



An
Bord
Pleanála

Inspector's Report PL29S.248884

Development	Demolition of 5 storey office and annex building, construction of 6 storey office, vehicular access, car parking, waste facilities, ESB substation, Café and all ancillary works.
Location	74-75 Baggot Street Lower, Dublin 2.
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4166/16
Applicant(s)	Irish Life Assurance plc
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	1) Simon Walker 2) Mark and Karyn Harty
Observer(s)	1) Lynch Architects Ltd 2) Don Cromer
Date of Site Inspections	24 th of October 2017 7 th of November 2017
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision.....	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Other Technical Reports	9
3.4. Prescribed Bodies.....	9
3.5. Third Party Observations	9
4.0 Planning History.....	10
5.0 Policy Context.....	10
5.1. Dublin City Development Plan 2016-2022	10
5.2. Architectural Heritage Protection – Guidelines for Planning Authorities.....	12
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Applicant Response	21
6.3. Planning Authority Response.....	25
6.4. Observations.....	25
6.5. Further Responses.....	27
7.0 Oral Hearing	29
7.1. Overview	29
7.2. Day 1 –1 st of November 2017	29
7.4. Day 2 – 2 nd of November 2017.....	37
8.0 Assessment.....	38

8.1. Introduction	38
8.2. Principle of Development	38
8.3. Heritage and the Merits of the Existing Building.....	41
8.4. Refurbishment vs. Redevelopment	50
8.5. Justification for Demolition of the Existing Building	54
8.6. Design and Quality of Proposed Replacement Building.....	57
8.7. Potential Impacts.....	62
8.8. Townscape, and Visual Assessment.....	65
8.9. Infrastructural issues	70
8.10. Appropriate Assessment.....	74
9.0 Recommendation.....	75
10.0 Reasons and Considerations	75
11.0 Conditions	76

1.0 Site Location and Description

- 1.1. No. 74-75 Baggot Street Lower is located on the corner of Wilton Terrace and Baggot Street Lower and Grand Canal runs to the south east. The subject site contains a five storey office block and an adjacent single storey annex building which date from the early 1960's. There is a surface parking area on top of the annex building to the west of the subject site. There is a gated entrance to this parking area from Wilton Terrace. The office block was the headquarters of Bord Fáilte up to 2009 and has been vacant for the last number of years.
- 1.2. This is a visually prominent corner site in the streetscape and as seen from Baggot Street Bridge. The existing building is set back within the site and does not provide full site coverage or form a perimeter block. There is a sunken garden area at the rear, and there is gated pedestrian and vehicular access to the site from Wilton Terrace. Pedestrian access to the office building is from Wilton Terrace, and there is a tree and landscaping strip within the site boundary close to this access. Otherwise there is a boundary wall along the Wilton Terrace frontage.
- 1.3. There are a number of other relatively modern varying styles of office blocks in close proximity in this block. This includes no.76 (the former Bord na Móna building) to the north west of the subject site. There is a landscaped green area within the grounds of this block that separates it from the Bord Fáilte building. The gap to the north western boundary of the subject site is relatively narrow and has steps and a pedestrian gated entrance from Baggot St. Lower. The Canadian Embassy building is to the south west (rear) of the site with frontage onto Wilton Terrace. Unlike the Bord Fáilte building this block is not set back from the footpath.
- 1.4. There are Georgian buildings ranging in height from 3 to 5 storeys on the opposite side of the road and from Baggot Street Bridge to the junction with Fitzwilliam Street Upper. These form a distinct vista of period buildings in this area of Baggot St Lower, punctuated by the 20th century Bank of Ireland building further to the north west.
- 1.5. There is a gated rear entrance from the site to the cul-de-sac formed by Pembroke Row at the rear. This area serves as access to basement car parks for two separate commercial/office blocks on adjoining sites. There is a single yellow line along Pembroke Row which has access to Baggot St. Lower. There is some on street

parking on Wilton Terrace and on Baggot St Lower. There is a cycle lane on the canal side of Wilton Terrace. The area is well served by bus routes.

2.0 Proposed Development

2.1. This proposes the following:

- The demolition of the existing 5 storey over lower ground floor office development on the site (c.2,290sq.m, [c.15.70m high wall with roof plant extending to overall height of 18.94m]) and the demolition of its lower ground floor single story annex building (c.365sq.m – partially underground with roof car park above 11no. of car park spaces with vehicular access from Wilton Terrace).
- The construction of a new 6 storey office development (7,024sq.m [24.05m high]) over basement levels including the following elements:
 - Removal of existing vehicular access from Wilton Terrace (with future vehicular access from Baggot Street Lower via Pembroke Row);
 - Provision of 14no.car parking spaces and 56no. bicycle spaces together with main plant, storage areas, waste facilities and staff facilities at basement levels, ESB substation to rear (at basement -01 level);
 - Provision of café and office space at ground floor level and office space above;
 - Sunken rooftop plant and all ancillary development, landscaping and site works above and below ground.

2.2. The planning application form submitted provides that the total site area is 1450sq.m/0.145 Ha. The g.f.a of the proposed development is 7,024sqm and of the building to be demolished is 2,290sq.m. The proposed plot ratio is 3.8 and the proposed site coverage is 63%. It is provided that the plot ratio is based on above ground area of 5,562sq.m.

2.3. Reports submitted with the application include the following:

- A Planning Application cover letter has been submitted by Tom Philips + Associates;
- Reddy Architecture + Urbanism Planning Application Report;
- Richard Coleman Citydesigner: Townscape, Heritage and Visual Assessment Report;
- Bernard Seymour Landscape Architects: Landscape Report;

A number of Technical Reports have also been submitted.

- A comprehensive Existing Building Assessment prepared by Coll + McCarthy Architects;
- An external Shadow Analysis & VSC Study prepared by Integrated Environmental Solutions Ltd;
- A BER Energy Report for Planning Stage prepared by Homan O'Brien Engineers;
- An Outline Demolition, Construction and Waste Management Plan by LMC Consulting Engineers;
- A model has been prepared by Modelworks at a scale of 1:150 and accompanies this application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 23rd of June 2017 Dublin City Council granted permission for the proposed development subject to 12no. conditions. These generally relate to development contributions, infrastructural and construction related issues.

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. They noted that the current application involves

the demolition of the existing 5 storey office block and the construction of a higher density 6 storey office block. They provide that the alternative option of conserving the existing building and developing the remaining part of the site is not under consideration and that the PA can only deal with the application as submitted. The Planner requested further information to include the following:

- Given the impact on the streetscape the applicants were requested to consider options to reduce the height, scale and mass of the proposed office block and to ensure that it fits into the Conservation Area. They were also asked to submit further photomontages of the proposal including views of the office block from the southern side of the river along Mespil Road and additional views from Baggot Street Upper.
- They were requested to examine alternative options more in keeping with the established palette of materials in the area. In this case a darker coloured cladding/stone for this location given the quantity of historic red brick buildings in the area.
- Further information as regards vehicular access and to demonstrate that traffic movements associated with the proposed development can be accommodated at peak hours.
- To demonstrate how visibility can be improved at the proposed access having regard to the existing boundary wall.
- To confirm that the phasing of the signalised control to the basement car park shall ensure that vehicles entering the development have priority in order to reduce queuing into the development from the laneway off Pembroke Road.
- To submit details in relation to the operation of the one-way ramp regarding measures that will be put in place at the site entrance and exit from the basement to alert vehicles that the ramp is in use.
- To demonstrate that a sufficient waiting area has been provided at the entrance of the basement car park within the site boundary based on anticipated trip rates at peak times.

3.2.2. Further Information response

Tom Philips Associates response on behalf of the applicants refers to the revised plans and includes the following:

- The height is dropped from 6 to 5 storey (by removal of the first floor) with floor to floor height at ground floor increased. This results in a decrease in overall height of 2m (down from 24.05 to 21.90m). Appendix 1 includes a Register of Revised Drawings. Appendix 2 provides an overview graphic showing the height reduction and attached documentation for details.
- All additional viewpoints as requested are now included and assessed (by Citydesigner) and all original photomontages fully updated and re-assessed.
- Material has been changed to Wicklow Granite as illustrated on the photomontages.
- The access/egress issues have been agreed with roads and traffic. Details are included in a separate report from Transport Insights and summarised in *ARA Addendum to Planning Application Design Report*.

3.2.3. Planner's Response

The Planner had regard to the F.I submitted and noted the reduction in height and floorspace in the revised plans and considered this to be acceptable and that the proposed development will provide a well-defined and engaging building in this important and prominent townscape and that the use of a darker stone as part of the building is to be welcomed. They noted that the applicant has submitted further information regarding the issues raised by the Road & Traffic Planning Section and considered the detailed responses made relative to traffic and safety issues to be generally acceptable. Also, the proposed development would be an improvement on the existing building and that its modern/contemporary design appears to reference the historic fabric of the streetscape yet is appropriately scaled and designed in its setting. The proposed use on the site as an office and café at ground floor is likely to have a positive impact on the immediate area in terms of vibrancy and footfall and the proposed development is unlikely to injure the amenity of the area. They considered that the proposed development accords with both policies in the DCDP

and the proper planning and sustainable development of the area and recommended that permission be granted subject to conditions.

3.3. Other Technical Reports

3.3.1. Roads Streets & Traffic Development – Road Planning Division

They had a number of concerns regarding access and traffic and recommended that F.I be submitted relative to the existing and proposed traffic movements on Pembroke Row at peak hours and proposed, visibility issues at the access, details in relation to the operation of the one-way ramp and signalised control of the basement carpark to reduce queuing on Pembroke Row and to demonstrate that sufficient waiting area has been provided at the entrance to the basement carpark. Following the submission of the F.I they had no objections subject to recommended conditions.

3.3.2. Engineering Department Drainage Division

They have no objections subject to compliance with current standards and recommend conditions including relative to minimising the risk of basement flooding, incorporation of SUDS and Flood Risk Assessment.

3.3.3. Waste Regulation Section – Waste Management Division

They provide that the proposed development should comply with current standards and regulations relative to waste management and recommend a number of conditions.

3.4. Prescribed Bodies

The application was not referred to the Prescribed Bodies.

3.5. Third Party Observations

A significant number of submissions have been received. The issues raised were generally as per the Third Party appeals and the Observations on those appeals, and as put forward at the Oral Hearing and are considered further in that context.

4.0 Planning History

The Planner's Report provides that there is no recent planning history on the subject site.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

Land use zoning

Chapter 14 sets out the Land-use Zoning Principles and Objectives, and these are referred to relative to the site (Z6- Employment/Enterprise) in the Assessment below.

The Objective is: *To provide for the creation and protection of enterprise and facilitate opportunities for employment creation.*

It is considered that Z6 lands constitute an important land bank for employment use in the city, which is strategically important to protect. The primary objective is to facilitate long-term economic development in the city region.

Economy and Enterprise

Chapter 6 refers to the City Economy and Enterprise.

Section 6.5.2 refers Offices/Commercial/Employment Space i.e. *A choice of good quality and cost competitive office and commercial space is critical in attracting investment, supporting enterprises and generating employment. There is a need to encourage the high quality re-development of outdated office stock.*

Policy CEE11 seeks: *To promote and facilitate the supply of commercial space, where appropriate, e.g. retail and office including larger floorplates and quanta suitable for indigenous and FDI HQ-type uses, as a means of increasing choice and competitiveness, and encouraging indigenous and global HQs to locate in Dublin; to consolidate employment provision in the city by incentivising and facilitating the high-quality re-development of obsolete office stock in the city.*

Development Management

Chapter 16 provides the Development Standards and refers to Design, Layout, Mix of Uses and Sustainable Design.

Section 16.5 has regard to Plot Ratio and 16.6 to Site Coverage. Section 16.7.2 has regard to Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development in Dublin.

Section 16.10.11 refers to Mixed Use Development and includes: *To create a vibrant city, it is important that development accommodates a mix of uses. In considering proposals for mixed-use developments, the protection of amenity and the reduction in potential conflict between the various uses will be of paramount importance.*

Conservation and Urban Form

Section 2.3.9 refers to the recognition and support for Conservation, Culture and Heritage as a core determinant of the city's character and includes: *The city's built heritage makes it unique. Key to the approach of this plan is to seek to increase the sustainability of urban planning, new investment, infrastructure improvement and regeneration by taking into account the existing built environment, intangible heritage, cultural diversity, socio-economic and environmental values along with community values.*

Section 4.5.9 refers to Urban Form and Architecture Policies SC26 and SC27 refer. Policy SC26 seeks: *To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city's acknowledged culture of enterprise and innovation, and which mitigates, and is resilient to, the impacts of climate change.*

Policy SC28 seeks: *To promote understanding of the city's historical architectural character to facilitate new development which is in harmony with the city's historical spaces and structures.*

Section 11.1.5.4 refers to Conservation Areas and Architectural Conservation Areas, in particular to the special interest or unique historic and architectural character and important contribution of heritage to the city. Section 11.1.5.6 refers to the

application of Conservation Policy and includes: *It is not only visual elements that contribute to the character of a Conservation Area, land-uses and activities are fundamental to the character and appearance of Dublin's Conservation Areas.*

Policy CHC1 seeks: *the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.*

Policy CHC3 seeks: *To identify and protect exceptional buildings of the late twentieth century; to categorise, prioritise and, where appropriate, add to the RPS. Dublin City Council will produce guidelines and offer advice for protection and appropriate refurbishment.*

CHC4 refers to the need to protect and enhance the special interest and character of all Dublin's Conservation Areas.

CHC5 seeks to protect Protected Structures and preserve the character and the setting of Architectural Conservation Areas.

5.2. Architectural Heritage Protection – Guidelines for Planning Authorities

These guidelines are of relevance and were issued by the DoEHLG in 2004/2011 and outline the responsibility of the Planning Authority to protect the special interest of 'Protected Structures' and to preserve the character of conservation areas within their functional area. Section 1.5 provides details of the purpose of the Guidelines.

They are issued under Section 28 and Section 52 of the Planning and Development Act 2000 (as amended) and are relevant to the preservation of Protected Structures and for the purpose of preserving the character of Architectural Conservation Areas.

The Guidelines state that in relation to conservation areas that: *"The protection of architectural heritage is best achieved by controlling and guiding change on a wider scale than the individual structure, in order to retain the overall architectural or historic character of an area"*.

Chapter 3 refers to Architectural Conservation Areas. Section 3.3 refers to Identifying the Character of the Area and has regard to Architectural Interest and includes: *The volume or massing, plot size, boundary alignments and street-frontage alignment of the built environment can be part of the heritage of an urban area.*

Section 3.4.2 includes: *The contribution of setting to the character of the architectural heritage should not be underestimated.*

Section 13.8 includes: *When dealing with applications for works outside the curtilage and attendant grounds of a protected structure or outside an ACA which have the potential to impact upon their character, similar consideration should be given as for proposed development within the attendant grounds.*

New development both adjacent to, and at a distance from, a protected structure can affect its character and special interest and impact on it in a variety of ways.

A new development could also have an impact even when it is detached from the protected structure and outside the curtilage and attendant grounds but is visible in an important view of or from the protected structure.

The extent of the potential impact of proposals will depend on the location of the new works, the character and quality of the protected structure, its designed landscape and its setting, and the character and quality of the ACA. Large buildings, sometimes at a considerable distance, can alter views to or from the protected structure or ACA and thus affect their character. Proposals should not have an adverse effect on the special interest of the protected structure or the character of an ACA.

6.0 The Appeal

6.1. Grounds of Appeal

Two Third Party appeals have been submitted, from the following:

- Simon Walker – Chair of DoCoMoMo Ireland Committee
- Mark and Karyn Harty - Jong Kim of AKM Design

Their concerns are summarised separately below as follows:

6.1.1. Simon Walker

This has regard to the original submissions made by DoCoMoMo Ireland which engaged in a detailed refutation of the applicant's reports. They are an international and voluntary organisation committed to the documentation and conservation of buildings, sites and neighbourhoods of the modernist movement. The original

observation was co-signed by 78 people from the fields of architecture, planning, history, art, politics and the environment, including many prominent individuals. These signatories are cited again in the appeal which is also open to further comment from each of their original observers. The Board is requested to take account of all of the observers' arguments and evidence, in order to undertake a careful and detailed analysis. An Oral Hearing was requested, in order to ensure that the important issues of planning and conservation are fully addressed. The grounds of appeal include the following:

Conservation issues

- No attempt has been made to enter into a balanced consideration as to why the original building cannot be refurbished. Photographs of the building by John Donat, dated 1964 are included.
- The destruction of the architectural heritage of the modern period should not be permitted in the interests of economic policy. Economic policy should not be seen as more important than conservation policy.
- Regard is had to the scale of development relative to the Architectural Heritage Protection Guidelines for Planning Authorities.
- They note that the Council does not appear to have much regard for 20th century architecture on their RPS and make no reference to their Pilot Survey of 20th Century Architecture for the period 1940-1973.
- They note the destruction of modernist buildings and consider that mid-C20th period is seriously under represented on the RPS and their heritage should be respected. It is more sustainable to keep the existing structures and adapt them to meet modern standards and requirements.
- The NIAH survey now covers the whole of County Dublin apart from Dublin south city and Dun-Laoghaire- Rathdown. They consider that the Bord Fáilte building because of its architectural significance and heritage is a strong contender for this list.
- The Bord Fáilte building is a distinguished work of architecture, designed by Robin Walker and was a government commission. It is an important

introduction of the modernist period to Ireland and forms part of the City's heritage.

- It is a stand-alone building, not a perimeter block and forms a punctuation mark at the corner of Baggot Street where it meets the Grand Canal.
- It is architecturally interesting and a rare example from the period, its demolition is irreconcilable with sustainable development. Best practice internationally calls for a revised approach to the refurbishment of the architecture of this period.
- The alternative development option of retaining the original building and developing the remaining half of the site is not explored and is presented as evidence in this application.
- DoCoMoMo Ireland requires the applicant to revert to this option and recommend that a comprehensively revised development proposal be brought forward for the reuse of the existing building.
- The proposed demolition is at variance with DCDP policies and objectives regarding the protection of historic buildings and the character of conservation areas.
- The existing building respects the historic grain, the proposed building does not present a holistic conservation approach. The proposed development would have an adverse impact on the Conservation Area.
- It is not considered that the proposed building makes a positive contribution to its setting given its greater height, scale and massing and increased overshadowing of surrounding buildings.

Rebuttal of the Applicant's Reports

This Section of their Appeal submission contains a general rebuttal of the five major reports in support of the proposed development and includes the following:

Design Report

- The new building is another unremarkable perimeter block, designed for the purpose of maximising floor area on the site, subject only to selective planning considerations.

- Private art installations will in no way make up for the destruction of the existing building.
- No serious attempt has been made at refurbishment, considering the architectural quality of the existing building, which is the first core plan building in Ireland.
- The proposed development involves the demolition of an important piece of modernist architectural heritage of the city.
- The Bord Fáilte building does not cause significant overshadowing.

Existing Building Assessment

- The EBA Report does not purport to be an assessment of the architecture of the existing Robin Walker building, although prepared by an architectural firm, it is styled as an engineer's report.
- DoCoMoMo Ireland notes the value of the original structure the building, including major structural elements that provide the core plan is to their knowledge unique in Ireland.
- They consider that the existing building could easily be refurbished to increase office accommodation. Many of the assessments given are in relation to cosmetic finishes and fittings and could easily be upgraded.
- The difficulty in finding a tenant is unsurprising given that no attempt was made to address the conservation of the building, no refurbishment design was entered into and no refurbishment work was carried out. The building was effectively marked as a development site.
- Having regard to the new building representing an improvement in energy consumption, they note that no design for an upgrade of the existing building has been discussed.
- The ecological footprint caused by the demolition and construction of a new building will far exceed that of the refurbishment option, especially if it is to rely on air-conditioning.

Heritage Report

- They consider that this report does not have due regard to the architectural and historic importance of the Robin Walker building.
- Walker's work is deeply contextual and strikingly original and they provide details of the core plan element.
- The historical maps support a detached stand-alone building form on the site. The building has been in place for well over 50 years, and its appearance is already embedded in the locality.
- There has been no proper regard to heritage and there is no imperative to demolish this or other buildings of the period, particularly for the purposes of property speculation.
- The appearance of the plant room could be addressed by screening, balustrade or redevelopment of the roof terrace in any serious proposal for refurbishment of the original.
- The Guidelines for Landscape and Visual Impact Assessment [GLVIA] is a UK document and does not purport to be a definitive standard for assessment of these issues in the Republic.

Architectural Heritage Protection Guidelines [AHPG]

- The architecture of the building, and in places Robin Walker's entire opus, is misunderstood.
- They query why no effort is made to conserve a simple, 'vernacular' office building, which provides an exemplar building in good condition and of considerable architecture merit, from the 1960's.
- One of the most interesting technical features of the building which is not visible to the eye is the cast disc capitals to the internal columns supporting an arrangement of ribbed slabs.
- There are numerous examples of such buildings constructed in Dublin throughout the 1960's and 1970's though arguably none of equal quality.

- They provide that the building represents the locus and the state of a co-ordinated promotion of Irish Tourism and is an important part of cultural and social heritage.
- Recent decades have seen a proliferation of perimeter buildings occupying corner sites, regard needs to be to urban form and the 'charm' of Dublin's urban corners.
- They note the prominent corner site and the buildings on either side of Baggot St. Bridge which date from Georgian and Victorian times. They provide that the urban form to the south of the bridge is markedly different to that on the northern side of the bridge.
- The building has been proposed for addition to the RPS by DoCoMoMo Ireland, although action on this has been postponed by Dublin City Council. They note that a small number of important C20th buildings have been proposed and these are still without protected status.
- Economic policy might allow speculative development to trump proper and sustainable conservation of our C20th architectural heritage.
- They consider that the AHPG guidelines are being used in this report as a major plank for the case for demolition which is surely an inversion of the guidelines. The building's fulfilment of the AHPG criteria under historical, cultural and technical interest is not recognised.
- Contemporary theory and review of architectural history recognises the validity of the open plan horizontal spatial columns of the Modernist vision, and they note the importance of the heritage of the BF building.

Landscape Report

- They query whether this will be implemented and note that the existing building already possess a much larger sunken courtyard garden, mature trees and planting over 50 years old.

Planning Report

- They note that this report concerns itself with planning considerations which pertain to the proposed development.

- They consider that where it addresses the demolition of the existing building, it fails to provide significant further information other than to restate the opinions contained in the Heritage Report.
- They consider that there is an absence of any attempt to design a solution as to the refurbishment of the existing building.
- An alternative assessment could easily conclude that a perimeter block is detrimental, according to well-founded planning criteria.
- It is not possible that demolishing an existing concrete-frame building and replacing it with a new larger one on the same site has a reduced carbon footprint compared to the refurbishment option.
- There is no particular issue with density of occupation in the Baggot St area compared to much more pressing needs in other parts of the city.

6.1.2. Mark and Karyn Harty

Jong Kim of AKM Design has submitted a Third Party Appeal on behalf of Mark and Karyn Harty, local residents opposite the site at 72 Baggot Street Lower. The grounds of appeal include the following:

Visual Impact

- The proposed development would be visually obtrusive and have a detrimental impact on the character of the area, including the protected structures.
- They ask the Board to consider the appropriateness of a 'perimeter block' for the site given its location in a conservation area.
- They consider the façade treatment to Baggot St. is unsympathetic to the character of the area and has no relationship to the surrounding buildings.
- They include photographs and provide that the proposed building is a duplicate of the façade of the Hilton Hotel in Kilmainham, Dublin 8 where they note the upper floors have been set back to break the visual impact.
- They consider that having regard to the excessive plot size, site coverage, floor area and lack of setback to boundaries that this would constitute an overdevelopment of the site.

- If the basement area or upper floors are considered as footprint the site coverage is considerably higher than stated in the application.
- There is a lack of any meaningful set back to the boundaries and this leads to an under provision of open space and to overdevelopment concerns.
- The proposed office block will be the tallest building in the area. This increase in height will cause overshadowing to the appellant's property. The potential impact on the adjoining residential properties including the appellant's home (no.72 Baggot Street Lower) needs to be shown.
- Dublin City Council's Conservation Officer has not commented despite the proposed development being located in a Conservation Area.
- They ask the Board to note that there was no statutory referral of the planning application to An Taisce or the Department of Arts, Heritage, Gaeltacht for comments.
- They ask the Board to reconsider the impact of the proposed development on the character of the protected structures and this important conservation area.
- They consider that the proposed development would be incompatible in visual terms with the surrounding urban fabric in respect of character of the area.
- The proposed development is unacceptable, by reason of a combination of its excessive height, massing and scale and unusual building typology.
- It would have an adverse impact on the skyline and be visible from surrounding streets and would be seriously injurious to the visual amenities of the area. It would have an adverse visual impact on the appellant's home.
- There is concern about potential for glare from this office building given the design and external finishes proposed, they consider this to be a design flaw.
- The proposed development is not in compliance with the Architectural Heritage Protection Guidelines for Planning Authorities.
- They consider that as shown on photographs the proposed building would dominate and have a major visual impact on the historic streets in the area.

- The proposed development would set a bad planning precedent for the area. It fails to have proper regard to the sites location within a conservation area and the setting of adjoining protected structures (including the appellant's).
- It is submitted that other recent office developments which are architecturally superior and would provide a better planning precedent.
- They provide a discussion of alternative design proposals and consider that the setting back of the upper floor and a reduction in height of the building may offer an appropriate alternative design consideration.
- They are concerned that procedural issues have not been followed and that revised public notices should have been submitted at F.I stage to allow for further public consultation and submissions relative to the revised plans and impact on the residential amenities of the area.
- They ask the Board to consider that part of the site is not actually zoned under the current DCDP 2016-2022. They refer to the southern part of the site at Wilton Terrace as 'white land'.
- The existing building is worthy of preservation and is part of the cultural heritage. It has been kept vacant for the purposes of redevelopment.
- They consider that the proposed building will be overbearing, cause overlooking and overshadowing and be visually obtrusive and have a detrimental impact on the character of the conservation area and the protected structures and that permission should be refused.
- They requested that an Oral Hearing be held given the public interest in the project.

6.2. Applicant Response

John Sheehan has submitted a detailed written response on behalf of the First Party Irish Life Assurance plc to the two no. Third Party Appeals. This includes the following:

- They stress the integrity of their reports and of the information submitted and refute some of the claims made by DoCoMoMo including relative to the

impact of the building on the wider area. The proposed 5 storey building would not have any area-wide visual impacts.

- Irish Life Assurance plc retained eminent experts on their team and have supplemented their opinions with additional independent assessment for this appeal response.
- While the building is speculative to some degree, they note the long-term portfolio of Irish Life Assurance plc and their long term involvement in the site since the late 1950's.
- The building which was in use by Bord Fáilte from when it was built in the early 1960's to 2010/2011 has been vacant for over 5 years and has not attracted a viable tenant during this period. They have previously outlined in the application documentation that the building is virtually unlettable and unsuited for future corporate office use.
- They refer to the documents originally submitted and provide a list of updated and new documents submitted both from consultants involved in the application and those not involved in the initial application (Section 1.5 of their Report refers). They also refer to a number of Appendices.
- The matters raised in the two appeals are grouped in the cover letter under a number of headings and these are summarised below:

The Significance of the Existing Building

- While they agree that Robin Walker was an architect of note, the point is made that all buildings by noted architects are not in and by themselves worthy of preservation.
- In order to supplement Citydesigner's assessment of the existing structure, Irish Life Assurance plc has engaged architects Mr Paul Finch, Mr Brian O'Connell and Mr Des McMahon to each carry out an independent review of its architectural quality. Their full commentaries are contained in Appendix 1 of their Report. It is of note that all three made presentations to the O.H.

Issues of Demolition and Sustainability

- The complete unsuitability of the existing building and the fact that it simply cannot be adapted for modern office needs has been dealt with exhaustively elsewhere in the application documentation.
- Retention is not necessarily more sustainable than demolition and rebuild. In this instance the existing building cannot be adapted for modern office use and demolition and rebuild is more sustainable.
- The low floor to floor height makes the Bord Fáilte building less adaptable than some of the other buildings mentioned.

Design of the Proposed Replacement Building

- They consider that the alternative designs suggested by the Third Parties are unsatisfactory and would significantly diminish the well composed design and its townscape contribution.
- They refer to the changes made at F.I stage i.e the reduction in height and consider these to be acceptable. They do not support a set back of the upper floors. They note other taller buildings in the wider vicinity.

Impacts of the Proposed Replacement Building

- The height of the proposed building is modest and well within the DCDP standards.
- A detailed Townscape Heritage and Visual Assessment was submitted to the PA with the application which found no negative impacts. Additional views were presented at F.I stage.
- The site is not within any of the key views or prospects set out in the DCDP and the proposal would not have any impact on them.
- They note that the detailed Sunlight and Daylight reports submitted including their Addendum Report confirm that the impacts of the proposed development fall within the BRE Guidelines. (Appendix 5).
- It is considered highly unlikely that there will be any significant glare issues at set out in the RAU Addendum Report.

- The actual distance to the Harty property is c.31m (not 25m) which is quite generous in the context of city development.

Policy and Planning

- They provide that the proposed development does not contravene planning policies and objectives and provide a discussion of this.
- They note that the building has previously been nominated by DoCoMoMo for listing in 2010 and subsequently the current plan and despite this it was not listed by DCC. They consider that the PA is not convinced of any case for its inclusion. They also refer to the information contained in their Appendix 1 having regard to the planning process relative to listing buildings as Protected Structures.

Procedural/Legal issues

- Referral to the Conservation Section is a matter for DCC. The building is not/or within the curtilage of a Protected Structure and does not fall under any other conservation designation that would require referral to heritage bodies.
- It is a matter for the PA to determine where additional information is for re-advertising. The F.I proposes a reduction in building height and a reduction in potential impacts.
- The 'white area' shown on the zoning map referred to by the Third Party at the corner of Wilton Terrace and Baggot St. Lower is incorrectly shown and would not preclude any development on this site.
- Using an evidence based approach they have attempted to demonstrate that it is acceptable in the circumstances to demolish the existing building and redevelop the site in the interests of the proper planning and sustainable development.
- They consider that the proposed building is an appropriate response to the site and will not give rise to significant adverse environmental effects. They include a list of detailed Appendices 1 – 5 in support of the merits of the proposed development.

6.3. **Planning Authority Response**

Dublin City Council provide that they have no further comment to make and considers that the planner's report on file adequately deals with the proposal.

6.4. **Observations**

6.4.1. Two separate Observations have been made and their concerns are summarised as follows:

6.4.2. Lynch Architects Ltd

- The destruction and replacement of the existing building which was designed by the important architect Robin Walker, should not be replaced by a much weaker piece of architecture. Details are provided relative to Robin Walker's eminent career in architecture.
- Regard is had to other buildings both in Ireland and abroad and to the contribution of certain modern buildings to the historic continuity between urban design, landscape and economics that typify urban design and civic culture in Western Europe from the Renaissance onwards.
- The scale, mass and bulk of the building deliberately echoes the proportions and character of a typical Georgian terrace. The BF building is a masterpiece and the replacement building is not and its design quality is unremarkable.
- The new building includes what is known as a 'Barcode' façade made up of random glass panes inserted into pseudo-load bearing walls. The proposed external finishes will appear at odds in the red brick context of Dublin.
- The existing building should be refurbished and this prominent corner site should not be overdeveloped. Good planning practice demands reappraisal of alternatives for this building in such a prominent city centre/edge situation.
- While it is acknowledged that concrete technology has moved on since the 1950's and 1960's, no one would recommend the demotion of contemporaneous projects of a similar design quality or intellectual significance.

- Examples are given of retention and refurbishment. There is no reason why a similar exercise would not result in the 'creative reuse' of the BF building.
- It is a rare example of contextual modernism and is perhaps most directly similar to a Grade II Listed project in London, from a decade earlier 'The Economist Building' in Westminster, and a description is provided of this. This building faces a period of creative renewal and potential extension.
- There are many planning and funding mechanisms by which the cost of refurbishment work to the BF building might be set off to preserve and to enhance the existing building and to make the most of its valuable setting.
- The Design Report and Heritage Statements submitted have not explored such and are unconvincing.
- The historical significance of the Bord Fáilte building is noted and it is considered that notwithstanding its architectural qualities, and the importance of its architect, the building deserves Listing as a built example of the social history of Ireland.

6.4.3. Don Cromer FRIAI Architect

- He takes issue with Richard Coleman's assessment of the BF building and provides details of the eminence of Robin Walker's architectural career and considers this building a masterpiece.
- Bord Fáilte was designed by the office of Michael Scott Walker along the Cartesian principles espoused by Mies van der Rohe and a description is given relative to the architectural context of the building.
- The building was site specific to its intended functions (eg. board room overlooking the canal lock, photographic department in the basement and boiler adjacent to the back steps etc.).
- It was designed not so much to be visual as to form a background to the city, to trees, water, railings etc. The glass had uniformity of all 4 sides, framed with a bland concrete against a white interior.

- Robin Walker awakened a generation of Irish Architects with this building and it is a rare example of his work and the Board is implored to refuse permission.

6.5. Further Responses

6.5.1. Simon Walker Chair of DoCoMoMo has submitted a Third Party Response to the First Party response. This includes a defence of their position, regard to their limited resources and a discussion of their concerns relative to submissions /documents submitted on behalf of the First Party. Their concerns include the following:

- In general, the focus of their appeal is on the question of the retention and refurbishment of the original BF building, not on the proposed new building.
- They wish to protect this building from a similar fate to other well-known buildings of the modernist era and they present a list of such.
- The authenticity of the co-signatories of the original submission and the level of opposition to the demolition of the BF building are noted.
- DoCoMoMo Ireland have taken care in their submissions to include substantiated opinion only. Clearly nothing detracts from the factual account of the architectural significance of Robin Walker's work.
- A description is provided of an experimental project, relative to the inclusion of an 11storey building sited to the rear of the BF building, which would be retained. This Walker Architects scheme is a paper exercise that is not material to this appeal and cannot be used to influence the planning consideration of this case.
- He provides a detailed description of the Georgian parallel and notes the parallels between the Georgian terrace and the BF building, and provides that this was intentional to the Robin Walker design. His translation of the Georgian terrace into the Modern idiom is not only credible, but central to the architecture of the BF building.
- The building appears as a stand-alone object, at the corner of the terrace where it meets the canal and the perimeter block concept is not borne out by either the history of the site or by urban planning theory.

- Regard is had to refurbishment and to the issue of inadequate floor to ceiling height and they note the small floor plate distances and consider that there is no need to alter the original design which included natural ventilation.
- They provide a response to the Brian O’Connell letter and note that the existing building has not been evaluated by the statutory authorities, none of the applicant buildings have been.
- They refer to Des McMahon’s letter and consider that there are design options that could prioritise the redevelopment of the existing building.
- They note the points raised in Richard Coleman’s THVA and consider that many of the Citydesigner’s points are unsubstantiated. They refer to a number of design issues and include drawings and photographs.
- They note that only 3 structures from the Modernist era have been included on the RPS. The NIAH work has stopped short of the inclusion of the South City area. They are concerned that economic considerations have taken precedence.
- The former Bank of Ireland HQ, the Carroll’s Building and Busáras were not the subject of applications for inclusion in the RPS by DoCoMoMo Ireland – they were individually applied for and/or included separately, without the input of heritage groups.
- They note the Tony Reddy Report and do not agree with his points in relation to the refurbishment of the existing building.
- The BF building is a landmark building, albeit small on the Baggot Street Bridge corner. It is part of our mid-20th century heritage and is beautifully proportioned and detailed exemplar of Modernist architecture. It now needs to be rescued and rehabilitated internally.
- DoCoMoMo is concerned about the precedent for demolition and considers that ABP should retain this building. Its conservation will be instrumental in establishing its international reputation for proper planning and sustainable development. It is concluded that the conservation of the BF building represents proper planning and sustainable development for the area.

7.0 Oral Hearing

7.1. Overview

- 7.1.1. An oral hearing was held in respect of the proposed development over two consecutive days (1st and 2nd of November 2017) in the Board's offices. A copy of the Agenda for the hearing, as circulated to all parties in advance of the hearing, is attached at Appendix A of this report. The Board should note that the oral hearing was recorded.
- 7.1.2. A brief summary of the oral hearing is set out below, and my assessment in Section 8.0 includes more detailed reference to submissions or questioning from the oral hearing where appropriate.

7.2. Day 1 –1st of November 2017

Team on behalf of the Applicant

- 7.2.1. An opening statement was made by **Mr John Sheehan**, Planning Consultant on behalf of Irish Life Assurance PLC. He provided details of his role in the Project since its inception in 2016, had regard to the issues raised in the O.H Agenda and gave a synopsis relative to the scheme, as has been submitted. He had regard to the Third Party Submissions by the Appellants and to the issues raised by the Observers (Don Cromer and Lynch Architects) and DoCoMoMo's comments to the First Party Appeal response and did not consider that new issues were raised. He noted that the new submissions do raise issues relating to the following:

- a) The merits of the Existing Building;
- b) The design of the Proposed Building;
- c) The potential to Refurbish the Existing Building; and
- d) The potential impacts of the Proposed Building.

As Co-Ordinator he began by introducing the applicant's oral hearing team and noted that any new issues would be addressed by the relevant team consultants. It is of note that these team members provided brief copies of their presentations to the Oral Hearing, marked with the logo 'ILIM'.

- 7.2.2. **Mr Anthony Reddy**, Chairman of Reddy A+U Group provided an 'Architects Introduction to the Current Scheme as per DCC Permission Grant'. He is the scheme architect and has been involved with this project since its inception and provided a description of his role in preparing the scheme for application and approval by DCC. He considered that the scheme complies with planning policy and objectives. He had regard to the eminence of Robin Walker, to the modernist ethos and to the issue of refurbishment and considered the Bord Fáilte building to be a poor piece of urban infill that does not fit in well with its surrounds. While other design options were considered prior to application stage, the proposed development is considered to be the best option for the site. His presentation included a slide show showing the design and layout of the scheme as originally submitted and the revisions provided at Further Information stage.
- 7.2.3. **Mr Stephen Dodd**, Barrister-at-Law, had regard to issues concerning the inclusion of the Bord Failte building in the RPS in the development plan. He referred to the relevant sections of the Planning and Development Act 2000 (as amended) and noted that the Board has no role of what may be included in the RPS or in the Development Plan. He had regard to Judicial Review and referred to a number of legal precedents and included a copy of *Element Power v An Bord Pleanala* [2017] IEHC 550. He noted the status of the Architectural Heritage Protection Guidelines and that the Planning Authority and that the Board need to have regard to these statutory guidelines. The building is in a designated Conservation Area which as distinct from an Architectural Conservation Area is a non-statutory designation. He considered that Policy CHC4 is more general or aspirational as compared to the more specific zoning objective Z6 applicable to these lands. He had regard to Procedural Objections and considered that the Further Information submitted was not significant as the revised plans showed the height of the original building reduced.
- 7.2.4. **Mr Richard Coleman** is an architect and advisor on the scheme since its inception and is the Heritage and Townscape Consultant. He considers the existing building appears to have come to the end of its useful life and would have to be radically changed if it were to be refurbished. It is not a Protected Structure. He refers to the Townscape and Visual Heritage documents submitted and provides that he has taken the building objectively through the AHPG and has taken an independent view.

It is difficult to access the building and its composition does not address the context of the site or its townscape and does not positively contribute to the Conservation Area. He provides a response to the Third Parties and Observers concerns and considers that the proposed development offers a better option and townscape contribution that will contribute to the visual amenity of the Conservation Area and would therefore comply with Policy CHC4 of the DCDP 2016-2022. He notes that a number of views have been assessed as part of the planning application of the existing and proposed and these views were presented at the O.H.

- 7.2.5. **Mr Brian O’Connell** Director of O’Connell Mahon Architects, was invited by Irish Life to give his independent objective opinion on the matter of a proposal to replace the existing building with a new development. Grade A office use is the dominant use envisaged in the Z6 zoning, save in exceptional circumstance which would warrant a RPS designation. He has regard to the Planning Acts relative to Protected Structures and did not consider the building should be included in the RPS. He concluded that while the building is the work of a distinguished architect that it is not an exemplar building and has limited capacity for refurbishment to sustainable contemporary use. He provided that the new building would be a more sustainable use for the site and will regenerate the original in its purpose. A full recording and archiving of the existing building is the proper and appropriate approach to conservation in this case.
- 7.2.6. **Mr Paul Finch**, is a history graduate and is an architectural journalist and editor including architectural review journal. He is part of a small group that looks at proposals for post war listings (UK) and is familiar with some contemporary Irish architecture. Has been on the RIBA Awards Group. He concludes that the original building was constructed on a minute budget, has inadequate dimensions for contemporary workspace, and has had its original integrity diluted as a result of later accretions. The new proposal provides proper workspace, fills the site in a good urbanistic way and because of its size could be expected to be useable for many decades to come.
- 7.2.7. **Mr Des McMahon**, architect and founder and director of Gilroy McMahon Architects. The geometry of the BF building ignores the site context. The influence of modern technology has changed the way that people work. The redundancy of the older office buildings including those with a centrally located core and floor /floor height imitation followed the need to facilitate modern office requirements. The emphasis

moved from cellular offices to the range of options now needed in the workspace. Grade A requirements are needed for the emerging office worker. The proposals to build new structures and extensions to the existing building cannot succeed as they would interfere with its integrity and totality. The urban street architecture will be enhanced by the new build and will echo the Georgian Street.

- 7.2.8. **Mr John McCarthy, Architect** –His role was to carry out an assessment of the existing building to evaluate its form/construction as to its current fitness for purpose for use as an office building. He referred to the existing building performance and compliance and found that the building falls significantly below the standard for Grade A offices and current code compliance. This includes relative to the significant floor/ceiling height shortfall and provisions for people with disabilities. He considered that given the range of performance shortcomings, the property is beyond economic repair or renewal for its design intent and current market expectations.
- 7.2.9. **Mr Simon O'Brien**, Chartered and Building Services Engineer looked at the issue of Refurbishment vs Rebuilding and considered if the building form is capable of accommodating appropriate engineering solutions, then refurbishment or adaption can deliver tangible benefits. It would not comply with current building regulations, environmental or well-being standards services for the modern workplace such as air conditioning and raised floors could not be provided. He also has regard to the need for good ventilation, lighting and comfort conditions in the office space. The current floor to underside of slab heights are 450mm per floor below equivalent buildings they have successfully refurbished nearby. The existing building does not comply with the minimum floor to ceiling heights and refurbishment is not sustainable.
- 7.2.10. **Ms Deirdre Hayes**, Head of Asset Management at Irish Life Investment Managers, provides details of the extensive Irish Life portfolio and notes that Irish Life are long term holders of property and are not short-term traders. She provides details of the history of this property and notes it has been held in the property modules fund in Irish Life since the late 1950's. Details are provided including relative to refurbishment of large scale office buildings and repositioning them to provide for Grade A specifications which are required to meet high calibre tenants. She provides that demolition and replacement of stock arises in this instance because of the well documented limitations of the building and is the only viable option for ILIM.

7.2.11. **Mr James Nugent**, Chartered Surveyor and Auctioneer (Lisney), specialising in office property. They have been involved with this project since Irish Life acquired the leasehold interest from Bord Fáilte in 2014. He provides details of research on what future occupiers want relative to office accommodation in the current market. They require where possible raised access floors and air conditioning. Due to the limited floor to ceiling heights, neither are available and the building does not meet the requirements of modern day occupiers. He finds having regard to these issues the building is virtually unlettable. Therefore, he provides that the existing building at 74/76 Baggot Street is both functionally and economically obsolete.

Representing the Council

7.2.12. **Ms Deirdre O'Reilly**, Senior Planner, Development Management for Dublin 2 & 4 areas introduces Gareth Hughes SEP who was the case officer for the file to present the Local Authority submission and followed by Paraic Fallon, SP, Archaeology, Conservation and Heritage.

7.2.13. **Mr Garrett Hughes** read out his submission and provides details on the context of the site and notes its location in the Z6 enterprise and employment zoning. The proposed development adheres to the land use zoning by increasing the building floor area substantially and employees and therefore aligns with planning policy. He notes that the proposal is supported by a number of CEE economic and employment policies in the DCDP. The site is located in the Conservation Area as designated in the plan. In making its decision to grant permission the PA had regard to Conservation policies. He notes that despite the eminence of Robin Walker the PA did not consider that the existing building contributed to the site or was an exemplar building. Refurbishment would not enable the building to be brought up to Grade A office accommodation. The Council considers that the proposed development as shown on the revised plans in the F.I submitted is acceptable and will be more engaging and enhance the Conservation Area. Also, that the contemporary design does not detract from the amenity of the area, relates well to its locational context, and complies with the proper planning and sustainable development of the area.

7.2.14. **Mr Paraic Fallon** provides a background overview in relation to development submissions in the previous (2011-2017) and current (2016-2022) plans. He notes relevant planning legislation and current conservation policy and the strategic

approach for conservation. He read out a submission relative to the review of submissions for additions/deletions to the RPS carried out prior to the adoption of these plans. It was noted that nos.74/75 Baggot Street Lower was not considered for addition in that period and has regard to the Manager's Report on this matter. The building at Baggot Street Bridge was not included as one of the priority areas set out in this phase for RPS review and therefore it is not intended to add these structures to the RPS at this stage. Baggot Street will be considered in Phase 2 relative to the Pembroke Estate area. The NIAH is currently undertaking comprehensive survey of the city but no recommendations have been received to date for the Baggot St. area.

Appellants

- 7.2.15. **Mr Simon Walker** Chair of DoCoCoMoMo presents the scheme and notes the eminence of his father Robin Walker's work. He gives some background into the history of Robin Walker to show the work of the architect in the round and then gives an analysis of the building as described in the documentation that has been submitted. He considers that the Bord Fáilte building is an architectural response that is born of place. The tide should be turned in favour of buildings in the mid-20th century, many of which have been demolished. He has regard to the central core element in the construction and details those features which make this building unique. He is concerned that the completion of the perimeter block as a corner building with 100% site coverage is not in the interests of townscape. Rather the existing building acts as a stand-alone object punctuation mark to end the long sweep of the Georgian city as it reaches the canal and to continue with the later Regency and Victorian era buildings in Baggot St. Upper. He refers to the response to context of the BF building and its parallels with Georgian architecture. The building is capable of refurbishment and that it should be retained and alternative uses considered. He includes photographs of the building today and notes that while externally it is generally in good condition, internally it is in need of maintenance and refurbishment. There is the alternative option of conserving the original building and developing the remaining part of the site which has not been explored in the applicant's submission. He notes the cultural and social heritage of the site. He considers the larger scale perimeter block is a completely different urban design strategy and one that is not upheld by the heritage assessment of the development of the site.

7.2.16. **Mr Shane O'Toole**, architectural critic and historian, also appeared on behalf of DoCoMoMo Ireland. This building has not yet been through the procedures to be added to the RPS by DCC or surveyed by the NIAH and he notes the Pilot Survey is an ongoing process. It should be fully analysed to see if it should be saved for prosperity. The only legally sound test is one that would have to be put before DCC and before their councillors for a vote and they decide. Very few buildings of 20th century have been added to the RPS. Out of over 8690 structures on the RPS, only 3 have been added since 1945. Therefore, the RPS cannot be considered sufficiently robust. Regard was had to the as yet unpublished Survey of 20th century architecture 'More than Concrete blocks – Dublin Cities 20th centuries buildings and their stories 1940-1973' (2nd volume). This includes an extensive case study of BF highlighting its architectural heritage value. This study has not been referred to and the Council's Conservation Officer has not been invited by DCC to comment on this application and the heritage value of the building. The proposal is not in keeping with planning policy or the proper planning and sustainable development of the area. DoCoMoMo urge the Board to refuse permission.

7.2.17. **Mr Jong Kim** of AKM Design on behalf of Mark and Karyn Harty of no.72 Baggot St. Lower. They consider that the PA could have done a lot more in relation to their assessment and note that there is no Conservation Officer assessment on this important application in a Conservation Area or statutory referrals. Visually the proposed building is unsympathetic, the design, scale, height located in a Conservation Area has little relationship to the adjoining Protected Structure. They ask the Board to reconsider the proposal as the typology i.e. the perimeter block is the wrong solution. The PA did not properly address the proposal and the Board should revisit these matters. Their main concern is that the building would have an adverse impact on the appellant's property on the opposite side of the road and will have an adverse impact on the character of the area. The building is insensitive, too tall, too blocky etc. He refers to their proposed alternatives and notes that a smaller scale less bulky building might be more acceptable. They are also concerned that part of the site is not zoned and consider that this is an important point.

7.2.18. **Mark and Karyn Harty** are concerned about the visual impact on their property at no.72 Baggot St. Lower. Mark Harty spoke at the O.H regarding the need to retain the built heritage of the city and the built environment and the importance of the

location of the building within the Conservation Area. It needs to be assessed what harm does the proposed building do. While it is designed to be a landmark it does immense harm in its context at the end of the radials leaving Dublin's wide streets. Caution and precision is needed. The proposed building does not fit into the context of the site and has no respect for the proportions. Unlike some other modern buildings in the Dublin area it does not reflect the built heritage. The scale of the proposed building is enormous and an inappropriate intervention on the end corner of Baggot Street Lower adjacent to the canal. The integrity of the city at this location is in question. Other options for the restoration of the existing building and/or the redevelopment of this site should be considered.

7.3. **Observers**

- 7.3.1. **Prof. Lynch of Lynch Architects** –He notes the eminence of the Robin Walker building, its context and emphasises the plain style. Geometrically the frame of Bord Fáilte is the same as 3no. Georgian Class 1 houses and addresses the Georgian context. There is a sustainability in Modernist architecture in the townscape. This is a modest building of the correct scale for this location. He notes the issues in providing Grade A Commercial Office Space and considers there are other methods for providing air conditioning. BF is a central core building and complies for the criteria for office space. The building has not been well maintained and radical refurbishment could be carried out. He considers that there are serious flaws in the assessment of the viability of the building. Different types of office accommodation could be provided. The views presented show the existing building lost in space but this building ends the city well and is an extension of the Georgian city. He considers that the existing building is an exemplar one and does not agree with the townscape assessment presented. He sees problems with the design and layout of the proposed building. Two buildings on the site would present a more evolved modern architecture on this site. He urges that the proposal be reconsidered and considers that the loss of the building has not been justified in technical or cultural/social terms.
- 7.3.2. **Mr Don Cromer**, architect in private practice gives his independent views. His submission looks at the milieu of Architecture and Planning surrounding Robin Walker, relevant to this building. He also looks at the heritage aspect of this appeal. If Bord Fáilte is demolished it would be of huge national and international loss and this cannot be understated. There are only a handful of concrete buildings designed

by Robin Walker, which are regarded as his best work and this places an even greater urgency on their preservation. Bord Fáilte was constructed not by today's standards. He considers that the Townscape Heritage and Visual Assessment seals the fate of the building for demolition. He provides that the Council have no interest in the BF Building, it is not on their RPS nor is it located in an ACA. Had it been the developers would be required to undertake the far more onerous Architectural Heritage Impact Assessment. Furthermore, its placement as regards context and alignment is correct. He has regard to the views presented and notes concerns with the proposed building. Both sides of the street had definitive endings one Georgian and the other Modern. He refers to issues with the First Party Reports submitted and considers that the BF building is deliberately misrepresented to pave the way for the proposed development. The building requires more serious study and should be retained.

7.4. Day 2 – 2nd of November 2017

- 7.4.1. Questioning and discussion took place between the parties. As per the Inspectors Opening Statement the Observers were reminded that they would not be permitted to ask questions directly, but could submit them to one of the Appellants who could ask on their behalf. The questioning of the First Party by the Appellants/Observers primarily related to the importance of the existing building, its contribution to the architectural heritage and character of the Conservation Area and why retention and refurbishment of this building was not being positively considered. Also, as to why it had not been included or was not in the process of being included as an exemplar building of the modernist era in the RPS in the DCDP. Discussion was also had relative to the impact of the design, height and massing of the proposed building and its impact on the townscape and character of the area including the Georgian buildings and on the residential amenities of the area.
- 7.4.2. Questioning of Dublin City Council included relative to the status of the existing building and as to why it had not been included on the RPS or more discussion had not been given to its location within the Conservation Area or why a Conservation Report had not been prepared. The Council's response to these matters was noted.
- 7.4.3. The First Party provided a discussion of the merits of the proposal and the problems poised with the refurbishment of the existing building were explained in depth. They

queried the Appellants/Observers claims regarding the status and context of the existing building and relative to the potential impact on the Georgian area and the Conservation Area. They also queried their concerns relative to the design of the proposed development including parapet height and to its impact on the townscape.

7.4.4. Closing comments were then made by the Appellants, Observers and the First Party. The latter presented a written closing statement. The O.H concluded at approximately 12.40pm on Thursday the 2nd of November.

8.0 Assessment

8.1 Introduction

8.1.1. I consider the key issues in determining the appeal are as follows:

- Principle of development
- Heritage and the Merits of the Existing Building
- Refurbishment vs. Redevelopment
- Justification for Proposed Demolition
- Design and Quality of Proposed Replacement Building
- Potential impacts
- Townscape, and Visual Assessment
- Infrastructural issues
- Appropriate Assessment

8.2 Principle of Development

Land use zoning

8.2.1. The site is zoned Z6 in the current Dublin City Development Plan 2016-2022 where the zoning objective is: *To provide for the creation and protection of enterprise and facilitate opportunities for employment creation. This includes: To create dynamic and sustainable employment areas. Any redevelopment proposals on Z6 lands should ensure that the employment element on site should be in excess of that on*

site prior to re-development in terms of the numbers employed and/or floor space.

The proposed development seeks to provide for a significantly larger replacement office building with more extensive site coverage, which will provide employment uses i.e primarily increased density office space in a five storey building including an atrium for art displays and small element of café use on the ground floor. While the mix of commercial development proposed is relatively limited, this proposal is primarily for a larger scale replacement office usage and it complies with the Z6 land use principle for increased employment development in this land use zoning.

- 8.2.2. It was noted that at the O.H it was queried on behalf of the Third Party Appellants Mark and Karyn Harty why part of the site which includes the footprint of the proposed perimeter block i.e at the corner of the site at the junction of Wilton Terrace and Baggot Street Lower is on an area shown as 'white land'. Regard is had to Map 'E' where the corner of the site appears unzoned. However, in response to questioning Deirdre O' Reilly, SP on behalf of the Council provided that this was an error in the mapping as originally drawn up and that the land that comprises the subject site is all within the Z6 zoning. Also, that in response to the Inspector's query it was not intended that this land be used as a road reservation. It is noted on site that this land is currently within the curtilage of the subject site and comprises the landscaped strip between the footpath and the former BF building. Therefore, it would appear to be the case that this is an error as shown in the mapping.
- 8.2.3. The First Party provide that Irish Life's intention is for a full redevelopment of the site, to develop what they envisage as an exemplar replacement building which will represent the very best in current architectural and environmental design, providing an up to date working environment for its occupants and respecting its prominent location and setting and they consider that the replacement building will offer a more sustainable and contemporary usage of the site.
- 8.2.4. It is noted that the site marks an important canal crossing entry point to the business district and the South Georgian Core of the city. While not a Protected Structure, the former Bord Fáilte building, is on a prominent corner site, adjacent to Baggot Street Bridge (*Macartney Bridge*, which is a protected structure) and the Grand Canal corridor and is located in the Conservation Area. Therefore, I would consider that the proposed development would be acceptable in principle in accordance with the

Z6 land use zoning objective for the site subject to compliance with Conservation Policies as discussed below.

Conservation Policies

- 8.2.5. The development site is within the wider central Dublin Conservation Area that surrounds the Grand Canal as indicated on Map 'E' of the DCDP 2016-2022. Conservation policies relevant to protection and enhancement, as included in the current DCDP apply. Development proposals within all conservation areas should complement the character of the area, including the setting of Protected Structures and comply with development standards. This includes Policy CHC4 which has particular relevance to development in Conservation areas i.e: *Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.* This includes that development should not harm the setting or features of a Conservation Area and have regard to refurbishment but also allows for contemporary architecture of exceptional design quality which is in harmony with the Conservation Area.
- 8.2.6. It is also of note that the area on the opposite northern side of Baggot Street Lower is within the Z2 residential/conservation zoning where the objective is: *To protect and/or improve the amenities of residential conservation areas.* Map E shows that the Georgian buildings on the opposite side of the road which are also within the Conservation Area are all Protected Structures. Section 14.8.2 includes: *The general objective for such areas is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.*
- 8.2.7. It is of note that Policy CHC5 relates to different issues in that it is concerned with the preservation of Protected Structures and Architectural Conservation Areas. The existing building is not a Protected Structure nor within an Architectural Conservation Area. Stephen Dodd Barrister-at-law noted at the O.H that a Conservation Area is unlike an ACA a non-statutory designation and that Policy CHC4 is more general or aspirational as compared to the more specific zoning objective Z6 applicable to these lands. While regard is had to Conservation Policy CHC1, the First Party contend that the existing building cannot be considered to make a positive

contribution to the character, appearance and quality of the local streetscapes and the sustainable development of the city. Also, that the proposal complies with Policy CEE11 relative to Economy and Enterprise (as noted relative to the Z6 in the Policy Section above) and that the usage of the existing building is obsolete.

8.2.8. The Planning Authority submission to the O.H, stated that, regard was also had to the Conservation Area designation and the principle of demolition. On balance they consider that the proposal offers a contemporary building of sufficient design quality which relates well to the current context. In response to questioning by the Third Parties as to why a report was not sought from the local authority Conservation Officer they noted that it is not DCC policy to seek a Report from their Conservation Officer in a case where the building is not a protected structure or located in an Architectural Conservation Area.

8.2.9. The following detailed assessment considers the justification for the demolition of the existing office complex (designed by Robin Walker of Scott Tallon Walker) and the merits of the existing building. There was much discussion at the O.H as to whether the building should be retained/refurbished and protected. The assessment considers compliance with planning policies (including CHC4), the design quality of the proposed replacement building, its contextual response to its setting, and its visual impact on the character of the streetscape and the wider area. Particular attention is given as to the extent to which the design and layout of the proposed development is of a sufficiently high standard to enhance the setting within the conservation area in accordance with Policy CHC4, and would be appropriate as a landmark building on a prominent corner site which forms a gateway to the city between the canals.

8.3. **Heritage and the Merits of the Existing Building**

8.3.1. Details of the heritage of the area and the historic development of the site and its study area are given in the *Townscape, Heritage and Visual Assessment* prepared by Richard Coleman Citydesigner. This includes regard to the early development of the Baggot Street Area dating back to the development of the Georgian streetscape in the eighteenth century. It also notes the later twentieth century commercial/office development on this side of the street with particular regard to the Bord Fáilte building and the achievements of the architects Scott Tallon Walker.

- 8.3.2. Robin Walker the designer of the building, was a distinguished Irish architect, then working for Michael Scott & Partners. Details are given of his works both in the documentation submitted and at the O.H. Simon Walker provides that the building as a stand-alone project, is an important introduction to that period of modernist architecture in Ireland and, as such, an important part of architectural heritage which should be conserved. The original building was a government commission, designed for a specific purpose on a low budget and therefore the criteria for its design, in addition to fulfilling its functional requirements, is also of architectural, aesthetic and cultural significance and is not speculative development. Third Parties note the influence of Mies van der Rohe who is regarded as one of the pioneers of modernist architecture and that Walker's ideas in relation to place in a wider sense, and of an enfolding structural idea, are manifest in the Bord Fáilte building.
- 8.3.3. DoCoMoMo Ireland's focus is on the architectural merits of the existing building. They consider that this case is not about whether one building is better than the other as a use or as a development of the site – rather, it is about the conservation of a building of architectural merit, about architectural heritage, and about confirming an appropriate response to those issues in the public realm. They provide this is an exemplar of a building type and plan form, and note the harmonious interrelationship of styles within the structure. The BF building is not urban infill, rather a stand-alone object, it is fully integrated with its site and context and after almost 60 years sets its own context. When viewed as a whole it is not true to say that it is devoid of composition. It is contended that intervention can transform the building so it brings a useful life into the building for the future.
- 8.3.4. Simon Walker noted the former Bord Fáilte headquarters was completed in 1961 and was the first example of the use of a core plan in Ireland. It is a free-standing rectangular building which is five stories over basement. The building is supported internally by the core and 4 additional columns. His presentation included reference to a section of the building, which is where the internal columns meet the underside of the ridge slab and circular disc capitals cast into the ridge slab which are a unique feature of the building. The four major structural columns internal to the plan used a unique system of cast in-situ concrete disc capitals, which in turn spread the building load from ribbed slabs and is to their knowledge unique in Ireland. It is the first use of

fair faced concrete frame and the core plan type structure in the city and has many unique original architectural features.

- 8.3.5. Richard Coleman (for the applicant) at the O.H noted the early use of the core plan and included photographs of the former Bord Fáilte building and its context from the early 1960's. He noted that by c.1964 work spaces were frequently planned around a central service core containing the lift and stair. From the 1970's floor plates were required to become broader and service cores were shifted to the perimeter, freeing up internal space to solve the congestion which arose at the centre. While the BF building was designed in a simple, utilitarian style combining concrete bricks, it includes a high quality crafted concrete finish. Views from current times are included showing concrete details. The limited budget dictated an absence of expensive external finishes and the building is less rich in detail and lacks both the compositional skill and integration with the historic townscape.
- 8.3.6. Section 4.0 of the Townscape, Heritage and Visual Assessment includes: *The building, designed by Scott Tallon Walker, is of a simple form, economically built, and expressed in terms of function and quality rather than in relation to its context. It appears therefore alien to its surroundings. It has however some features and details which are sophisticated and which were inspired by the work of Mies van der Rohe, as have many other buildings by the same architects.* The applicant contends that it comprises a simple compact utilitarian object in space, that lacks refinement and composition and is a poor piece of urban infill.
- 8.3.7. Section 5.8 of the assessment refers to the significance of the building relative to the Architectural Heritage Protection Guidelines. This provides a discussion relative to each of the interest categories i.e. architectural; historical; archaeological; artistic; cultural; scientific; technical; and social. They conclude that taking into account all five qualities, which form the tests, only one to do with the architectural practice and their record, rather than the building is met. They provide that the building does not hold any particular social significance other than perhaps reflecting the development of tourism in Dublin in the late 20th century, which does not represent an important or distinctive social manifestation or detail in a national context. While the building has some architectural merit there are criticisms of its failure to attend adequately to its townscape position as a corner site and the way it presents as an object within the site rather than an urban edge. This is particularly important, given its locational

context opposite the protected structures, being adjacent to the Grand Canal and being the focus of the long view from the south along Baggot St. Upper.

- 8.3.8. In contrast the Third Parties and Observers consider that the existing building protects the Georgian heritage of the city and its demolition would not comply with the Architectural Heritage Protection Guidelines. However, it must be noted that the building is not located within a statutory Architectural Conservation Area and is not a Protected Structure, both of which are covered by the Guidelines. They consider that the design, height, scale and massing of the proposed development would have an overbearing visual impact and be detrimental to the established character of the Conservation Area and to the protected structures in the residential/conservation Z2 zoning i.e the Georgian properties facing on the opposite side of Baggot St Lower. They consider, the existing is an exemplar building of its type of the 20th Century Modernist era, is of merit and should be retained and refurbished and included in the RPS.

Georgian Parallel

- 8.3.9. It must be noted that there was much discussion of the relationship of the existing building to the heritage of the area including the Georgian parallel at the O.H. The Third Parties provide that modern architecture is close to Georgian architecture and that the existing building respects rather than detracts from the historic urban grain. They consider that the modernist building form is intrinsically respectful of the Georgian city and forms a distinctive piece of urban architecture and part of the historic urban fabric of the city in a prominent location. The construction of the Bord Fáilte building did not involve the demolition or supplanting of any Georgian stock. They consider that it is exemplar building, built of a limited budget, it provides open public space and views to the street in and around it, in a respectful continuum of the Georgian city.
- 8.3.10. DoCoMoMo consider that it provides a stand-alone building, that is a quality design, innovative for its era that is now part of our architectural, cultural and social heritage and should be retained and refurbished. They provide that there is a Georgian parallel to many aspects of the former BF building that is respectful of the character of the area. For example, the raised ground floor and projecting entrance steps correspond to that of a Georgian house, as does the basement storey, with its sunken courtyard garden to the rear (Simon Walker, DoCoMoMo written response to

the First Party response). Regard is had to the Georgian terrace on the opposite side of the road and to the issues raised by the Third Parties and Observers relative to compliance with parapet heights and alignment.

- 8.3.11. Observer Don Cromer noted this alignment aspect and that both sides of Baggot Street Lower have definitive endings one Georgian and the other Modern. The Georgian parallel is disputed by the First Parties and at the O.H, including by Richard Coleman who having regard to the mapping did not consider that the siting and alignment that the BF building corresponded to that of a Georgian Terrace. Simon Walker at the O.H considered that Robin Walker would have intentionally placed the building to reflect that of the Georgian terrace opposite. He provided that while not identical parapet height or multiple of the widths, in general terms the existing building BF respects the scale, bulk and massing of the Georgian Terrace. When viewed on site I noted that the Wilton Terrace side of the former BF building appears approximately to visually align with that of the Georgian Terrace opposite and also when viewed in the distance from Baggot St Bridge that the parapet heights appear to generally correspond, although the BF building appears marginally higher.
- 8.3.12. It is provided that the former Bord Fáilte building is of value and contributes to the sense of place and heritage of the area. Regard was had to the social history of the site including its long-term usage as the Bord Fáilte Headquarters. The merits of the building include that historically and socially the building represents the locus and the start of a co-ordinated promotion of Irish Tourism and continued in the long-term as their HQ up to 2009.

The issue of whether this building should be included in the RPS

- 8.3.13. The existing building is not listed as a Protected Structure and the First Party provide that there is no evidence that the former Bord Fáilte qualifies as an 'exceptional building' of the late twentieth century. They note that the building was of its time an efficient and appropriate commercial space, good for its use by reference to then standards. However, in view of its design and layout it is dated and not adaptable and its refurbishment to sustainable modern office standards would be difficult to achieve and not cost effective. While it was developed by the eminent architect Robin Walker it is not an exceptional building and does not qualify for inclusion in the list of Record of Protected Structures. They support its demolition and replacement

with the proposed development as being more sustainable and in the interests of proper planning and development.

- 8.3.14. Section 5.50 of the *Townscape, Heritage and Visual Assessment* notes that the former Bord Failte building was proposed to DCC for addition to the Record of Protected Structures (RPS) during the consultation phase of the 2011-2017 DCDP and again during the consultation phase of the 2016-2022 DCDP. Despite this the building was not added to the RPS i.e: *The former Bord Fáilte has some interest and some merit, but after building up a full understanding of the building, its history, provenance, an on-site assessment, and putting it through the accepted AHPG tests, the result is a building that might be worthy of recording but not one which should stand in the way of achieving a better townscape. The fact that it was designed by a distinguished architect cannot redeem the weakness inherent in the design.*
- 8.3.15. The Third Parties contend that the former Bord Fáilte building is a strong candidate for inclusion on a list of structures of architectural heritage significance and that this should be taken into account when considering applications for the demolition of major 20th century buildings in the south city. As pointed out at the O.H the NIAH Survey now covers the whole of County Dublin apart from Dublin south city and Dun Laogharie-Rathdown. While as yet unpublished 'More than Concrete blocks – Dublin Cities 20th century buildings and their stories 1940-1973' (Dr Ellen Rowley) was mentioned at the O.H in that it was said that there is a section in this that includes a description of the BF building. However, no evidence of this was presented. The Dublin City Council Pilot Survey of 20th century architecture for the period 1940-1973 is due for publication next year. It is noted that Shane O'Toole who spoke at the O.H on behalf of DoCoMoMo is also one of the contributors to this 20th century history which is to be published in 2018.
- 8.3.16. There is concern regarding the recent proliferation for the pre-mature demolition of structurally sound and reusable commercial buildings dating from the 1960s to 1980s. The RPS is heavily weighted towards older structures with few buildings from the second half of the 20th century included. Few 20th-century buildings have been added to the protected structures list, and those that have are mostly from the earlier part of the century. It was pointed out by the Third Parties that only 3 post 1945 buildings have been added to the RPS, these are the Bank of Ireland building in Lower Baggot Street, the Carroll's Building, Grand Parade and Busáras Store Street.

- 8.3.17. Shane O'Toole, for DoCoMoMo pointed out that the former two which are now widely admired would have been destroyed but for ABP who refused permission for demolition and redevelopment of these sites and who had taken their 20th century heritage and architectural integrity into account. Also, that ABP has refused permission for demolition of unlisted buildings on many occasions on the grounds of setting, character and architectural features, notwithstanding that such features were not of outstanding significance.
- 8.3.18. Protected-structure status comes with an obligation to preserve all parts of the building, including interiors, land around it and any other structures on that land. There is concern that modernist buildings are equally deserving of respect as part of the historical fabric of the city, in that they represent a point in time in the development of the city. The building appears ordinary now because it belongs to an era over fifty years ago, over time it appears neutral and has receded into its context. Simon Walker considered that the applicant has focused on the problems of the existing building but has not given due consideration to the importance of the architectural and cultural heritage of the site. He considers that there are very few buildings of that period that have retained their architectural value and such high-quality buildings of the period should be retained. Also, that there is a clear conflict of interest between conservation and economic development and that this function now rests with ABP to retain the building until such time that a proper procedure is implemented by DCC.
- 8.3.19. Shane O'Toole considered that the Board has to weigh between the irreplaceable heritage loss that would result from the replacement of the building or the economic and technical difficulties of refurbishment and retaining the significance of the heritage value of this site. Don Cromer added that there are only a handful of such concrete buildings left that are of national and international significance and belong to the heritage of the city. Greater study of the building is required and this had not been included in this proposal.
- 8.3.20. The First Party invited three professionals to give their independent views of the proposal at the O.H. These were Brian O'Connell Director of O'Connell Mahon Architects, Paul Finch, a history graduate, architectural journalist and editor and Des McMahan architect and founder and director of Gilroy McMahan Architects.

- 8.3.21. Brian O'Connell considered that while the existing building is the work of a distinguished architect but it is not an exemplar building due to its limited capacity to evolve to a sustainable contemporary economic use. It has limited floor/ceiling heights and this rigidity limits its capacity to change and makes it redundant. The existing building is neutral to its setting with unexceptional interiors and dominated by the buildings either side. It is of limited historical interest and as a type is not unique. He concludes the building would not achieve the threshold to warrant its retention under RPS and might easily be replaced by an alternative contemporary development more suited to the commercial use of the site.
- 8.3.22. Paul Finch considers that the story of this building is an interesting one but that over time it has become redundant. He has come to the conclusion that the existing building despite its historic interest is not an appropriate candidate for heritage protection due to the higher standards needed for contemporary workspace. While the existing building has some gravity it is too small for its urban context and is not flexible or adaptable or as sustainable as the proposed larger replacement building. This will have a dimensional generosity will be capable for use for years to come.
- 8.3.23. Des McMahon noted that the influence of IT is evident as is the scale of change required. The redundancy of the older office buildings including those with a centrally located core and floor /floor height imitation followed the need to facilitate modern office requirements. The emphasis moved from cellular offices to the range of options now needed in the workspace. Grade A requirements are needed for the emerging office worker. The proposals to build new structures and extensions to the existing building cannot succeed as they would interfere with its integrity and totality. The urban street architecture will be enhanced by the new build and will echo the Georgian Street.
- 8.3.24. Stephen Dodd Barrister-at-Law spoke at the O.H on behalf of the applicant. He had regard to issues concerning the inclusion of the BF building as a Protected Structure. He noted that the RPS forms part of the development plan and so the ultimate decision as to whether a structure is added to the RPS is a reserved function. Sections 54 and 55 of the Planning and Development Act 2000 (as amended) relate. Therefore, the Board has no role of what may be included in the RPS or in the Development Plan but has a duty to apply existing policies and not speculative or anticipated policies. He had regard to Judicial Review and referred to a number of

legal precedents and included a copy of *Element Power v An Bord Pleanala* [2017] IEHC 550. In response to Questioning he provided that it is within the remit of the Board in terms of proper planning and sustainable development to assess the architectural merits of the existing building. The structure is not Protected and the Board is required to apply existing policies relative to the assessment of the architectural and conservation merit of conserving the building in terms of the proper planning and sustainable development.

- 8.3.25. John Sheehan in his closing statement for the applicant provided that their view is that the existing building does not satisfy the criteria for inclusion on the RPS. They consider that it is not appropriate for the Board to question why the building was not added to the RPS or to inquire into whether the building was put 'through the tests' or whether DCC gave commitments or otherwise.
- 8.3.26. Regard is had to Part IV of the Planning and Development Act 2000 (as amended) and to Sections 51 and 54 which concern the RPS and provides for additions and deletions in the Development Plan. At the O.H Paraic Fallon SP, DCC, Archaeology, Conservation and Heritage provided a background overview in relation to development submissions to the previous (2011-2017) and current (2016-2022) plans. Also to relevant planning legislation and current conservation policy and the strategic approach to conservation. He read out a submission relative to the review of submissions for additions/deletions to the RPS carried out prior to the adoption of these plans. Regard was also had to the Chief Executives' Report on Submissions for the Draft DCDP 2016-2022'. It was noted that while submissions were made relative to inclusion of the former Bord Fáilte HQ, it was not considered for addition in that period. Also, that the building at Baggot Street Bridge was not included as one of the priority areas set out in this phase for RPS review in the DCDP and therefore it is not intended to add these structures to the RPS at this stage. He noted that Baggot Street will be considered in Phase 2 relative to the Pembroke Estate area. The NIAH is currently undertaking comprehensive survey of the city but no recommendations have been received to date for the Baggot St. area.
- 8.3.27. In conclusion having regard to the information submitted and the cross questioning at the O.H it has been established that it is not the case that it was decided intentionally by the Council under the relevant procedures not to include the former BF building to the RPS, rather that the discussion of, or the following of the relevant

procedures for its inclusion have not been pursued or implemented to date. It would appear that the same applies to its non-inclusion to date on the NIAH. Also, having regard to the relevant legislation it is not the case that the Board has a role in deciding whether or not this development should be included in the RPS, and it would therefore not be appropriate to comment on this matter.

- 8.3.28. However as noted above the Board's role in this case is to decide whether or not the existing building is of merit and should be retained or whether it should be demolished to make way for the proposed redevelopment of the site. Obviously if it is to be demolished it cannot be included on the RPS. Therefore, while this proposal will promote and facilitate the supply of commercial/office space in accordance with Z6 zoning, it will also facilitate the demolition of the existing building and the total redevelopment of the site rather than the refurbishment of the existing building.

8.4. **Refurbishment vs. Redevelopment**

Considerations – Applicant

- 8.4.1. A Building Assessment Report has been submitted by Coll + McCarthy Architects. The Survey/Visual Inspections had regard to Site Features, Structural Frame and Building Envelope, Mechanical, Electrical and Plumbing Systems, Interior Elements and Accessibility of the existing building. This includes that the building is significantly below the Grade A offices standards and current code of compliance. It is provided with unacceptably low levels of thermal insulation and is fitted with single glazing, without any solar control properties. Also while it would be possible to replace this the end result would produce a performance that is notably worse than a modern new build.
- 8.4.2. It provides that the sub-standard existing floor to ceiling height is not capable of being practicably remediated within the constraints of a refurbishment project. The floor to floor height of only 2.8m and a floor to structural slab height of c.2.45m, does not allow the necessary ceiling and floor service zones for upgrade to modern office space. The building is naturally ventilated with no air conditioning, and this ventilation strategy is unsustainable having regard to the environmental comfort demands generated by current office environmental servicing requirements. Retrofitting of air-conditioning is not practicable having regard to the floor to ceiling constraints. The

Report concludes that the existing building is in poor condition and even full refurbishment would not enable its improvement to a standard that is suitable for use as modern Grade A office accommodation.

- 8.4.3. Simon O'Brien, Chartered Engineer looked in detail at the technical issues of Refurbishment vs Rebuilding. He provided that if the building form is capable of accommodating appropriate engineering solutions, then refurbishment or adaptation can deliver tangible benefits. The pertinent issue is about the floor to underside slab and floor to ceiling heights. The current floor to underside of slab heights are 450mm per floor below equivalent buildings they have successfully refurbished nearby. This would not allow for raised floor access or for a services zone for air conditioning both of which are required for Grade A contemporary office accommodation. In response to questioning he noted that they looked at the options of a chill beam installation as put forward by the Third Parties and they would need 400mm otherwise the floor to ceiling height would be reduced to 2.15m height which is unsustainable. They don't have sufficient floor to ceiling height to refurbish the building. Other buildings that have been successfully refurbished have a higher floor to ceiling height.
- 8.4.4. They provide a list to show that the existing building does not comply with LEED (Leadership in Energy and Environmental Design) Considerations, which is a well-established and widely used environmental assessment method for buildings. Refurbishment of the existing property would not permit the achievement of such a standard. Redevelopment can produce a highly sustainably modern office building that will not only exceed the environmental requirements of legislation but attain best practice in all aspects of its environmental impact.
- 8.4.5. The redevelopment of the site would allow for an increase in occupancy density of the site and environmental benefits, such as increased use of public transport resulting in lower environmental impacts per person. The existing building has only been in use as offices and did not incorporate any mixed uses because the site is relatively small and they consider not amenable to a mix of uses. The First Party provides that the existing building does not allow for open plan, provides for cramped office space and is unsuitable for refurbishment and cannot be adapted for modern office use and that demolition and rebuild is more sustainable. This is an early 1960's low budget office building and is beyond practical refurbishment to approach current market expectations for an office in 2017.

8.4.6. The First Party consider that the proposed development represents a considerable enhancement and a high quality physical environment and coherent urban structure. The new up to date larger building would result in an improvement in office accommodation, an improved use of local facilities due to a higher density of employees, and a lower land usage impact. Where lower densities are used there is an increase in land take required to provide accommodation, increasing the ecological impact per person. Given the range of performance shortcomings, they consider the property to be beyond economic repair or renewal for its design intent and the demands of the current market.

8.4.7. It is also of note that a BER Energy Report for Planning Stage has been submitted with the application. This includes regard to Energy Efficiency and Sustainability and includes Section 4 on Refurbishment vs New Build. This includes: *Installing new services into a building of this type would be of no long term benefit because the fundamentals for an improved working environment do not exist and would require a new structure to be provided.* It provides that the comfort and well-being of building occupants would be substantially improved in the new build, which would follow best practice guidelines. The Addendum BER Report included in Appendix 3 of the First Party response to the grounds of appeal provides that the new building will have a life expectancy of 60 years and will achieve a 65% improvement in annual energy usage and carbon emissions. In this respect it is noted that the existing building is almost 60years old.

Considerations – Third Party

8.4.8. The Observer Lynch Architects considered that the existing building has not been well maintained and that there are serious flaws in the assessment of the building. Bord Fáilte is a central core building and has complied with the criteria for office space. The proposed new building is much bigger and is not the right offer to the commercial market as this point. Different types of office accommodation such as start-ups could be considered. A refurbishment design might include the provision of services, among many other options. Other options such as the use of chilled beams to provide air conditioning could be considered. Such renovations including the use of chilled beam option was refuted by the First Party and Simon O'Brien considered it would not be practical in this case in view of the low floor to ceilings heights.

- 8.4.9. Simon Walker's presentation at the O.H showed slides of a model made of the BF building (scale 1: 50) where it was decided for clarity to omit the internal partitions none of which are structural. This noted that the floor plate is quite small, therefore the distance from the core to the perimeter is short so when the internal partitions are removed there will be open plan offices with views from all 4 sides. The floor plate is easily ventilated by opening a window (as has been the case throughout its 50 year plus usage) and there is no need for air conditioning. Services could be provided and floor to ceiling heights could be achieved to make this building fit for purpose. He includes photographs of the building and notes that while externally it is generally in good condition, internally it is in need of maintenance and refurbishment. Having viewed the building on site, I would consider this to be generally the case.
- 8.4.10. He provides examples of buildings from that era that have been successfully refurbished and queries why alternative uses of the existing building have not been examined. No evidence of independent cost benefit analyses has been carried out which includes the assessment of heritage or cultural values. Other uses relative to the refurbishment existing building have not been explored. He also referred to his proposal (not as yet at planning application stage) to develop a scheme for the rear of the site to maximise the usage of this site while retaining the original building.
- 8.4.11. The Third Parties have regard to options available for a refurbishment design and consider that an upgrading of the existing building and other alternatives should be explored. They recommend that a comprehensively revised development proposal for the site should be brought forward, which should seek to reuse and refurbish the existing building.

Discussion of Alternatives

- 8.4.12. There was a discussion of alternatives at the O.H. In this respect it was noted that there was some acceptance by DoCoMoMo that the site is underused and developing the remaining half of the site has not been positively explored. Simon Walker, reiterated that he is not concerned with alternative redevelopment proposals other than those that included the retention of the existing building. Also, while the benefits of increased density are widely accepted these could be equally applicable in the case of an option which would develop increased accommodation over the western part of the site, while upgrading the existing building. His presentation

included a slide showing an option which would include the retention of the existing building and the construction of a narrow 11 storey tower block at the rear (in the location of the surface carpark and sunken garden). This would allow for two separate buildings on the site and would add an element of height to this low rise area, which would be greater than that currently recommended in Section 16.7.2 of the DCDP. Appendix 2 of the First Party response to the appeals also includes regard to discussion of alternatives at competition stage prior to the submission of the application, Figures 1.1 -1.3 refer and Fig. 1.2 shows the Walker proposal.

- 8.4.13. Lynch Architects consider that the existing building is a masterpiece which should be refurbished. The compact plan with a central core could be seen as ideally suited to modern use, as either offices or flats, it includes open space in the form of a sunken urban garden and lower ground floor annex room and offers many possibilities in terms of the Use Classes and potential for increased density if desired. It is also submitted that there are a number of good examples of recent office developments that have been designed with appropriate regard to their setting and have used appropriate materials. It is of note that feasibility studies for the alternative uses (other than office) for the existing building were not discussed in the context of this application.

Conclusion

- 8.4.14. As provided in the documentation presented the refurbishment of the existing building while the desired option of the Third Parties would not comply with Grade A standards for office accommodation. The existing building does not comply with the minimum floor to ceiling heights and mobility impaired access, flexibility/adaptability, ancillary accommodation are all below contemporary standards. Therefore, I would consider that as presented the case for refurbishment is not an option that has been documented to be easily achievable, feasible or sustainable.

8.5. Justification for Demolition of the Existing Building

- 8.5.1. The First Party provide that Bord Fáilte occupied the building from approx. 1961 until 2010/2011, by which time the building had reached the end of its useful life (in terms of utility as an office building). They have outlined both in the documentation submitted and in their presentation at the O. H. the difficulties with letting the former

BF building relative to the need for Grade A office use. Deirdre Hayes of Irish Life plc noted that this building is vacant for the past 7 years and is obsolete, the building could not be retained without dramatically transforming its façade, the floor levels are unworkable in a commercial environment and unable to accommodate services. This would result in the original building losing its authenticity, integrity and aesthetic.

8.5.2. Simon Walker disagrees with this and queries if the Irish Life brief considered the option of retaining the building and whether it is uniquely considered as an office building or were there other residential or commercial uses that were considered. John Sheehan, for the applicant, asked as to whether Simon Walker accepts the evidence produced by James Nugent (Lisney) that despite an exhaustive survey of lettings there is virtually no market demand for a building that doesn't have raised access floors or air conditioning. Simon Walker accepts this but considers it is not relevant, this is a historic building which is part of our architectural heritage and other solutions should be found.

8.5.3. The Third Parties are concerned that the existing building has been let go into disrepair during its long period of vacancy and consider that this was deliberate to facilitate the demolition of the existing building to allow for the redevelopment of the site. They provide that best practice internationally calls for a revised approach to the refurbishment of architecture of this period. This is a landmark building that represents an important piece of our architectural heritage, which requires protection in the face of this undesirable proposal for redevelopment. The former Bord Fáilte HQ has made a significant contribution to the architectural and social heritage of Ireland and is, a heritage structure of notable importance. They consider its demolition does not represent proper planning and sustainable development.

8.5.4. John Sheehan, provided that their brief was for an office building, however other uses were considered but did not expand on this. Floor to ceiling heights are compromised, the interior includes some smaller offices of poor proportions, suspended ceilings are low and lighting is often surface fixed. It was provided that having regard to the shortcomings presented the building is virtually unlettable and is both functionally and economically obsolete.

8.5.5. It therefore appears that from the evidence submitted by the First Party that the existing building in view in particular of the low floor to floor/ceiling heights is

incapable of adaption to Grade A standards for contemporary office use. John Sheehan's Closing Statement included that they are proposing a LEED Platinum building, the current building is unsustainable, has been vacant for years and cannot be refurbished. They consider that the replacement building is entirely sympathetic to the Conservation Area, and is also for office use and furthers and seeks to further achieve the Z6 zoning objective.

- 8.5.6. There is criticism by the Third Parties that the Townscape, Heritage and Visual Assessment submitted does not present a balanced view or address the issue of possible retention/refurbishment of the existing building. It is of note that at the O.H the Observer Don Cromer refers to points 3.37 and 3.38 of the Townscape Heritage and Visual Assessment and considers that the building is either misunderstood or misrepresented and the fate of this building has already been sealed with only one outcome 'Demolition'. He considered that the proposals are for a speculative development for the so called 'Knowledge Economy' and all that stands in its way is Demolition. In contrast John Sheehan's closing statement on behalf of the First Party at the O.H noted that the balance of proper planning and sustainable development lies in the full redevelopment of the site to reflect its Z6 Employment zoning objective, following the full and accurate recording and archiving of the existing building.

Conclusions relative to Demolition

- 8.5.7. As has been noted above the former Bord Fáilte Building is not a Protected Structure or located in an Architectural Conservation Area. While the Board may decide to retain this building in view of the architectural and social heritage issues as presented in the documentation submitted and at the O.H it is not considered that it is capable of providing contemporary Grade A office accommodation. If it were to be retained other uses of the building would need to be considered. It maybe that alternative uses of the remainder of the site would be considered. The Simon Walker consideration for the construction of a taller block to the rear of the existing building which would then be retained, has been noted above. However, that is not at planning application stage and is not relevant to the subject application.
- 8.5.8. It is noted that the Bord Fáilte building is located at a natural node-point at the end of Baggot Street terrace where it meets the Grand Canal, and in terms of the urban plan, has a 3-dimensional form as approached from the bridge and fulfils the

requirement for a stand-alone object or building at this point. Its replacement with a larger scale perimeter office block on this sensitive and prominent corner site would substantially alter this appearance and have a significant visual impact on the architectural heritage of the south Georgian area of Dublin; on the setting and visual amenity of the area.

- 8.5.9. However, it could also be considered that in townscape terms the existing building appears neutral, offers an inadequate response to the corner site and at an important junction, where Baggot Street crosses the Canal, it fails to make sufficient use of the site and to make an architectural statement. Therefore, in conclusion it is considered that in streetscape terms the issue is that the existing building design and layout appears too small, is of its time, does not make much of a statement or provide a landmark building, appears neutral and having regard to the Z6 zoning it does not make a good use of the area of the site in this prominent corner location and in this respect its demolition is not opposed.

8.6. Design and Quality of Proposed Replacement Building

- 8.6.1. The Planning Application Design Report submitted with the original application provides a description of the design and layout of the proposed development which as originally submitted comprised the demolition of existing structures on the site (a 5 storey office building measuring 2,290sq.m and an annex measuring 365sq.m) and the construction of a new 6 storey office building with a floor area of 7,024sq.m. This was to comprise a 6 storey office block addressing Baggot St.Lower and Wilton Terrace with 2 levels of basement below to accommodate staff facilities (at level -1) and car parking/plant (at level -2). Five additional floors of office space were originally proposed i.e 5072sq.m above ground level. This would more than double the floorspace. Concerns about the height and overdevelopment of the site are discussed further below.
- 8.6.2. The Architectural Rationale prepared by Reddy Architecture + Urbanism provides that the footprint of the proposed building will re-establish the existing building lines from the adjacent buildings to the north (Bord na Mona) and west (Canadian Embassy) of the site, culminating at the corner of Wilton Terrace and Baggot St. Lower. It is to be set back from the ownership boundary at Baggot Street and colonnaded along Wilton Terrace edge with a two-storey space beneath the upper

floors. While the fully glazed ground and first floor office space at the centre of the Wilton Terrace elevation will provide some potential animation to the public realm, they consider that the two activities at either end enhance it in a more direct way. As shown on the plans it is proposed to have a small element of mixed use at ground floor level i.e café/restaurant (78sq.m) at the rear and exhibition/gallery spaces in the atrium (180sq.m). A small café is proposed at the west end, the exterior space for which returns around the western, mostly hidden elevation under a further colonnade. At the O.H it was questioned whether these will be open to the public and it was provided that this would be the case to ensure an active presence to the street outside traditional office hours. At the eastern end, addressing both Wilton Terrace and Baggot Street Lower there is to be the public entrance to the proposed building. It is noted that the entrance to the existing building only addresses Wilton Terrace.

- 8.6.3. Table 1 in the Planning Application document submitted with the application provides a description of the existing and proposed development. This notes the height of the existing building at 5 storeys plus basement (c.15.70m to 18.94m with roof plant). The height of the office block in the existing building is 15.70m, the higher area contains roof plant and is set back and positioned centrally on the block. The building originally proposed was for 6 storeys plus 2 basement levels (24.05m in height). The site is located in an area identified as 'low rise' as set out in the current DCDP. The height above ground level is lower than the 7storey (<28m) permitted in the inner city i.e between the canals. Section 16.7.2 of the DCDP refers. The proposed office block would be more than one storey higher than both the Canadian Embassy building immediately to the west and the existing office building immediately to the north of the subject site. As shown on the elevations the proposed building while complying with the heights in the current DCDP would be higher than the adjoining buildings and considerably taller than the Georgian Terrace on the opposite side of the road. However, while not adjacent to the site, as pointed out by the First Party there are some taller buildings in the wider area e.g. the former Bank of Ireland building and the 13 storey Fitzwillton House (Fig 2.1 of the First Party written response to the appeals refers).
- 8.6.4. In response to the Council's F.I request the height of the building was dropped from 6 to 5 storey (by removal of the first floor). This results in a decrease in overall height of c.2m (down from 24.05 to 21.90m). Tony Reddy clarified at the O.H that the floor

taken out was a recessed mezzanine floor at first floor level and that this was to allow them to keep the proportions. Revised plans and particulars and photomontages/views and contextual elevations have been submitted showing this, the red line showing the original height. While the proposed building will still be higher than the existing this reduction brings the proposed building closer to that of the neighbouring commercial office buildings. The applicant has stated that in order to maintain the proportion of the ground floor elevation the floor to floor height from ground to first floor has increased from 3.85m to 5.55m.

- 8.6.5. The Third Party appeal by Jong Kim on behalf of Mark and Karyn Harty considers that a smaller scale, less bulky building that is suitably visually integrated within the conservation area would be more acceptable for this prominent and important site. This would include that the setting back and the reduction in height of the upper floor could be an appropriate alternative design solution and they include Fig. 2.1 in their written appeal submission showing this. They hope that the Board will consider this as an alternative design that will reduce the visual impact of the building.
- 8.6.6. Mark Harty at the O.H considered the issue of the proposed parapet height relative to Baggot St Lower and to the Georgian Terrace on the opposite side of Baggot St Lower to be of importance. He queried whether it would improve the building to lower it to 4 stories and noted that this had not been considered. This would have the benefit of lowering the parapet height and would still allow for a substantial increase in floor area. Taking away one more storey would still provide a building which is more than double the size of the current building and still fulfil the Z6 zoning objective. In this case the height of the building would be further reduced so that it would match that of the adjacent buildings and would not be above the parapet line on this side of the street.
- 8.6.7. The First Party considers that these alternatives to the proposed design are unsatisfactory and significantly diminish the well composed design and its townscape contribution. The RAU Addendum Report to the Board notes that a number of options were explored relative to alternatives during the course of this application. This was reiterated by Tony Reddy who included a number of design options originally considered in his presentation to the O.H. They consider a further reduction in height would mean that the proportion of the three upper stories to ground floor colonnade is unsatisfactory. They seek to maintain the balance and proportion of the

ground level colonnade to upper floor punched windows and seek to present unified facades to all elevations. They note that a proposal to set back the upper floor of the building was explored at F.I and was on inspection and review by their architects considered to be an unsatisfactory response to the concerns raised with regard to height, scale and bulk of the building in this prominent location.

- 8.6.8. The composition of the elevations is in two parts, first a set-back, glass, one storey base, and above a four-storey stone wall supported by a free standing series of stone columns. It is provided that the façade design is to provide a high quality of design and a distinctive frontage to Baggot St.Lower and Wilton Terrace and not be detrimental to the adjacent Georgian architecture. It is contended that any tendency by the vertical to dominate is addressed through the use of random horizontal distribution in the fenestration. As included in the F.I response the external finishes have been changed to a darker Wicklow Granite as illustrated on the revised photomontages. The First Party considers that its ability to hold the corner relating to the large scale spaces around it remains owing to the composition of the elevations. It is proposed that the new entrance be a high atrium space of 3.5 storeys (as per the F.I) which is animated by works of art, both built into the façade and as objects within the space but visible and accessible to the public. This is to include a suspended staircase to facilitate views to the exterior on all 3 sides.
- 8.6.9. The Reddy A+U Response provides further details on the design façade. The Third Party concerns about the extent of the barcode façade are noted. The submission on behalf of Mark & Karyn Harty considered that the proposed façade is a duplicate of the façade of the Hilton Hotel in Kilmainham, Dublin 8. Having viewed the hotel, I note that the barcode façade in that case is only on one frontage, included in the mix in the palate of external finishes, thereby leading to greater variety in the appearance of the elevations. I acknowledge that the proposed façade on the scale of proposed perimeter block will lack variety and interest. However, I appreciate that the Hilton Hotel is on a larger and more prominent site, opposite the entrance to the historic Kilmainham Goal.
- 8.6.10. Richard Colman, for the applicant, noted that every consideration was given to restricting the parapet height, they considered that the open corner site context allows for a taller building. The original plans were for a 6 storey building, which has been reduced to 5 stories at F.I stage. John Sheehan noted that while the height of

the existing building is similar to the Georgian buildings – the floor to ceiling heights of the five storey building are substandard. A building to reflect the height of the Georgians would not exceed 4 floors in height. However, it would mean that the proportions of the proposed building would be impacted, in particular relative to the barcode design. Also, I note that it would mean that a 5 storey office block is being replaced by a 4 storey office block, albeit with a greater footprint, in an area zoned Z6 where the DCDP allows for a greater density of employment uses.

Regard to Landscaping

- 8.6.11. The existing building already possesses a much larger sunken courtyard garden, with mature shrubs and planting over 50 years old. Also, the roof-top car-park presents an open, and part landscaped aspect to Wilton Terrace, central to which is the void to the courtyard garden at basement level. These features including the sunken garden to the rear of the building with its mature planting and trees formed an integral part of the architecture. At the O.H Simon Walker said that the landscaping scheme or surface car park was not intended as part of the original Robin Walker scheme, but were included at a later date. While the sunken garden was part of the original proposal he has no objection to the removal of this car parking area or the Council landscaping scheme which was carried out in the 1980's.
- 8.6.12. The application is accompanied by detailed landscaping proposals and a Landscape Report which includes a Landscape Design Masterplan. This provides the main concept/idea for the development of the North/East corner is to create an urban oasis. This will be a space in which users will not feel part of the surrounding business and therefore a space which can be fully appreciated as a sunken garden. They intend to include a lit water feature and to create a space which is more inciting to users. They provide that the courtyard area is to be integrated and a greening edge treatment provided. Details are also provided of the café courtyard to be provided along the east wall and design features such as a perforated corten steel wall that is to be lit up from inside, seating, tiles and paving. Landscaping includes internal planting and air purifying with plants. Spotlights are to be included at the base of trees in Baggot Street. As this is shown as a perimeter block the space for roadside trees will be limited.

8.6.13. I consider that the landscaping proposed as described in the Landscaping Scheme will enhance the building. However, it is noted that in view of the scale of the footprint of the perimeter block that its impact on the streetscape will be limited.

8.7. Potential Impacts

Sunlight and Daylight

- 8.7.1. The Planning Application Report originally submitted with the application (i.e. 6 storey building) provided that there would be some additional overshadowing as the proposed building extends further west than the existing. This would have some adverse impacts on the adjacent office buildings to the west and north. It was also provided that the development would have a negligible impact on the sunlight amenity of the William Beckett apartments. However, the development site is mostly screened by existing office developments. The First Party provide that the Bord Fáilte building does not cast a significant shadow on the street as its form and orientation means that shadow is principally cast to the rear of the site. Also, that its appearance and architectural qualities are established as part of the townscape, reinforced by its matching parapet height, mute palette of matching materials and its restrained expression.
- 8.7.2. A Shadow and Daylight Analysis by IES has been submitted with the application. The report focuses on the adjacent office buildings directly to the west and north of the site and the residential buildings to the northwest of the site. The images in the shadow analysis of the report show the shadows cast at various times of the year for the existing and proposed schemes. This has regard to the BRE's 2011 guidance document *Site Planning for Daylight and Sunlight: A Guide to Good Practice* and to Shadow Plots, Vertical sky component (VSC) analysis and to the availability of sunlight to the outdoor space. It is provided that the analysis focuses on the following existing properties: William Beckett House, Pembroke Row (Residential), 7-8 Wilton Terrace (Commercial Office), 76-83 Baggot St. Lower (Commercial Office).
- 8.7.3. While most of the overshadowing falls to the north west of the property, it is shown that the proposed development will have some impact on overshadowing after 14h00 on the 21st of March on the Georgian properties on the opposite side of the road. Also, that the proposed development reduces the area receiving at least two hours of

sunlight on March 21st, however more than 50% of the outdoor space still receives at least 2 hours of sunlight. The reduction VSC values analysed is less than 20% in all cases and therefore the perceivable loss of skylight is negligible. Although the proposed development reduces the area receiving at least two hours of sunlight on March 21st, more than 50% of the outdoor space still receives at least 2 hours of sunlight. Therefore, while not mandatory it is provided that the recommendations of the BRE guidance are met.

- 8.7.4. This report was revised by the IES at F.I stage. Section 4.2 of the revised scheme is of interest in that it shows the difference between the existing and proposed scheme models used for the analysis. It also includes a Study Focus on the commercial/office buildings to the north west (76-83 Baggot St Lower, and those to the south i.e: William Beckett House and no's 7-8 Wilton House). The analysis shows that the proposed building will have a greater impact than the existing smaller block on these adjacent commercial buildings. The results show that although there is a predicted reduction to daylight analysis (VSC values analysed), the reduction is less than 20% in all cases and therefore the perceivable loss of skylight is negligible. While the proposed development reduces the area receiving at least 2 hours sunlight on March 21st more than 50% the outdoor space still received at least 2 hours of sunlight. The study provides that this means that outdoor space meets the recommendations set out in within the appropriate BRE Guidelines.
- 8.7.5. This has now been further revised to include additional data relating to the Georgian Terrace opposite containing no.72 Baggot St. Lower (property of M & K Harty) and the First Party response to the appeal includes an Addendum Report – Appendix 5 refers. The revised IES at F.I stage shows that the proposed perimeter block will have a greater impact on the Georgian Terrace opposite than the existing smaller block primarily at 16.00 on the 21st of March. It is noted that section 2.4 of the First Party Response to the Appeal provides that in the current case the separation distance is c.31m which is considered generous in the city context. The Addendum Report confirms that the impacts of the proposed development on no.72 Baggot Street Lower fall within the appropriate BRE Guidelines and concludes that the proposed development is in line with BRE 2011 guidance document Site Layout Planning for Daylight and Sunlight recommendations. Therefore, it is provided that

the proposed development is in line with the BRE guide and there is no basis for refusal relative to these issues.

Overdevelopment Concerns

- 8.7.6. The Third Parties contend that the existing building makes a positive contribution to its setting, which will not be achieved by the proposed building which would constitute an overdevelopment of the site and ask the Board to consider the appropriateness of the proposed full site coverage 'perimeter block' for the site given its prominent location in a conservation area and proximity to the Georgian area. Regard is also had to the potential impact of the proposed development on views to and from the principal floors of protected structures in the area. Therefore, in view of the additional height and massing, they consider that it will appear overly dominant in the area. Also, the lack of setback to the street and lack of open space lead to overdevelopment concerns relative to the extent of the infill and footprint of the perimeter block.
- 8.7.7. Tony Reddy for the applicant, provided that the challenge for all cities is to become more compact and the appropriate response to this site is to optimise its mass and height having regard to the DCDP requirements and it being in a Conservation Area. A taller building here is a more punctuation mark on this site. He considers that the building will enhance the visual appearance of the site and be an exemplar of urban renewal and is the right solution for this site.
- 8.7.8. It is queried as to whether the proposed building would make a positive contribution to its setting given its greater scale, massing and height and potential for the increased overshadowing of surrounding buildings. There is concern that the existing building which appears neutral in the site, is to be replaced by a mediocre perimeter block in order to maximise rentable floorspace on the site rather than to take a holistic approach to the development of the site in this Conservation Area. Also, that the proposed development establishes a perimeter line at pavement beyond which the public would not enter. The proposed replacement building is more monumental and lacks the simplicity of form and architectural coherence of the existing building.
- 8.7.9. It is important to respect the scale and materials of the existing buildings and character of the area. It is provided that the proposed building is too big and the building scale does not reflect or respect the parapet line on Baggot St. Lower. When

combined with the increased bulk and massing, the effect of the building height on the urban fabric in this prominent location will be considerable. It is noted that at the O.H the Observer Don Cromer considered that the former Bord na Mona and Canadian embassy buildings adjacent to the site do not fit in well and that another building squeezed on the site at the edge of the city would be anathema to everything Walker ever stood for.

- 8.7.10. There is concern that the proposed development constitutes an overdevelopment of the site having regard to plot ratio and site coverage. The proposed amendments have reduced the g.f.a above ground from 5,070sq.m to 4,380sq.m i.e a reduction of 690sq.m (excluding basement levels). Some changes are proposed to the layout of the lower basement and to the ground floor, however there have been no changes in the floor plans for the first to fourth floors. A Schedule of Floor Areas showing the differences between that originally proposed and as per the revised drawings in the F.I is included in the Reddy architecture+urbanism (23rd of May 2017). This also notes the reduction in plot ratios from 4.08 to 3.60 and as the building footprint is not altered site coverage remains the same at 63%, which would be greater and in excess of Development Plan indicative plot ratio. As per Section 16.5 this is 2.0 - 3.0 in the Z6 Employment, inner city zoning. The recommended Indicative Site Coverage in Section 16.6 is up to 60%. The revised proposal has not altered the original footprint and still exceeds these standards.

8.8. Townscape, and Visual Assessment

- 8.8.1. The Townscape, Heritage and Visual Assessment provided that the proposed development has been carefully developed as a design concept and has arisen from an in depth understanding of the site, its history and its potential. The Design Assessment in Section 6.0 includes figures showing the elevations and sections. They provide that five principles have guided the scheme i.e; *a building which fills the site; a high quality natural cladding material; an engaging ground level for pedestrians; a sublime composition in elevation; and, an artistic outward expression of the entrance atrium.* Their assessment puts it at a high level of design and cultural value. They consider that the urban form of the city block is more complex and a sense of a suitable enclosure is given to two streets which, improves the setting and takes account of the protected Georgian terrace opposite. Therefore, the

public realm is better served and that the proposed building will reinstate the building lines and will better define the corner of Baggot St and create a new gateway to the city centre.

- 8.8.2. Section 7.0 refers to the site's location within a Conservation Area which covers a wider area and adjacent to Protected Structures on the opposite side of Baggot St. Lower. This notes that a number of views from the Conservation Area have been assessed in this document. They provide that the replacement building avoids the present condition of an 'object building' unrelated to its context. Instead, it provides a continuation of the street enclosure, makes a positive corner and exploits its prominent position with architecture of high quality, using rich material and introducing a public benefit through an atrium of artistic value. In all the views, they contend, the proposed development will constitute an enhancement.
- 8.8.3. The Third Party in the Georgian property opposite at no.72 Baggot St. Lower considers that the proposed design and external finishes have a potential to cause major glare from this office building given the proximity of the appellants' home to the subject site. Also, that there is extensive use of glazed curtain wall particularly on the eastern elevation without any louvres or brise soleil proposed. They consider that the lack of any shading element is a failure of the design. Regard is had to the revisions to the proposed external finishes as shown in the F.I submitted and to the photomontages showing the impact of the change to darker Wicklow Granite. Mark Harty provided that the consideration of materials followed an objection that it would stand out too much and those proposed don't reflect the materials in the area or reflect the Georgian architecture. It is considered that the materials proposed will provide a contrast to the red brick that is more prominent in the area.
- 8.8.4. It is noted that the site is also close to Fitzwilliam Square and Environs Architectural Conservation Area. As the proposed development will not be visible from this ACA, the character and appearance of the ACA will not be affected. The visual effect on the protected structures is considered (these include Baggot St. (McCarthy) Bridge and the Georgian terrace at nos. 65 to 73 Baggot St. Lower). The assessment considers that none of the proximate protected structures mentioned will be adversely impacted by the proposed development. In general, it is considered that the Townscape, Heritage and Visual Assessment submitted with the application

presents a positive description of the merits of the proposed development and of how it fits into its locational context.

- 8.8.5. The Third Parties are concerned that consideration has not been given to the location within the Conservation Area. They consider that the replacement building lacks the simplicity of form, elegance and architectural coherence of the existing building and does not create a sense of place in the streetscape. Mark and Karyn Harty consider that the proposed building does not address the radial it deals only with the circumferential. Also that no assessment has been made of the impact of the proposed building on what is one of the most important radial routes into Dublin city centre. The First Party argue that the existing building does not add context to the public realm or define the space at this prominent corner site.
- 8.8.6. Richard Coleman considers that in townscape views the existing building offers an inadequate response to the site and at an important junction, where Baggot Street crosses the Canal, it fails to make an adequate townscape corner. In contrast the proposed development offers a more solid building and a better composition and fits better into the townscape and will constitute an enhancement. Also that the proposed replacement would provide a successful piece of architecture and urbanism for a client with a long-term commitment to good estate management. He notes that a number of views have been assessed as part of the planning application. Existing and proposed views were presented and discussed at the O.H.
- 8.8.7. Section 9.0 includes an Assessment of Visual Impact and provides a review of a number of important viewpoints. As regards visual impact a number of views were chosen to represent a general spread of views which illustrate the urban relationships likely to arise between the proposed development, its surroundings, protected structures, conservation areas and important townscape vistas. This includes a photographic inventory of the site and the surrounding area. The location of all 8 viewpoints is shown on the views map at figure 9.1. The majority have been assessed in both winter and summer with the exception of views 2,6 and 8 which have been assessed only in the summer. The assessment includes a description of the existing view, of how the proposal will change the view and the effect on human perception. A description is given of these photomontage views in this document. Once the conceptual form of design had been fully developed by the architects, visualisation specialists 3rd Eye produced a set of viewpoint images showing its

visual effect. A methodology of their work is detailed in Appendix 1 of this document. It is also of note that a separate Photomontage Report has been submitted by 3RD EYE to show a number of views of the existing and proposed development.

- 8.8.8. An Addendum to this Report was submitted as part of the F.I submission which includes regard to revisions to the design (reduction in height and change to external finishes) of the proposed development. It is also of note that the First Party response to the appeal includes an Addendum in Appendix 2 (August 2017) to address the Third Party appeals. This includes that the Bord Fáilte building with its set-back on Wilton Terrace provides an inadequate response, weakening the corner condition at an important junction, where Baggot Street meets Wilton Terrace and then crosses the canal. This considers that the proposed development will enhance and contribute to the visual amenity of the Conservation Area and would therefore comply with Policy CHC4 of the DCDP 2016-2022.
- 8.8.9. Photomontages have been submitted with the original application showing a number of views of the existing and proposed building. In response to the Council's F.I request the applicant has also submitted additional photomontage views showing the revised height and scale of the proposal in Winter and Summer, including views of the proposed office block from the south side of the river along the Mespil Road and from Baggot St Upper. As shown on the photomontages it is noted that in comparison to the existing building the larger footprint of the proposed building will mean that it will appear to project further and be more visually prominent in the streetscape. This is particularly so in views from Baggot St. Upper (Views 7W – 9W) Baggot St. Bridge (View 6S), and Herbert Place (View 5W). Despite the relatively small reduction in height it will still appear much more dominant than the existing building which is well set back into the site.
- 8.8.10. Having regard to these issues I would consider that while the proposed building will define the space it will also appear more as a landmark building and visually prominent in views from the surrounding area. As shown on the photographic images presented the existing building does not provide an adequate focus or focal point, whereas the new building will provide for a more contemporary design and a landmark building. The new building will be read from the canal as part of a boulevard of newer buildings and will present an enclosure that more satisfactorily

defines the urban streetscape and fits in with the context of the area and while it provides a contrast is not inconsistent with the transition to the Georgian buildings.

Conclusion and Recommendations on Design issues

- 8.8.11. In conclusion I would consider that the First Party have presented a comprehensive case for the proposed development being a more sustainable usage of the site, in compliance with the Z6 land use zoning and being in general respectful to the Conservation Area. However, the differences in the impact on the character of the area between the existing and proposed development have been noted in the photomontages and views submitted and on site as are the concerns about the proposed perimeter block being overly large and dominant.
- 8.8.12. Having taken these issues into consideration and having viewed the locational context of the site I recommend that if the Board decides to permit that there be some modifications to reduce this overall impact. There has been some discussion on a reduction on height at the O.H, and if this is to be considered it must be noted that there are subsequent impacts on the proportions of the building. In the F.I submitted (reddyarchitecture +urbanism-Addendum Report -FIR no.1), it is noted that as a result of the removal of the mezzanine floor (2m drop the height i.e 24.05m to 21.90m) the floor to floor height from ground to first floor has been increased (from 3.85m to 5.5m). Regard is had to the elevations submitted and it is considered that this is excessive and that the building could be lowered without much impact on the overall design by another 1m to achieve a height of less than 21m. This would then reduce the overall height from that originally applied for by 3m.
- 8.8.13. In this case it is also recommended that it be conditioned that the footprint of the proposed building be further set back 2m across its entire width along the Baggot St Lower frontage. This would result in a reduction in the footprint of the building and assist in reducing the impact so it would appear further set back into the site and be less visually prominent and would therefore, jut out less on the corner and in the streetscape. It would also allow for additional landscaping along the frontage to soften its appearance on the corner site. It is considered that this modification would lesson and thereby improve the visual impact of the building on the character and streetscape of the area.

8.8.14. It is recommended that if the Board decide to permit that these modifications to allow for a marginal reduction to the height and length of the building block be conditioned. In the interests of diversity, it is also recommended that the modification to the overall length of the block should result in a reduction in the office floor area, rather than the floor areas of the atrium or the café/restaurant and it be conditioned that revised plans be submitted to show this.

8.9. **Infrastructural issues**

Access and Parking

- 8.9.1. Access to the site is currently provided via Wilton Terrace. The proposed development seeks to create vehicular access to the development via the existing c.6m wide laneway from Pembroke Row. There is an existing gated entrance at this location to the rear of the site. The existing vehicular access to the site from Wilton Terrace is to be decommissioned. Pedestrian access to the office building and proposed café use is to be provided from Wilton Terrace. Pembroke Row connects Baggot St Lower to Ladd Lane. This accommodates two-way vehicular traffic with footpaths on both sides of the laneway.
- 8.9.2. The existing lane off Pembroke Terrace currently provides access to a number of carparks for existing office/commercial developments in the area and there is also some on street parking. Double yellow lines are provided along the western side of the laneway opposite the application site boundary. A single yellow line is provided along the eastern extent of the laneway.
- 8.9.3. The existing building provides 11 surface level car spaces and no bicycle facilities. The Third Parties provide that the roof-top carpark is an intricately designed space which presents an open, landscaped aspect to Wilton Terrace. The application site is within Parking Area 1 as shown on Map J of the current DCDP. Regard is had to Table 16.1 relative to parking standards this notes that there is a requirement for 1 space per 400sq.m of gross floor area. Table 16.2 provides the Cycle Parking Standards and this notes that 1no. space is required per 100sq.m for enterprise and employment uses.
- 8.9.4. As part of the redevelopment of the site, it is proposed to close the existing vehicular access from Wilton Terrace to the on-site 11 space car park, with revised access to

a basement car park with 14 car parking spaces from a laneway off Pembroke Row, at the site's northwest corner. It is also proposed to provide 56 bicycle spaces in the basement carpark. This has been amended with the number of spaces reduced in accordance with DCC Parking Standards and as a result of the reduction in g.f.a as per the F.I submitted.

- 8.9.5. The proposed development will provide significantly enhanced bike parking and shower facilities, promoting an increased level of cycling by future building users. As a result of the reduction in floor space as provided in the plans submitted at F.I stage, the need for car parking spaces also decreased in proportion to the gross area, leading to a reduction from the proposed 14 car spaces to 11 and from 56 bicycle spaces to 44, in accordance with the DCC Parking Standards.
- 8.9.6. The Roads and Traffic Planning Division had a number of concerns relative to visibility at the proposed access from the carpark and noted that the phasing of the signalised control to the one-way ramp to the basement car park should ensure that vehicles entering the development have priority. They also requested that that sufficient waiting area be provided at the entrance to the basement carpark within the site boundary based on anticipated trip rates at peak times. They noted that there is a need to avoid queuing and that there are no details regarding existing use or traffic movements on the laneway from Pembroke Row.
- 8.9.7. The Transport Insights Report provides that the revised proposed access and ramp layouts have been amended to address the items outlined in the F.I request from DCC. Details are given of traffic control measures including the traffic signals proposed (includes revised layouts) at both the top and bottom of the access ramp to the basement carpark and their respective road markings. This includes the widening of the access ramp adjacent to the laneway within the curtilage of the site in case of queuing prior to the traffic signals.
- 8.9.8. I note that visibility from the site onto the laneway is currently constrained due to the presence of a wall at the interface to the site access ramp and the laneway. Details are given of revisions to be made to the access ramp layout. It is provided that the provision of 9.9m of visibility splays from the site access onto the laneway is therefore deemed satisfactory, and is in accordance with DMURS guidance for design speeds of 10km/h.

- 8.9.9. This Report provides that the cul-de-sac laneway was observed to carry a low level of traffic and the proposed development will generate a very small amount of traffic, most of which is inbound in the morning, and outbound in the evening. Tables are provided showing existing and proposed trip generation. Regard is also had to development traffic assignment i.e. traffic to and from the development site.
- 8.9.10. Therefore, considering the very low levels of background traffic on the laneway, the future two-way development traffic on the site access laneway can be determined to remain at very low levels following completion of the proposed development. As such it is provided that given the very small increase in trip generation envisaged due to the proposed development that it will not materially impact on the operation of the laneway. It is noted that the Council's Roads and Traffic Department, Road Planning Division did not object to the revisions made and recommended a number of conditions including that the proposed access be in accordance with the revised drawings submitted.
- 8.9.11. At the O.H Tony Reddy provided in response to the Inspector's question on integration and permeability that there are no particular routes through the site. However, unlike the existing building that has a relatively rigid approach to the street, they note the art gallery in the atrium and that the café/restaurant will have more integration with the street. Pedestrian access to the office development is to be via atrium on the corner of Baggot St and Wilton Terrace. Vehicular and bicycle access to the development will be via the laneway from Pembroke row to the ramp to basement level. The site is proximate to public transport links and I accept that the proposed development will only result in a very slight increase in trip generation on the laneway and that there are no significant traffic concerns. The recently completed upgrade to the Grand Canal cycle way runs to the south of the subject site. It is provided that a mobility management plan will be prepared in the event of permission being granted. It is recommended that if the Board decide to permit that this be conditioned.

Drainage and Flooding issues

- 8.9.12. The Engineering Report submitted outlines the proposals for foul and surface water drainage of the new development as part of the planning proposal, and has regard to the drainage drawings submitted. Drainage from the existing building is to a

combined trunk sewer located in Wilton Terrace at the front of the property. It is proposed that the new building will also discharge to this sewer. Currently there is no separation of the main sewers and details are given relative to proposals for discharge of surface water. The Engineering Report provides details of proposals for foul and surface water drainage. It is provided that the development will be drained on the fully separate foul and surface water systems on site. Regard is also had to drainage from the basement car park area.

- 8.9.13. It is proposed that the surface of the roof will be divided between green roof and hard standing. Details are given of proposals for surface water attenuation. A SuDs Site Evaluation was undertaken which identified a number of suitable measures which could be adopted on this site. These include the provision of a green roof as recommended by DCC green roof strategy, the use of rainwater harvesting to reduce overall surface water discharge from the site to the municipal drainage system and to reduce the requirement for potable water and the attenuation of surface water outflows from the site.
- 8.9.14. It is noted that the Council's Engineering Department Drainage Division did not object to the proposals subject to compliance with current standards and guidelines. In view of the documentation submitted I would not consider that there are significant drainage issues on this site. I recommend that if the Board decide to permit that drainage recommendations should be included in an appropriate drainage condition.
- 8.9.15. The Engineering Report provides that a site specific flood risk assessment has been undertaken to identify and quantify potential flood risks arising from the proposed redevelopment of the site. This Assessment has been prepared with reference to the O.P.W Flood Maps, the Greater Dublin Strategic Drainage Study and The Planning System and Flood Risk Management Guidelines for Planning Authorities. It has considered flood risks arising from coastal, fluvial, pluvial and groundwater sources. Risks to both the property itself, its users and other adjacent properties have been considered. A review of the flood history for the site shows that there are no recorded flood events for the immediately surrounding area. A summary report from the OPW National Flood Hazard Mapping is contained in Appendix E of the Report.
- 8.9.16. The Flooding Section of the Engineering Report submitted concludes that based on available flood hazard predictions and historic data that the development is at

minimal risk from flooding due to tidal, fluvial or pluvial events or to groundwater ingress. Although the proposed development will produce a very small increase in the impermeable area draining to the public sewer the green roof, rainwater harvesting and the attenuated flow will reduce the overall existing peak surface water discharge rate. In summary it is provided that the development has been designed such that the risk of flooding to the development has been reduced as far as reasonably practicable. In addition, the proposals would not increase the risk of flooding to any adjacent or nearby areas.

- 8.9.17. It is noted that the Council's Engineering Department Drainage Division recommended that it be conditioned that the developer ensure that an appropriate flood risk impact assessment in accordance with the OPW Guidelines is carried out for the proposed development. However, in view of the information submitted and as noted above, I would not consider it necessary to include such a condition in addition to a drainage condition.

8.10. Appropriate Assessment

- 8.10.1. There are four Natura 2000 sites located within the site's potential zone of influence i.e: North Dublin Bay cSAC (000206); South Dublin Bay cSAC (000210); South Dublin Bay and River Tolka Estuary SPA (004024) and North Bull Island SPA (004006). Regard is had to the distance from these Natura 2000 sites, and the fact that this is a fully serviced site within an urban area.
- 8.10.2. The site is beside the Grand Canal with is a potential indirect pathway to the designated habitats within Dublin Bay. During demolition and construction there is a possibility of contaminated surface water run-off entering the Grand Canal and thence to the SPA/SAC. It is provided that best practice measures in demolition and construction works will safeguard against the potential for significant impacts during this temporary phase.
- 8.10.3. The Planning Application Report submitted with the application provides that during operational phase the development will link into the existing foul and surface water discharge system and there is no reason to expect that operational foul or surface water discharges pose a significant risk to designated sites.

- 8.10.4. It is considered that the proposed development would have no likelihood of significant effects, either alone or in combination with other plans or projects that would affect the integrity of the Natura 2000 network. Therefore, it is concluded that a Stage 2 Appropriate Assessment under Article 5(3) of the Habitats Directive 92/43/EEC is not required.
- 8.10.5. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the aforementioned European Sites, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

- 9.1. I recommend that permission should be granted, subject to conditions as set out below.

10.0 Reasons and Considerations

Having regard to the Z6 Employment/Enterprise land use zoning for the site, the pattern of commercial/office development on this side of the Baggot St. Lower, the planning history of the site, including the limitations and unsuitability of the existing building for contemporary office use and the design, layout and commercial/office use of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this prominent corner location, would not seriously injure the amenities of the Conservation Area, or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 further plans and particulars submitted on the 29th day of May 2017 and by the further plans and particulars received by An Bord Pleanála on the 18th day of August, 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to 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 proposed development shall be amended as follows:
 - (a) The parapet height of the proposed development shall be further reduced by 1metre, so that that overall height of the building does not exceed a maximum of 21metres.
 - (b) The overall length of the building shall be reduced by 2 metres in order to provide an increased set-back along the Baggot Street Lower frontage.
 - (c) This reduction in floor area shall be to the office floor space and shall not lead to a reduction in the ground floor areas proposed for the atrium and café/restaurant.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity in the Conservation Area.

3. A full architectural survey of buildings proposed for demolition shall be carried out, and shall be submitted to the planning authority prior to commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

Reason: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

4. Details including samples of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. Details including operation and opening hours of the café/restaurant use shall be submitted for the written agreement of the planning authority prior to the commencement of the use.

Reason: In the interests of clarity and to protect the residential amenities of the area.

6. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

7. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. 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 authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. (a) The landscaping scheme shown on the Landscape Plan Masterplan drawing number: DN-1609-1, as submitted to the planning authority on the 21st day of November, 2016 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (b) Details of landscaping to be carried out along the set back on the Baggot Street Lower frontage, shall be submitted for the agreement of the planning authority prior to the commencement of the development;

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

11. Water supply and drainage arrangements including basement drainage, and the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

(b) The car parking facilities, hereby permitted, shall be reserved solely to serve the proposed development.

Reason: In the interest of amenity and of traffic and pedestrian safety.

13. Prior to the opening of the 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 car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

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

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

- 15.. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) details of on-site car parking facilities for site workers during the course of construction,
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (f) measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
 - (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
 - (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
 - (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and

(l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety

16. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before the proposed development is made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

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

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

Angela Brereton,
Planning Inspector,
20th of December 2017

Appendix A

Oral Hearing Agenda

Wednesday 1st of November 2017 10.00AM	
Time	Topic
	<ul style="list-style-type: none"> • Opening of oral hearing
AM	<ul style="list-style-type: none"> • Applicant: <ul style="list-style-type: none"> ○ Summary of proposed development (max. 15 minutes) ○ Response to issues raised in appeals, observations and matters to be addressed.
	<ul style="list-style-type: none"> • Planning authority <ul style="list-style-type: none"> ○ Regard to the impact of the proposal including on the Conservation Area and relative to Planning Policy and the Land Use Zoning. ○ Whether it has been considered if the existing building should be included on the Record of Protected Structures or protected under the NIAH.
13:00 – 14:00	Break
PM	<ul style="list-style-type: none"> • Appellants’ submissions in the following order: <ul style="list-style-type: none"> ○ Jong Kim of AKM Design on behalf of Mark and Karyn Harty ○ Simon Walker, Chair DoCoMoMo Ireland Committee.
	<ul style="list-style-type: none"> • Observers’ submissions in the following order: <ul style="list-style-type: none"> ○ Lynch Architects Ltd ○ Don Cromer.
Thursday 2nd of November 2017 10.00AM	
AM	<ul style="list-style-type: none"> • Questioning between the parties
	<ul style="list-style-type: none"> • Closing comments by the parties
	<ul style="list-style-type: none"> • Closing of Oral hearing

Appendix: Order of Appearance:

On behalf of the Applicant

1. John Sheehan
2. Tony Reddy
3. Stephen Dodd
4. Richard Coleman
5. Brian O'Connell
6. Paul Finch
7. Des McMahon
8. John McCarthy
9. Simon O'Brien
10. Deirdre Hayes
11. James Nugent

On behalf of the Council

1. Deirdre O'Reilly
2. Garrett Hughes
3. Paraic Fallon

Appellants

1. Simon Walker and Shane O'Toole – DoCoMoMo
2. Jong Kim of AKM and Mark and Karyn Harty

Observers

1. Patrick Lynch of Lynch Architects
2. Don Cromer