joint masterplan for the two sites and to prepare the two applications which the planning authority simultaneously assessed prior to the lodgement of the appeals.

7.2.2. The primary considerations which are central to the determination of a decision is as to whether validation of the application and determination of a decision to grant permission is *ultra vires* of the planning authority’s powers and whether the proposed development is in accordance with or in material contravention of the policies and objectives of the Georges Quay Local Area Plan, 2012 (GQLAP) as they relate to the Hawkins House ‘Key’ site.

7.2.3. The GQLAP, which has a statutory basis, in seeking to provide a framework for a design approach for opportunities for regeneration and development of the Hawkins House ‘key site recognises the potential limitations of multiple ownership in its policy objectives which provide for the preparation of an integrated masterplan for the Hawkins House ‘key’ site. According to the GQLAP, all landowners are required to cooperate in the preparation and agreement of an overall integrated site masterplan but, “Where an individual landowner fails to engage in this process other landowners

can proceed with the masterplans but must address how their site will successfully integrate with the adjoining site (s)”

- 7.2.4. It is clear from review of the documentation on file in connection with the application and the appeals, that the preferred option of preparation and completion of an agreed masterplan by all the current landowners for the site areas within the Hawkins House ‘key’ site as envisaged has not been feasible. This optimal arrangement, (as asserted in the appeal grounds) or the future development of the Hawkins House ‘key’ site, is not prescribed in the GQLAP or the prior or current Dublin City Development Plans and it is not within the scope of the statutory planning code that all the parties are mandated to agree a masterplan. There is no basis on which consideration of an individual planning application should be withheld because a masterplan, agreed to by all the landowners is not available. As a result, an application in respect of part of the Hawkins’ House ‘key’ site, if otherwise valid, and any subsequent appeals should be assessed, on the planning merits, the central consideration being whether a successful integration with the adjoining sites is achieved. The contention, that the acceptance of the applications by the planning authority and subsequent decisions to grant permission is *ultra vires* of a planning authority’s powers or that the proposed development is in principle in material contravention of the GQLAP due to the lack an agreed masterplan to guide the development for the entire Hawkins House ‘key,’ site is therefore rejected.
- 7.2.5. The alternate option, which was for those landowners who were in agreement with the preparation of a joint agreed masterplan, has been achieved by the applicants for the current proposal and the applicants for the concurrent proposal on the combined sites of Apollo House and the Long public house within the ‘Hawkins House ‘key’ site area. This is considered to be consistent with the GQLAP provisions for integrated development of the Hawkins House ‘key’ site.
- 7.2.6. However, the key primary considerations, which are in dispute regarding the subject proposal and concurrent proposal is firstly, as to whether the joint masterplan accords with the range of policies and objectives within GQLAP for the Hawkins House ‘key’ site and correspondingly as to whether optimal achievement of the full range of these policies and objectives is feasible. The second consideration is as to whether the delivery of the proposed development would compromise the

development potential of the College House and Screen Cinema sites including an option confined solely to refurbishment of existing structures.

7.2.7. Several specific issues in this regard are raised in the Balark appeal which are disputed by the applicant and also appear to have been rejected by the planning authority. They include the contentions that the lack of an overall integrated masterplan results in the quality of the overall development of the Hawkins House 'key' site being sub-optimal and compromised, particularly with regard to potential opportunities with regard to height and design, the quality of the public realm especially with regard to the design options for and integration of the diagonal pedestrian route and civic spaces from Tara Street through to College Green via the College House/Screen Cinema site which under the control of Balark properties.

7.2.8. These considerations are addressed in the assessment of the issues identified in the following subsections. Conclusions can be reached as to consistency with the GQLAP in order to establish whether the developments proposed in the applications accord with the GQLAP in the absence of an overall integrated masterplan and without compromise to the future options for the sites of the Screen Cinema and College House.

7.3. **Title.**

7.3.1. The statement in the submission of the Office of Public Works and in the supplementary statement by the Commissioner and OS map which indicates the area of the staircase at the rear of the Screen Cinema within the site area of Hawkins House, with regard to rights of way and access to the College House carpark would appear to clarify the position. Documentary evidence can be sought, but the matter can also be referred by the Parties to the legal system for resolution should it remain disputed.

7.4. **Building Design and Quality.**

7.4.1. A major opportunity for regeneration and transformation of the Hawkins House 'key' site into a new urban quarter development incorporating Grade A office

accommodation facilitating economic development and employment growth is identified in the Dublin City Development Plan 2016-2022 and GQLAP.

- 7.4.2. It is understood that the emphasis in the GQLAP is not to encourage development of a single, 'stand out' tall landmark/ statement building within the block but to facilitate creation of a high quality urban quarter in which there is an integrated group of buildings with high quality architecture incorporating the new pedestrian linkage across the site civic amenity and enhanced public realm. The policies and objectives of the development plan, clearly provide scope for taller buildings at other limited locations as a means of achieving the core strategy and in positively contributing to the receiving sensitive built environment, through good design. (Section 4.5.1 and 4.5.2 and Policy Objectives SC 16, SC17 and SC18 refer.) There is no conflict in principle in the proposed development with the GQLAP provisions (Objective 9) for up to eight plus two setback storeys at Hawkins House site.
- 7.4.3. The response in the two concurrent proposals is to provide for two distinct separate but complementary buildings, which when viewed in close proximity and in the wider public realm of high quality design material and finishes would be identifiable as part the new urban quarter in building form and detail.
- 7.4.4. The contentions in the appeals as to substandard design, a monolithic form, poor quality and limited merit to the proposal are not accepted. It is demonstrated in the modified proposal that a high quality contemporary building in footprint, form, massing and height on the street frontage at ground level and in the upper elevations, finished in natural stone cladding with anodised bronze framing and flying stone fins is achieved. The elimination of surface level parking, and defined setback site perimeter facilitating footpath construction and public realm enhancements are consistent with standards envisaged in, *The Heart of Dublin City Centre Public Realm Masterplan* (Dublin City Council, 2016). Effective permeability and civic amenity of the immediate built environment is achieved.
- 7.4.5. With regard to phasing, bearing in mind the separate ownerships of the sites of the two concurrent proposals, it is considered that each structure can be accommodated into the Hawkins House 'key' site with or without the adjoining development in place in the event that delivery of both proposals or the entire development of the new

urban quarter cannot proceed, notwithstanding issues such as limitations to the completion of the diagonal pedestrian route.

- 7.4.6. It is concluded that the modified proposal provided in the further information submission for the redevelopment of Hawkins House site is fully acceptable in terms of architectural quality both within the application site and in the context of the joint master plan for the proposed development and concurrent proposal and in the context of the integrated development of the Hawkins house 'key' site as envisaged in the GQLAP.

7.5. Visual Impact and Sensitive Historic City Context.

- 7.5.1. Although not a matter of major dispute between the parties, a comprehensive review of the visual impact assessment has been undertaken. This is considered beneficial, in view of the sensitivity and the extent of statutory protection of the city's historic built environment and the exposure and high profile nature of the application site.
- 7.5.2. The current development plan, clearly provides scope for taller buildings at limited locations as a means of achieving the core strategy and in positively contributing, to the receiving sensitive built environment through good design. (Section 4.5.1 and 4.5.2 and Policy Objectives SC 16, SC17 and SC18 refer.) There is no conflict in principle in the proposed development for the appeal site and concurrent proposal for the combined sites of Apollo House and the Long Stone public house within the development plan and the GQLAP provisions (Objective 9) for development up to eight plus two setback storeys at Hawkins House site.
- 7.5.3. The continuing changes in the receiving built environment, given ongoing new development, development which has the benefit of a grant of permission and/or possible future development, as provided in development plan should be borne in mind. Of note, is the recently permitted development along the Liffey Quays. Views along and across the river includes the two other 'key' sites within the GQLAP, the Tara Street Station (PAO/PA 0012) and the City Quay development under construction (PL29S 245492) and the permitted refurbishment at Scotch House at the corner of Burgh Quay and Hawkins Street. (PL 29s 246121)
- 7.5.4. Following site inspections, review of the submitted Landscape and Visual Assessment reports and images of views from the wider public domain, the

recommendations of the planning officer on the original and revised design proposals are fully supported. It is agreed that concerns as to the original proposal could be confined to the impact views (i) along the Liffey Quays, especially on approach in an easterly direction, (ii) in the vicinity of Custom House and (iii) the effect on views from within the Trinity College campus. (Views 11, 12, 20 and, 21 in the submitted Visual Assessment images refer.)

7.5.5. Concern had been expressed in respect of the original dominant box form and size at the upper levels in the proposed redevelopment of Hawkins House. With regard to views on approach along the Liffey Quays from the west, the modifications to the design and form proposed for the north elevation and north west corner (as outlined in the further information submission which provide for upper level setbacks, asymmetry and vertical emphasis and a bay and layered elevation) satisfactorily address these concerns. The proposed development, (alone or with the concurrent proposal for the sites of Apollo House and the Long Stone Public house in place) would enhance, views from the east in the vicinity of Custom House along the Liffey Quays, from Mountjoy Square/Upper Gardiner Street area and in the terminating view on approach southwards along Marlborough Street and onto the Rosie Hackett Bridge. The proposed replacement building may be more pronounced in the views along and across the river. However, owing to quality architecture in terms of design detail, form, materials and finishes the proposed development would be positive in effect.

7.5.6. With regard to the views from the Trinity College campus, the existing and proposed buildings are visible from Front Square to the side of the Dining Hall, from New Square and College Park, as is demonstrated in the images provided in the submitted visual assessment. The visual impact of the replacement structure in this context is regarded as neutral. However, in these views, the slightly increased prominence is offset by the architectural quality and similarly, and the view from the southern end of Dawson Street across the Trinity College campus is enhanced. From most other locations in and around the historic city, there is limited visibility and no significant impact.

7.5.7. In consideration of the visual impact at night time, it is recommended that the applicant be required, in the event that permission is granted, to provide for a uniform blind system throughout the building. While desirable in daytime light this is

considered essential in an artificial lighting scenario, ensuring the quality and uniformity in presentation of the facades within views from the public realm in the immediate vicinity and wider environs. This matter can be addressed by condition.

7.5.8. There is no obvious concern as to limitations with regard to visual impact or scope for possible future options that might be considered for the College House/Screen Cinema sites due to the lack of an integrated masterplan for the entirety of the Hawkins House 'key site.

7.5.9. In view of the foregoing, it is concluded that from the perspective of visual impact on the historic city, the modified proposal provided for in the further information submission for the redevelopment of Hawkins House, the proposed development is fully acceptable.

7.6. **Public Realm.**

7.6.1. The pivotal, central city location of the Hawkins House 'key' site, within the context of infrastructure development and enhancement of the quality and amenities of public realm, is undisputed and is fully addressed in the GQLAP Increased footfall in a central east west direction, which is part of a 'civic route' between Tara Street Station and Christchurch via College Green is to be facilitated by way of the proposed diagonal pedestrian route across the Hawkins House 'key' site. Provision is made for civic spaces at the eastern end of Poolbeg Street West and College Green and at the western end to the front of the existing Screen Cinema building, supported by two secondary routes and by increased permeability through the surrounding street and lane network over the River and between the Quays and College Green.

7.6.2. The core issue, central to the dispute between the parties, is whether the public realm objectives of the GQLAP and the Dublin City Development Plan, 2016-2022. In particular, a key issue relates to permeability and delivery of the diagonal pedestrian route across the Hawkins House 'Key' site and whether it can be satisfactorily delivered given the limitations of the application and concurrent application site areas. As the joint masterplan for the two application sites, cannot deliver the diagonal pedestrian route in its entirety, it is considered particularly onerous to preclude favourable consideration if alternate feasible high quality

proposals generally consistent with the GQLAP parameters can be perused. Such proposals include the envisaged redevelopment of the Hawkins House 'key' site in which scope for possible future completion, in the space outside that application sites, is fully achievable.

- 7.6.3. As the layout for the Hawkins House 'key' site in the GQLAP is not fully prescriptive, it is therefore reasonable that some flexibility regarding the delivery of diagonal route and the supporting pedestrian routes as proposed in the applications be considered. It is noted that the GQLAP allows for the need for both secondary pedestrian routes to be reconsidered if the main (diagonal route) axis can be delivered in its entirety at an early stage. However, the proposed route is considerably wider than that envisaged in the GQLAP and it is therefore agreed that this negates the necessity for a secondary North- South route. The argument that such a secondary route would lead to constraints on configuration and floorplates within the buildings is accepted.
- 7.6.4. Within the area of the applicants' joint masterplan a practicable, supporting pedestrian linkage onto Hawkins Street and continuation of the diagonal route through the sites of the Screen Cinema and College House, is achieved. It enables permeability and pedestrian connectivity from Tara Street to College Green via the diagonal pedestrian route supported by this east/west secondary route. The absence of the continuation of the diagonal route and public plaza at the south western corner of College Green is therefore accommodated. Increased footfall and linkage between Poolbeg Street and Burgh Quay via Corn Exchange Place will also be encouraged.
- 7.6.5. The contention that the east-west route onto Hawkins Street, at the rear of the Screen Cinema site would be a substandard pedestrian environment is not accepted. It is noted that the route, owing to its short length and which enjoys a double height beneath the upper floors, has very limited potential to develop into a negative unpleasant darkened environment. The proposed treatment for the elevation on the southern side of the Screen Cinema boundary onto to the pedestrian route is considered to provide for good animation and active ground floor frontage on Hawkins Street. Final details can be addressed by compliance with a condition should permission be granted.
- 7.6.6. The diagonal route, due to overall configuration and width, landscaping features and lighting within the space and from the buildings, should function as a high quality,

vibrant, brightly lit and safe pedestrian route and amenity space during day and night time hours (as envisaged in the lighting study provided with the application).

- 7.6.7. Given the facilities for pedestrians provided for in the masterplan and associated applications, the case made in the appeals, that Poolbeg Street should instead be designated the east west pedestrian route, (with all vehicular traffic, parking, loading bays and vehicular entrances removed) is rejected. The proposals in the applications ensure that Poolbeg Street would not become a secondary services street with traffic congestion but will be multi-functional. As discussed in the subsection 7.7 “Roads Traffic, Parking and Pedestrian Facilities” it is considered that vehicular traffic volumes and congestion will be very much reduced compared to the existing conditions on the street.
- 7.6.8. The modified proposal in the further information submission provides for street widening within the site, benefitting pedestrians and other road users (cyclists and public and private transport) and improves the public realm in providing for limited on-street parking, public loading bays and footpath widths. These proposals are consistent with the recommendations in the relatively recently issued ‘*The Heart of Dublin City Centre Public Realm Masterplan*’ by the city council and the GQLAP. Poolbeg Street’s public amenity potential would be significantly improved by these enhancements and further improvements achieved by the extent and range of ground floor active uses, complementing existing businesses, and consistent with the zoning and GQLAP objectives. Limited frontage is allocated to the proposed Poolbeg Street entrance. The modifications in the further information submission achieve good quality and balance between facilitation of primarily local services traffic (much of which terminates at Poolbeg Street) and a quality pedestrian environment.
- 7.6.9. No improvement to the existing poor conditions with regard to sunlight and daylight at ground level on Poolbeg Street is provided for in the proposal as is demonstrated in the daylight and sunlight analysis. This outcome is considered acceptable given the limitations for improvements to the existing conditions where strategic economic and employment policy objectives are to be achieved, through the site’s sustainable and intensive redevelopment. On balance, the limitations can also be offset against overall improvements to the public realm in the Poolbeg Street area.

- 7.6.10. Given the foregoing, it can be concluded that the public realm proposals, (provided for in the joint masterplan, and associated proposed development of the application site and the concurrent proposal for the sites of Apollo House and the Long Stone public house) are consistent with the relevant policies and objectives of the GQLAP for the Hawkins 'key' site. The proposals do not compromise future options for redevelopment and/or refurbishment at the College House/Screen Cinema sites within the parameters of the GQLAP. A satisfactory balance is achieved, providing for vehicular, cyclist and pedestrian circulation, with necessary limited public parking and loading facilities alongside a quality public realm, animated street frontage within a building of quality design and finishes.
- 7.6.11. It has been concluded that the joint masterplan, and proposed development in conjunction with the concurrent proposal for the Hawkins House site contribute to delivery of a permeable high quality public realm, as envisaged in the Development plan and GQLAP.

7.7. Roads, traffic and parking and pedestrian facilities.

- 7.7.1. The joint masterplan and the two concurrent applications provide for two vehicular access/exit points; one to replace two existing entrances for the Hawkins House development and one to replace three existing entrances for the Apollo House development. These entrances and basement layouts also provide for possible future two-way connectivity between the site of the proposed development and the sites of the concurrent proposal and scope for interconnectivity between the application sites and possible options for the College House/Screen Cinema site.
- 7.7.2. The location and modifications to the design for the proposed access on Poolbeg Street (as outlined in the further information submission) adequately address concerns relating to active and attractive street frontage, the predominant secondary or services nature to Poolbeg Street or to public and residential amenity concerns over congestion and conflicting traffic and transportation movements.
- 7.7.3. As demonstrated in the traffic report submitted with the application, the use of proposed Poolbeg Street entrance, being limited to on-site carparking capacity of fifty-one car parking spaces should, compared to current conditions, reduce traffic generation. As such traffic generation will be within the capacity of the junctions on

the local road network with limited delays at design year. Cyclists potentially account for the greater volume of movements, with bike parking capacity within the basement being four times higher than for cars (with over two hundred spaces and a designated stair access facility for cyclists accessing the basement). The mobility management plan provided with the application has been noted.

- 7.7.4. Given the volumes involved, it is not accepted that traffic, during the operational stage will give rise to unmanageable conflict with the LUAS light rail system which is routed (in a southerly direction) along Hawkins Street, subject to due care being taken by all road users in this area. A considerable amount of pedestrian traffic will divert through the site, ultimately, at a civic space on College Green (the development of which is outside the scope of the current applications).
- 7.7.5. The acceptance of the modified design and selected entrance location, towards the western end of Poolbeg Street and that at Townsend Street adjacent to the College House boundary (for the concurrent proposal for the sites of Apollo House and the Long Stone public house) as indicated in the internal technical reports of the planning authority, gives rise to no concern.
- 7.7.6. Reconsideration of these proposed arrangements for the two separate accesses, with a view to refusal of permission on grounds of failure to comply with the GQLAP on the basis of lack of a fully integrated masterplan for the Hawkins House Key site in entirety is unwarranted. Construction traffic management can be satisfactorily addressed in a detailed construction traffic management plan as discussed in paras 7.8.1 and 7.8.2 below.

7.8. Demolition and Construction Stage Impacts.

- 7.8.1. The case made for demolition and replacement as opposed to refurbishment of the existing building is not a matter of dispute between any of the parties. The argument as to the existing building's lack of merit for retention and refurbishment and case for the delivery of a new, sustainable, high efficiency performance (low energy) Grade A building providing for appropriate floor plate capacity is accepted. The outline Demolition and Construction Management Plan, provided with the application, is accepted, exclusive of the proposed demolition by high reach concrete crushing

demolition excavators, which includes proposed construction (and demolition) traffic route details.

- 7.8.2. The concerns indicated in the report of Transportation Infrastructure Ireland (TII) regarding demolition methodology owing to the proximity of the alignment for the LUAS Cross City light rail can be addressed by condition. The applicant has indicated a willingness to use alternative demolition methods to the high reach concrete crushing excavators indicated in the original demolition method statement. The submission of a final detailed and comprehensive demolition and construction management plan, including mitigation details, to be prepared and made available at planning application stage prior to determination of a decision and prior to appointment of a Contractor is impracticable and unreasonable. A similar approach to that of the planning authority, by way of attachment of a condition to this effect, along with some specific requirements sought by the TII can be attached, should permission be granted.

7.9. **Residential Amenities.**

- 7.9.1. The mixed land use nature of the area is largely consistent with the zoning objective for the central city location and it has been noted that a significant quantum of the apartments, in the immediately vicinity of the appeal site, are short let holiday accommodation. Appellant and Observer parties have expressed concerns as to the impact on the residential amenities of apartments in the Corn Exchange Building and the Brokerage Building. The Brokerage Building, which adjoins the sites of the concurrent proposal is unaffected by the proposed development of the Hawkins House site.
- 7.9.2. Bearing in mind the significant city centre location, the zoning objective and range of strategic policies and objectives for the area, an appropriate balance should be established with regard to the interests of residential amenity among other interests in encouraging and providing for optimal sustainable development in a quality built environment. The existing building had been constructed and was long established on the site before the design and construction of the Corn Exchange apartment block and this should be taken into consideration. To this end, the design approach taken in the applications whereby it is to be ensured that the impacts result in no material

diminution in standards of existing conditions at established neighbouring residential development, and ideally improved, is supported. As such a material deterioration in existing conditions would be unacceptable.

7.9.3. The original Corn Exchange Building located on Burgh Quay frontage which is included on the record of protected structures, is unaffected by the proposed new development on the Hawkins House site. However, the frontage of the contemporary block, which is part of the Corn Exchange complex located to the rear of the original historic building, is on the northern side of Poolbeg Street opposite the location of the proposed entrance to the Hawkins House development. Vehicular and pedestrian access and some of the apartments are also on the Poolbeg Street frontage directly opposite the Hawkins House site building. Communal open space, serving the apartments, is at the top of the Corn Exchange building which is also adjacent to the corner site (a mixed use Georgian building on the east side of Hawkins Street). The following issues are central to determination as to the protection of residential amenity standards:

- Impact of Poolbeg Street on Residential Amenities.
- Impact of Entertainment, restaurants bars and clubs
- Height and Massing impact of proposed new building.
- Overlooking.
- Impact on Sunlight and Daylight.

7.9.4. Impact of Poolbeg Street on Residential Amenities.

The Appellant parties advocate, in the interest of residential amenity, removal of all public and private traffic and parking, services facilities and the proposed vehicular access and take up of an opportunity for use as a principle pedestrian route between Tara Street station and Hawkins Street. However, it is not accepted that Poolbeg Street with the proposed changes and vehicular access and/or with the adjoining ground floor uses would adversely affect residential amenities of the Corn Exchange apartments. A high quality public realm is achieved for Poolbeg Street, incorporating the setback space within the site, which accommodates destination

and very limited through traffic turning left onto Hawkins Street compatible with the LUAS Cross City alignment.

7.9.5. The intensity of traffic, extent of use of the proposed vehicular access, short term parking, loading and unloading along with good waste management arrangements being in place at operational stage demonstrates that Poolbeg Street would not become a secondary services street as contended in the appeals. A statement of willingness to enter into and comply with good contractual arrangements and local authority regulations governing such arrangements with regard to times of presentation, collection and subsequent removal of waste containers off street has been provided in the applicant's submissions. Potentially, the arrangements for the proposed development would be enhanced relative to the existing arrangements. Details can be clarified and confirmed in an operational waste management plan made subject to compliance with a condition, if permission be granted.

7.9.6. The modifications proposed eliminate the concerns as to the street and footpath width and predominance of vehicular traffic and parking. These enhancements in the public realm in the immediate vicinity, which is consequential to implementation of the proposed development, would benefit and positively enhance rather than diminish the residential amenities of the Corn Exchange apartment building.

7.9.7. Impact of entertainment, restaurants bars and clubs.

The proposed development does not include the addition of public houses or late night clubs to the existing businesses of this nature on Poolbeg Street North and Hawkins Street, some of which are very long established and some more recently introduced. It is considered that the request for restriction of hours of business at the new retail, café and restaurant units at ground floor level is unreasonable. Such a measure would be contrary to the encouragement and facilitation of sustainable and viable night and day time vitality consistent with the strategic policy and zoning and specific objectives for this central city location. The ground floor uses are compatible with an element of existing residential development in a mixed use central city location, (which is desirable) in which pre-existing standards of residential amenity are protected and maintained. There is no provision for bars and clubs in the current application in which the proposals for ground floor use are solely for retail, cafes and restaurants. In the event of future proposals for public house or night club

use at the units, an application for permission for change of use would be required allowing for *de novo* planning review.

7.9.8. Height and Massing impact of proposed new building:

The upper floor modifications for the proposed building mitigate any sense of an imposing, large scale massing in views from within the apartments and from the communal terraces. The argument as to enhancement of existing levels of amenity in terms of outlook towards the site from the Corn Exchange buildings is supported by reason of the design detail and selection of materials, finishes and features at the upper levels of the building towards the south western corner that are provided for in the modifications in the further information submission. The setbacks at the upper levels and separation distances between the Corn Exchange building and the proposed new building effectively ameliorate any potential for an overbearing impact or perceptions of such impact affecting residential amenities at the apartments. It is considered that the proposed development would enhance rather than reduce current levels of amenity in terms of outlook from the Corn Exchange building.

7.9.9. Overlooking. As previously stated, it is agreed that at a minimum the proposed development not result in any material deterioration in existing standards in the relationship between the existing Hawkins House building and the Corn Exchange Building. It is considered that the terraces, at levels 6 to 8 on the north elevation of the proposed Hawkins House development, do not adversely affect the existing conditions as regards privacy of the apartments and communal open space at the Corn Exchange building. In this regard the setback of the proposed building's upper levels and separation distance from the Corn Exchange building should be borne in mind. As the proposed terraces are associated with office use, it is considered that the use of the terraces would be relatively limited and confined to use during day time hours only. It is not agreed that these terraces should be omitted from the development in the interest of internal and external privacy at the Corn Exchange building as sought in the appeals. A condition could be attached to restrict access or the hours during which the terraces could be used by employees use but it is not agreed that any such omissions and restrictions are warranted. No further modifications to the building mass, terraces or fenestration are considered necessary other than compliance by condition for agreement over minor detail.

7.9.10. Impact on Sunlight and Daylight.

The standards and guidance in “*Site Planning for Daylight and Sunlight: A good Practice Guide*”, (BRE 209) which have been recommended for consultation with regard to methodology and minimum standards in the Dublin City Development Plan have been relied on in the sunlight and daylight analyses provided in the application submissions. This guidance is in line with the minimum requirement when considering the proposed development, which is that its effects on existing adjoining development should be at minimum comparable to, but preferably better than existing conditions, with a material diminution in the attainable standards at adjoining development, being unacceptable.

7.9.11. This position would apply with regard to impact on sunlight and daylight where general Vertical Sky Component (VSC) and Probable Annual Sunlight Hours (PASH) targets cannot be met. The sunlight and daylight assessments in the original and further information submission in which three scenarios for modifications indicated relatively similar results with regard to indicative impacts on sunlight and daylight at the Corn Exchange Building. The assessment of the analysis also included a comparison with the effects based on the indicative massing in the GQLAP in which it is established the effects of the proposed development are more favourable than existing conditions at the Corn Exchange Building. It is considered that the proposed setback of the 8th and 9th floors at the northeast corner of Hawkins House proposed in the further information submission satisfactorily addresses shadow effect on the top floor of the Corn Exchange building. The proposed setback results in conditions which would be similar to the existing conditions in terms of the relationship between the two buildings.

7.9.12. It is also satisfactorily demonstrated that further reductions to the proposed building would not be effective in further ameliorating shadow conditions. It is considered that the further information submission indicates a satisfactory outcome and that further lowering or adjustment to the building would be ineffective in reducing shadow effect to the lower levels of the building and, as discussed in para 7.6.7 to sunlight on the ground (SHOG) at Poolbeg Street. The assessment of impact on daylight and sunlight based on the analysis and methodology applied in the daylight and sunlight analysis provided with the application and further information submission is considered appropriate, comprehensive and reliable. The proposed

development as modified in the further information submission is considered acceptable. It can therefore be concluded that the development proposal should not be rejected on grounds relating to the protection of residential amenity due to lack of an overall masterplan agreed to by all the landowners.

8.0 Environmental Impact Assessment.

- 8.1 An Environmental Impact Statement is not required in connection with the application and appeal. The site is located within the 'central business district', has a stated area of 3,536 square metres and is sub-threshold having regard to the provisions of Article 109 (2) and Schedule 5, 10 (iv) of the Planning and Development Regulations, 2001-2016. The proposed development for demolition of existing structures and for mixed use and primarily commercial development would not come within the scope of Article 109 of the Regulations and would not be likely to have a significant effect on the environment.

9.0 Appropriate Assessment.

- 9.1 The application is accompanied by an Appropriate Assessment Screening report which has been consulted along with application documentation for the purposes of conducting an appropriate assessment screening for the proposed development.
- 9.2 The site of the proposed development which has an area of 3,535 square metres is in a built up central city location at the junction of Hawkins Street and Poolbeg Street and is that of a large office building with surface carparking and it was constructed during the 1960s. Existing surface and foul water drainage is via a 1000 mm combined culvert on Poolbeg Street which discharges to the Ringsend waste water treatment plant. There are no watercourses within or adjacent to the site but the River Liffey is circa eighty metres to the north.
- 9.3 The site location is not within the area of any European sites. No roosting bats or nesting birds were recorded on the roof of the building and there is no evidence of

records of protected habitats or species which have links to European sites occurring within the site area.

- 9.4 The South Dublin Bay Special Area of Conservation [Site 0210] is circa three kilometres and the conservation interest is tidal mudflats and sandflats. They have unfavourable conservation status but there is likely to trend towards improvement to the habitat condition.

The South Dublin Bay and River Tolka Estuary Special Protection Area (4024) is circa four km from the site and the qualifying interests are several wintering, breeding and wetland and bird species of special conservation interest.

The North Dublin Bay Special Area of Conservation (site 0206) is circa four kilometres from the site location.

The qualifying interests are:

- *Mudflats and Sandflats, [1140]*
- *Annual Vegetation drift lines [1210]*
- *Salicornia and other annuals colonizing mud and sand [1310]*
- *Atlantic salt meadows [1330]*
- *Petalwort [1395]*
- *Mediterranean salt meadows [1410]*
- *Embryonic shifting dunes [2110]*
- *Shifting white dunes [2120]*
- *Fixed grey dunes [2310]*
- *Humid dune slacks [2190]*

These habitats have unfavourable conservation status. The threats include pollution, agricultural and recreational activities, invasive species and land reclamation and defences.

Within the zone of potential influence of the site location, (15 kilometres) there are several European sites which have been identified in the submitted screening report. These sites are in excess of ten kilometres in distance from the site location. These sites have no identifiable source-pathway-receptor linkages with the site.

- 9.5 The project proposed is for demolition of the existing building, site clearance and construction of a replacement building of six to nine floors over two levels of basement level accommodation for car and cycle parking, plant and equipment and ancillary facilities and space and road and public realm and civic space facilities and improvements. Apart from café/restaurant and retail use on the ground floor and plant and equipment on the top floor, the development will provide Grade A office accommodation.
- 9.6 The source – pathway – receptor that can be identified is that of surface water emanating from the development site which enters the River Liffey and ultimately into Dublin Bay and in foul water emanating from the development site which is ultimately discharged to Dublin Bay following discharge to and treatment at Ringsend Treatment Plant. Waters in Dublin Bay are classified as unpolluted but pollutants will be decreased in the longer term with the inclusion of SUDS systems for storm drainage in new development and upgrades to the Ringsend WWTW that will reduce pressure on habitats and species in Dublin Bay is being of “unpolluted” water quality status.
- 9.7 During the temporary period of demolition and construction there is potential temporary risk of contamination of surface waters by suspended solids, hydrocarbons and concrete and cement products. Runoff at any significant rate which could occur for short periods only would contain imperceptible contaminants. Precautionary measures will be incorporated in the works methodology and management ensuring no risk of major contamination or of a pollution incident that would significantly impact on surface water quality in the river and consequently, perceptible impact at the off shore European sites.
- 9.8 During the operational stage separate foul and stormwater drainage sewers with a ‘dead leg’ spur for future separation by the local authority will be operational instead of the current combined system. Urban Drainage Systems (SUDS) measures

included in the design of the stormwater drainage scheme which include green roof technology, lower water use appliances and attenuation measures to contain a 1 in 100-year storm event plus 10 percent climate change will be operational. Effluent is to be collected by a gravity system, with the exception of the basement where localised pumping to ground level will be required, to the public sewer in Poolbeg Street and onwards to the Ringsend Treatment Plant prior to discharge to Dublin Bay. It is estimated that the volume of effluent discharged would be similar to that of the existing building. The impact on the loading, where consequent nutrients in receiving waters, would be negligible and former problems of overloading of the system have been overcome.

9.9 Having regard to the nature and scale of the proposed development and the characteristics of the Special Protection Areas and Special Areas of Conservation located within 15 kilometres distance of the site and to the .Appropriate Assessment Screening report submitted with the application it has been concluded on the basis of the information available that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the European sites. A Stage 2 appropriate assessment is not warranted.

10.0 Conclusion and Recommendation

10.1 It can be concluded that the decisions by the planning authority to grant permission for the proposed development and for the concurrent proposal are in accordance with the GQLAP and are not *ultra vires* of the planning authority's powers. It has been demonstrated that the joint masterplan and two distinct development proposals provided for in the proposed development and concurrent proposal (under PL 209S 247907) can be satisfactorily delivered in accordance with the policies and objectives of the Dublin City Development Plan, 2016-2022 and the GQLAP. The development can operate independently of and without limitation or compromise to the opportunity for possible future completion of an integrated new urban quarter of architectural

quality within a high quality public realm incorporating the two sites of the Screen Cinema and College House, which also come within the area of the Hawkins House 'key' sites as identified in and in the GQLAP. It is therefore recommended that the planning authority decision to grant permission be upheld. Draft Reasons and Considerations and recommended conditions that can be attached are set out below.

11.0 Reasons and Considerations

Having regard to:

- the Dublin City Development Plan, 2016-2022 in which zoning objective for the area is ZR 5: to consolidate and facilitate the development of the central area and to identify and reinforce and strengthen and protect its civic design, character and dignity;
- the site's location within the "Hawkins House 'key' site, which is one of three 'key' sites within the area of the Georges Quay Local Area Plan, 2012 and accordingly there are opportunities for regeneration of one of the most prominent sites in the city for new international standard headquarter commercial facilities in a high quality urban environment and to:
- the joint masterplan and plans and particulars included with the application and to the layout, form, mass, height, materials, finishes, design detail, nature and extent of uses and the public realm provision and enhancements and to the efficiency and effectiveness of the proposed services and facilities and to the extent and nature of the proposed uses for the building.

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 possible future development within the Hawkins House 'key' site in accordance with the development objectives for the area set out in the Dublin City Development Plan 2016-2022 and the Georges Quay Local Area Plan, 2012. The development 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, and would not be seriously injurious to the amenities of residential development in the area by reason of overbearing impact, overlooking or overshadowing. Further, the development would be acceptable in terms of public and private transport and pedestrian safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

12.0 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 plans and particulars submitted to the planning authority on 22nd November, 2016 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 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 the planning authority and agreed in writing prior to the commencement of construction of public realm.

(b) Implementation of the landscaping scheme in entirety during the first planting season following completion of the development. Any failures occurring within the first three years following implementation of the scheme shall be replaced within the first planting scheme thereafter.

(c) A management strategy to include full details of arrangements for public access for the east-west link forming part of the diagonal pedestrian route shall be submitted to the planning authority and agreed in writing prior to the commencement of construction. Of the public realm.

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

3. Details of the proposed materials, textures and colours of all the proposed external finishes, inclusive of details of durability and weathering capacity shall be 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 developer shall ascertain and comply with the requirements of the Roads and Traffic Planning Division, Transportation Infrastructure Ireland and the Operator of LUAS Cross City throughout the entirety of the demolition and construction stages to the satisfaction of the planning authority. All works shall be in accordance with the recommendations within, "*Code of Practice for Working on, Near or adjacent to the LUAS Tram System*".

Reason: In the interest of clarity, safety and convenience.

5. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, details of 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. 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 shall be included.

Reason: In the interests of clarity, the amenities of the area and sustainable waste management.

6. 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.

7. 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.

8. The scheme shall be landscaped in accordance with the scheme of landscaping, submitted with the application. Details of the scheme, including a timescale for the implementation, shall be submitted to the planning authority for written agreement prior to the commencement of the development.

Reason: In the interest of orderly development and visual amenity.

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 on the 24th day of July, 2015.

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 any house.

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. In the event of future proposals for change of

use of any of the ground floor units, other than use that is exempted development, a prior grant of planning permission shall be required.

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. A prior grant of planning permission for the shop fronts and signage for the proposed retail and café units shall be obtained prior to the occupation of the development.

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

16. No development other than that which is shown in the application shall take place above roof parapet level, including lift motor enclosures, air handling

equipment, storage tanks, ducts or other external plant, telecommunication aeriels, antennas or equipment, without a prior grant of planning permission.

Reason: In the interest of visual amenity.

17. 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.

18. Prior to the commencement of development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and by staff employed in the development and reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the development.

Reason: In the interest of the use of sustainable modes of transport.

19. Prior to 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance of any part of the development. The form and amount of the

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 determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. 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 the 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 is applied to the permission.

Jane Dennehy
Senior Planning Inspector
20th April, 2017.